

Development consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 11 October 2017, I grant consent to the State significant development referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.



David Gainsford
Executive Director
Priority Projects Assessments

Sydney *28th February* 2018

SCHEDULE 1

Application No.:	SSD 7610
Applicant:	NSW Department of Education
Consent Authority:	Minister for Planning
Land:	242A and 244 Cleveland Street, Surry Hills (Corner of Chalmers and Cleveland Streets, Surry Hills - Lot 8 DP 821649, Lot 1 DP 797483 and Lot 1 DP 797484)
Development:	Development of the new Inner Sydney High School, involving: <ul style="list-style-type: none">• redevelopment of the existing Cleveland Street Intensive English High School• demolition Building 4 and associated covered walkways• adaptive reuse of existing heritage-listed buildings• a proposed new 13 storey building, including basement and rooftop basketball court.

DEFINITIONS

Advisory Notes Applicant	Advisory information relating to the consent but do not form a part of this consent NSW Department of Education or any person carrying out any development to which this consent applies.
Application	The development application and the accompanying drawings, plans and documentation described in Condition A2.
BCA	Building Code of Australia
Building works	Any physical activity involved in the erection of a building which is above ground level which includes the footings of a building.
Certification of Crown Certifying Authority	Certification under s109R of the EPP&A Act Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Conditions of this consent	The conditions contained in Schedule 2 of this document.
Construction	All physical work to enable operation, including but not limited to demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure.
Council	City of Sydney Council
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department Development	Department of Planning and Environment or its successors The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation of the Inner Sydney High School, as modified by the conditions of this consent.
DIP	Design Integrity Panel
Environmental Impact Statement (EIS)	Environmental Impact Statement titled <i>Environmental Impact Statement – Inner Sydney High School</i> , prepared by Urbis and dated June 2017 submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6 pm to 10 pm
Incident	An occurrence or set of circumstances that causes, or threatens to cause, significant harm to the environment, community or any member of the community, being actual or potential harm to the health or safety of human beings or to threatened species, endangered ecological communities or ecosystems that is not trivial.
Material harm	Is harm that: (a) involves actual or potential harm to the health or safety of human beings or to ecosystems 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).
Minister	Minister for Planning, or nominee
NCC	National Construction Code
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage, or its successor
Operation	The carrying out of the approved purpose of the development upon completion of construction.

Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to Submissions (RtS)	Response to Submissions report titled <i>Response to submissions – Inner Sydney High School (SSD 7610)</i> , prepared by Urbis and dated 9 October 2017
RMS	Roads and Maritime Services, or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Site	242A and 244 Cleveland Street (Corner of Chalmers and Cleveland Streets), Surry Hills (Lot 8 DP 821649, Lot 1 DP 797484 and Lot 1 DP 797483)
Supplementary RtS	Supplementary Response to Submissions report titled <i>SSD 6917 – Inner Sydney High School – Supplementary Response to Submissions</i> , prepared by Urbis and dated 10 January 2018
TfNSW	Transport for NSW
Zone of Influence	The horizontal distance from the edge of the excavation Site or any construction zone (including on-Site haulage routes) to twice the maximum excavation depth.

SCHEDULE 2

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, and any rehabilitation required under this consent.

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 Secretary;
 - c) generally in accordance with the EIS as amended by the RtS and RtS Supplementary Information; and
 - d) in accordance with the approved plans in the table below:

Architectural (or Design) Drawings prepared by FJMT			
Dwg No.	Rev.	Name of Plan	Date
1000	D	Cover Page	9/10/2017
1200	D	Site Plan	9/10/2017
1201	D	Site Analysis	9/10/2017
2001	D	General Arrangements Plan - Basement Plan	9/10/2017
2002	D	General Arrangements Plan – Lower Ground Floor Plan	9/10/2017
2003	D	General Arrangements Plan – Ground Floor Plan	9/10/2017
2004	D	General Arrangements Plan – Level 1	9/10/2017
2005	D	General Arrangements Plan – Level 2-3	9/10/2017
2006	D	General Arrangements Plan – Level 4-5	9/10/2017
2007	D	General Arrangements Plan – Level 6-8	9/10/2017
2008	D	General Arrangements Plan – Level 8-9	9/10/2017
2009	D	General Arrangements Plan – Level 10-11	9/10/2017
2010	D	General Arrangements Plan – Level 12 Roof	9/10/2017
2101	D	SSD Demolition Plans – Lower Ground Floor Plan	9/10/2017
2102	D	SSD Demolition Plans – Ground Floor Plan	9/10/2017
2103	D	SSD Demolition Plans – Level 1	9/10/2017
2201	C	SSD Demolition Elevations – Elevations Building 1	20/9/2017
2202	C	SSD Demolition Elevations - Elevations Building 2	20/9/2017
2203	C	SSD Demolition Elevations - Elevations Building 3	20/9/2017
2801	C	GFA Plans – Area Schedule	20/9/2017
2802	C	GFA Plans – Sheet 1	20/9/2017
2803	C	GFA Plans – Sheet 2	20/9/2017
3001	D	Elevations - North	9/10/2017
3002	D	Elevations – West	9/10/2017
3003	D	Elevations – South	9/10/2017
3004	D	Elevations - East	9/10/2017
3201	C	Elevations – Building 1	20/9/2017

Dwg No.	Rev.	Name of Plan	Date
3202	C	Elevations - Building 2	20/9/2017
3203	C	Elevations - Building 3	20/9/2017
4001	D	Sections – A	9/10/2017
4002	D	Sections – B	9/10/2017
4003	D	Sections – C	9/10/2017
6001	B	Sun Studies – Existing June 21	11/9/2017
6002	B	Sun Studies – Proposed June 21	11/9/2017
6003	B	Sun Studies – Existing December 21	11/9/2017
6004	B	Sun Studies – Proposed December 21	11/9/2017
Landscape Drawings prepared by FJMT			
8001	D	Lower Ground Landscape Plan	9/10/2017
8002	D	Ground Floor Landscape Plan	9/10/2017
8003	D	Level 1 Landscape Plan	9/10/2017
8004	D	Level 4 Landscape Plan	9/10/2017
8101	D	Landscape Sections	9/10/2017

- A3. Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and
 - the implementation of any actions or measures contained in any such document referred to in (a) above.

The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2.c) or A2.d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2.c) or A2.d). the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

Inconsistency between documents

- A4. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Staging of the development

- A5. With the approval of the Secretary, the Applicant may:
- prepare and submit any strategy, 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 or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - update any strategy, plan or program required by this consent (to ensure the strategies, plans and 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).

If the Secretary agrees, a strategy, 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.

If approved by the Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

Evidence of consultation

- A6. 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 approval; and
 - b) provide details of the consultation undertaken including:
 - i) a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and
 - ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Design Modification

- A7. The Applicant, in consultation with the Government Architect NSW, must develop a simplified design of the exterior of the tower indicating further refinement and simplification of expression to compliment the retained heritage buildings on the Site, whilst retaining design integrity present. This simplified design must be submitted to the satisfaction of the Design Integrity Panel (DIP), prior to the commencement of building works. Evidence of the DIP's agreement to the design modifications must be submitted to the Secretary prior to the commencement of building works.

Design Quality Excellence

- A8. In order to ensure the design quality excellence of the development is retained:
- a) the design architect (FJMT) is to have direct involvement in the design documentation, contract documentation and construction of the development;
 - b) the design architect is to have full access to the Site and is to be instructed by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the development; and
 - c) evidence of the design architect's commission is to be provided to the Secretary prior to certification of any building works, except for Site preparatory works.
- A9. The design architect for the project must not change without prior approval of the Secretary.
- A10. To ensure design integrity is maintained, approval of the DIP is required where any significant design change is required, including substitution of approved materials, or design changes to other elements identified as critical in the DIP reports. A copy of any approval issued by the DIP must be provided to the Certifying Authority and the Secretary.

Lapsing of approval

- A11. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

- A12. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Secretary as Moderator

A13. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.

Long Service Levy

A14. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

A15. Any advice or notice to the consent authority must be served on the Secretary.

Review of Strategies, Plans and Programs

A16. Within three months of:

- a) the submission of a compliance report under conditions of this consent;
- b) the submission of an incident report under conditions of this consent;
- c) the submission of an Independent Environmental Audit under conditions of this consent;
- d) the approval of any modification to the conditions of this consent; or
- e) the issue of a direction of the Secretary under condition A3, the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

A17. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised and submitted:

- a) to the Secretary's satisfaction if previously approved by the Secretary; or
- b) to the Secretary for information.

Where revisions are required, the revised document must be submitted to the Secretary within six weeks of the review.

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

Incident Notification, Reporting and Response

A18. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

- a) A written incident notification must also be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant forms the view that an incident has not occurred.

Written notification of an incident must:

- i) identify the development and application number;
- ii) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
- iii) identify how the incident was detected;
- iv) identify when the Applicant became aware of the incident;
- v) identify any actual or potential non-compliance with conditions of consent;
- vi) describe what immediate steps were taken in relation to the incident;

- vii) identify further action(s) that will be taken in relation to the incident; and
 - viii) identify a project contact for further communication regarding the incident.
- b) Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements for such reporting set out in A15(b), and such further reports as may be requested.

The **Incident Report** must include:

- i) a summary of the incident;
- ii) outcomes of an incident investigation, including identification of the cause/s of the incident;
- iii) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- iv) details of any communication with other stakeholders regarding the incident.

Non-compliance Notification and Reporting

- A19. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A20. 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.

Monitoring and Environmental Audits

- A21. 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 2B of Part 6 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

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

Applicability of Guidelines

- A22. 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.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the 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.

B PRIOR TO COMMENCEMENT OF WORKS

Notice of Commencement of Works

- B1. The Department, Certifying Authority and Council must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

If the construction or operation of the development is to be staged, the Department, Certifying Authority and Council 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 Plans

- B2. Plans certified in accordance with section 109R of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to commencement of each stage of the construction works and must include details as required by any of the following conditions.

Reflectivity

- B3. The building materials used on the external surfaces of the buildings must have a maximum normal specular reflectivity of visible light of 20 per cent and must be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A statement demonstrating compliance with these requirements or where compliance cannot be met a report that demonstrates that the exceedance would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers is to be submitted to the satisfaction of the Certifying Authority prior to the commencement of building works.

Demolition

- B4. The Applicant must prepare a register of hazardous materials (including asbestos and polychlorinated biphenyl capacitors (PCBs)) and ensure that asbestos and any other hazardous materials contained in buildings to be demolished (including PCB capacitors) are removed and validated by an appropriately qualified occupational hygienist prior to demolition works. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the commencement of construction.
- B5. All demolition work shall comply with the provisions of Australia Standard AS2601: 2001 The Demolition of Structures. The demolition work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the demolition work plan complies with the safety requirements of the Standard. The demolition work plans and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of construction.
- B6. The Applicant must comply with all requirements for asbestos and hazardous material management as presented within *Hazardous Materials Risk Assessment - Department of Education – Cleveland Street Intensive English High School* prepared by Greencap and dated January 2016.
- B7. The Applicant must undertake works in accordance with *Protection of the Environment Operations (Waste) Regulation 2014* and consult with SafeWork NSW if any asbestos waste is to be handled and/or disposed of.
- B8. The Applicant must submit design drawings and documents relating to the excavation of the site and support structures to RMS for assessment, in accordance with RMS' Technical Direction GTD2012/001.

The Developer is to submit all documentation at least six (6) weeks prior to the commencement of construction (not including demolition) and is to meet the full cost of the assessment by RMS.

If necessary to excavate below the levels of the base of the footings of the adjoining roadways, the Applicant must ensure that the owner/s of the roadway is/are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of works to be undertaken.

Storage and Handling of Waste

- B9. The building plans and specifications must demonstrate, to the satisfaction of the Certifying Authority, that an appropriate area will be provided within the premises for the storage of garbage bins, recycling containers and all waste and recyclable material generated during construction. Requirements of these storage areas must:
- ensure all internal walls of the storage area are rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
 - include provision for the separation and storage, in appropriate categories, of material suitable for recycling; and
 - include provision for separate storage and collection of organic/food waste.

Erosion and Sedimentation Control

- B10. A soil erosion and sediment control plan must be developed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to commencement of works.

Pre-Construction Dilapidation Reports

- B11. The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing heritage significant items, retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence' or public domain areas adjoining the Site. The report must be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works.

Aboriginal Heritage

- B12. The Applicant must engage a suitably qualified and experienced Aboriginal heritage expert throughout construction to supervise all construction works in accordance with the Aboriginal Archaeological Management Plan to be prepared in accordance with Condition B13.
- B13. The Applicant must prepare an Aboriginal Archaeological Management Plan (AAMP) outlining how the demolition and construction works will be managed, to the satisfaction of the Certifying Authority. The AAMP must:
- be prepared in accordance with the recommendations of the *Aboriginal Archaeological Assessment for a Review of Environmental Factors – 244 Cleveland Street, Surry Hills* report (Appendix H of the RtS dated May 2017) prepared by Comber Consultants;
 - describe the procedures for the investigation of areas of Aboriginal archaeological sensitivity as identified and outlined in the Aboriginal Archaeological Assessment report (Appendix B – Aboriginal Archaeological Assessment of the of the *Aboriginal Cultural Heritage Report* dated May 2017) prepared by Comber Consulting;
 - describe the procedures for reburial or management of artefacts retrieved, if required; and
 - describe the measures to manage and/or protect any relics identified during construction and operation of the Development; and
 - provide the scope of a Site induction program for all Site employees, contractors and subcontractors outlining responsibilities under the *National Parks and Wildlife Act 1974* are incorporated into any other relevant management plan or procedure as required.
- B14. Prior to the commencement of building works (not including demolition of existing buildings and structures) and to ensure that Aboriginal cultural heritage is appropriately managed across the Site and impacts are avoided, archaeological investigations shall be undertaken across the Site in

accordance with Appendix B – *Aboriginal Archaeological Assessment* of the of the *Aboriginal Cultural Heritage Report* dated May 2017, prepared by Comber Consulting.

Heritage

- B15. An appropriately qualified heritage consultant must be involved in the detailed design and construction phases, consistent with conservation policies 11 and 12 of Conservation Management Plan (2016) prepared by OP Architects.
- B16. An archival recording of the Site, , must be undertaken prior to any construction works on Building 1, 2 and 3. This recording is to be undertaken in accordance with current, published NSW Heritage Division guidelines and Policy 9 of the Conservation Management Plan (2016) prepared by OP Architects. Copies of the recording shall be provided to the Heritage Council of NSW and to Council.
- B17. All significant or original fabric identified by within the Conservation Management Plan (2016) prepared by OP Architects to be removed during proposed works (most notably doors and windows) should be stored on Site for possible reinstatement at a future date or used in repairs where appropriate. Where reinstatement is not possible, the should be stored on site in perpetuity or placed at a reputable storage yard.
- B18. A Schedule of Conservation Works should be prepared and its recommendations implemented.
- B19. An Interpretation Strategy should be prepared and its recommendations implemented. This plan should include opportunities to reinstate, use and display moveable heritage items, heritage sandstone plinth wall (adjoining the north-east corner of the site) and should enable public access to interpretive elements on the Site when opportunity arises, for example on heritage open days.

Historic Archaeology

- B20. An excavation director must be nominated to direct the archaeological program for the development. The excavation director must have appropriate qualification and experience commensurate with the scope of the development. The person shall demonstrate a response to the heritage Council's 'Evacuation Director Assessment Criteria' for the significance and archaeological activity for approval of the Secretary, prior to commencement of construction. The nominated excavation director shall revise the assessment of significance supporting the archaeological assessment to include comparative analysis and against the NSW Historical Themes to guide the research question relevant to support archaeological investigation of this Site.
- B21. All construction contractors, subcontractors and personnel are to be inducted and informed by the approved excavation director prior to commencing works at the Site, as to their obligations and requirements in relation to historical archaeological sites and 'relics'.
- B22. All affected historical archaeological relics and/or deposits of Local heritage significance are to be subject to professional archaeological excavation and/or recording before construction works commence which would impacts those relics. A Research Design including an Archaeological Excavation Methodology must be prepared, in accordance with the Heritage Council's guidelines, by the approved excavation director. Those documents should be prepared for the approval of the Secretary, upon receipt of the advice from the Heritage Division of OEH prior to works commencing on the Site.
- B23. After any archaeological works have been undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, Council and the Department. The Applicant shall also be required to nominate a repository for the relics salvaged form any historical archaeological excavations.
- B24. The information within the final excavation report must include the following:
 - a) An executive summary of the archaeological program;
 - b) Due credit to the Applicant paying for the excavation (on the title page);

- c) An accurate location and Site plan (with scale and north arrow);
- d) Historical research, references and bibliography;
- e) Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
- f) Nominated repository for the items;
- g) Detailed response to research questions (at minimum those stated in the approved Research Design required by condition B22;
- h) Conclusions from the archaeological program. This information must include a reassessment of the Site's heritage significance, statement(s) on how archaeological investigations at the Site have contributed to the community's understanding of the Site and other Comparative Site Types and recommendations for the future management of the Site; and
- i) Details of how this information about the excavations have been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the Site).

B25. The results of the archaeological fieldwork and the history of the Site should be used to inform an Interpretation Plan for the Site. The Interpretation Plan shall be prepared and provided to the Heritage Council of NSW for review and comments within 18 months of the completion of archaeological excavations at the Site. This should be used to guide the future incorporation of the findings from the works in communicating the significance of the Site to future students and visitors. The Interpretation Plan should be prepared in accordance with the Guidelines issued by the Heritage Council of NSW.

B26. Prior to the commencement of any works (not including the demolition of existing buildings and structures and remedial action works performed to the extent of avoiding state significant archaeological deposits and substantially intact archaeological evidence), archaeological testing shall be undertaken across areas of proposed harm to inform the detailed design for this Site. Avoidance of significant archaeological deposits and substantially intact archaeological evidence should be employed by the works.

Noise

B27. Prior to commencement of construction, the Applicant must incorporate the noise mitigation recommendations in the *Acoustic Assessment of Operation and Construction Noise and Vibration for Planning Application*, prepared by Acoustic Studio dated 2 June 2017 and the *Acoustic Assessment of Early Works Noise and Vibration for Review of Environmental Factors* prepared by Acoustic Studio dated 22 May 2017, into the detailed design drawings. The Certifying Authority must verify that all reasonable and feasible noise mitigation measures have been incorporated into the design to ensure the development does not exceed the recommended operational noise levels identified in *Acoustic Assessment of Early Works Noise and Vibration for Review of Environmental Factors* prepared by Acoustic Studio dated 22 May 2017.

B28. Prior to the commencement of construction, the Applicant must engage an appropriately qualified acoustic consultant to verify final mechanical plant and machinery selections will ensure that operational noise limits specified within *Acoustic Assessment of Early Works Noise and Vibration for Review of Environmental Factors* prepared by Acoustic Studio dated 22 May 2017 will not be exceeded.

Road Design and Access

B29. The design and construction of the gutter crossing on Cleveland Street must be in accordance with RMS requirements.

Detailed design plans of the proposed gutter crossing are to be submitted to RMS to approval prior to the commencement of construction.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the Applicant prior to the release of the approved road design plans by RMS.

B30. A Road Occupancy Licence should be obtained from the Transport Management Centre for any works that may impact on traffic flows on Cleveland Street during construction activities.

Car Parking and Service Vehicle Layout

B31. Plans demonstrating compliance with the following requirements shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of building works:

- a) All vehicles must enter and leave the site in a forward direction;
- b) minimum of 8 on-site car parking spaces for use during operation of the Development and constructed in accordance with the latest version of AS2890.1-1993; all vehicles should enter and leave the Inner Sydney School Site in a forward direction;
- c) all operational vehicles accessing the Site, including the loading dock, are to be limited to Medium Rigid Vehicles or smaller only, unless otherwise agreed by Secretary;
- d) all demolition and construction vehicles (excluding worker vehicles) are to be contained wholly within the Site and vehicles must enter the Site before stopping;
- e) appropriate pedestrian advisory signs are to be provided at the egress point of the car park;
- f) all works/ regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority;
- g) the swept path of the longest vehicle entering and exiting the Inner Sydney School Site in association with the new work, as well as manoeuvrability through the Sites, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement; and
- h) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed.

Bicycle Parking and End-of-Trip facilities

B32. Plans demonstrating compliance with the following bicycle parking requirements shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of building works:

- a) the provision of a minimum 130 bicycle parking spaces and the provision of associated high quality end-of-trip facilities in accordance with the Green Star – Design & As Built tool;
- b) the layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Bicycle Parking Facilities, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- c) appropriate pedestrian and cyclist advisory signs are to be provided; and
- d) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Tree Protection

B33. Engage an appropriately qualified arborist to undertake detailed root and crown investigations of trees numbered 1, 17 and 18 within the Arboricultural Assessment undertaken by Ents Tree Consultants dated 3 May 2017, and provide recommendations to ensure the proposed pruning and tree protection measures are sufficient to enable the long-term health and stability of these trees will be maintained. A report documenting findings and recommendations, including design modifications required to ensure retention of these trees, in accordance with recommendations of the arborist, must be submitted to the satisfaction of the Secretary.

B34. Engage an appropriately qualified arborist to undertake an evaluation of the potential to retain the London Plane trees numbered 11 and 13 within the Arboricultural Assessment undertaken by Ents Tree Consultants dated 3 May 2017. A report documenting findings must be submitted to the satisfaction of the Secretary. Where the trees cannot be retained without significant design changes or any other justified reason to remove the trees, justification must be included.

- B35. Install tree protection measures in accordance with AS 4970 2009: *Protection of trees on development Sites* as well as all recommendations presented within Section 4 of the Arboricultural Assessment undertaken by Ents Tree Consultants dated 3 May 2017.
- B36. The area of proposed paving over the root zones of both tree 1 (Moreton Bay fig) in the Site's south west and the area of proposed 'suspended slab' paving around tree 17 (Queensland kauri tree) near Building 3 must be designed in consultation with Council and a qualified arborist to ensure the non-compaction of the root zones of these significant trees.

Public Domain Works

- B37. Prior to the commencement of building works, a Public Domain Plan must be prepared by a suitably qualified professional, in consultation with Council with regard to Council's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including:
- a) details the removal of the heritage sandstone plinth wall including adjustment to the interface between Prince Alfred Park and Chalmers Street;
 - b) boundary treatments along the interfaces with Prince Alfred Park;
 - c) footpath and furniture details;
 - d) road pavement, traffic measures, vehicle crossovers, pedestrian ramps
 - e) kerb and gutter;
 - f) plant schedule;
 - g) lighting;
 - h) soil depth of planters;
 - i) signage and other public domain elements;
 - j) detailed plans and elevations, colours and materials of fencing and gates; and
 - k) details of any stormwater treatment/diversion/infiltration features.

The Public Domain Plan must be submitted to the Secretary for approval prior to commencement of building works.

- B38. Prior to the commencement of any footpath or public domain works, a Public Domain Works Deposit will be required for the public domain works, in accordance with the Council's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.

The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

- B39. Prior to the commencement of fencing, finalised fencing design including gates, detailed plans, elevations, colours and materials must be developed in consultation with the Government Architect NSW. Evidence of consultation and a copy of finalised documentation must be provided to the Secretary.
- B40. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council, TfNSW and RMS and demonstrate to the Certifying Authority that the streetscape design and treatment meets the requirements of these authorities, including addressing pedestrian management and driver sightlines. The Applicant shall submit documentation of approval for each stage from Council, TfNSW and RMS to the Certifying Authority.

- B41. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council to prepare a Public Domain Lighting Plan and demonstrate to the Certifying Authority that the plan addresses Council's requirements.

Access for People with Disabilities

- B42. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any construction drawings, prior to the commencement of building works.

Ecologically Sustainable Development

- B43. Prior to the commencement of the building works, the Applicant shall submit details of all design measures to the Certifying Authority demonstrating that the proposed new buildings incorporate ecologically sustainable development initiatives comparable to projects of a 5 star Green Star – Design & As Built tool rating as outlined within the *Ecologically Sustainable Development (ESD) Report* prepared by Northrop and dated 3 May 2017 unless otherwise agreed by the Secretary.

Outdoor Lighting

- B44. All outdoor lighting within the Site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to building works.

Structural Details

- B45. Prior to the commencement of building works, the Applicant must submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the BCA; and
 - b) the development consent.

Stormwater and Drainage Works Design

- B46. Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Council must be approved by Council prior to the commencement of construction (excluding demolition). The hydrology and hydraulic calculations must be based on models described in the current edition of Australian Rainfall and Runoff.
- B47. Within three months of the commencement of construction, unless otherwise agreed by the Secretary, the Applicant must seek Council's endorsement of anticipated flooding as a result of the development and detail of mitigation measures, to ensure that stormwater and flood impacts off Site are managed. Council's endorsement is to be provided to the Secretary.
- B48. Should the post development stormwater discharge from the Site into the RMS system exceed pre-development discharge, detailed design plans and hydraulic calculation of any charges are to be submitted to RMS for approval, prior to the commencement of building works. Details should be forwarded to: Sydney Asset Management, RMS, PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before RMS approval is issued.

Utility Services

- B49. Prior to the commencement of building works the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the building structure.
- B50. Prior to the commencement of building 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.

External Walls and Cladding

- B51. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the commencement of building works, unless otherwise agreed by the Secretary, the Certifying Authority must:
- a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - b) ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

A copy of the documentation required under (b) must be provided to the Secretary within 7 days of being accepted by the Certifying Authority.

Community Communications Strategy

- B52. A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.
- B53. The Community Communication Strategy must:
- a) identify people to be consulted during the design and construction phases;
 - b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
 - c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
 - d) set out procedures and mechanisms:
 - i) through which the community can discuss or provide feedback to the Applicant;
 - ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

Prior to the commencement of construction, a copy of the Community Communications Strategy must be submitted to the Certifying Authority and the Secretary and must be implemented for a minimum of 12 months following the completion of construction.

Construction Environmental Management Plan (CEMP)

B54.

- a) Prior to the commencement of works on the Site, a CEMP that addresses those works must be submitted to the satisfaction of the Certifying Authority. The Plan must address, but not be limited to, the following matters where relevant:
 - i) hours of work;
 - ii) 24-hour contact details of Site manager;
 - iii) traffic management, in consultation with the local Council, including a designated off-street car parking area for construction related vehicles;
 - iv) construction noise and vibration management, prepared by a suitable qualified person;
 - v) management of dust to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;
 - vii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site;
 - viii) external lighting in compliance with AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - ix) an Unexpected Finds Protocol (UFP) and associated communications procedure, that also considers potential for finds associated with defence use of the land and measures for acid soil management; and
 - x) waste classification (for materials to be removed) and validation (for materials to remain) during construction to confirm the contamination status in these areas of the Site.
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- c) The Applicant must submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.

The CEMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Soil and Water Management Plan (CSWMP)

B55. The Applicant must prepare a CSWMP and the plan must:

- a) be prepared by a suitably qualified expert, in consultation with Council;
- b) be submitted to the satisfaction of the Secretary prior to the commencement of construction;
- c) describe all erosion and sediment controls to be implemented during construction;
- d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
- e) detail all off-Site flows from the Site; and
- f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1 year ARI, 1 in 5 year ARI and 1 in 100 year ARI).

The Applicant must submit a copy of the CSWMP to Council, prior to commencement of work.

The CSWMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Noise and Vibration Management Plan (CNVMP)

B56. The Applicant must prepare a CNVMP and the plan must:

- a) be prepared by a suitably qualified expert and submitted to the satisfaction of the Certifying Authority;
- b) be prepared in consultation with all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
- c) describe the measures that would be implemented to ensure:
 - iv) best management practice is being employed; and

- v) compliance with the relevant conditions of this consent;
- d) describe the proposed noise and vibration management measures in detail;
- e) identify the selection of alternative construction appliances to avoid the generation of excessive noise levels;
- f) include strategies that have been developed to address impacts to noise sensitive receivers, where noise levels exceed the construction noise management level, for managing high noise generating works;
- g) implement intra-day respite periods for construction activities identified as annoying;
- h) implement noise reducing Site/work practices and require regular noise checks of equipment;
- i) describe the consultation undertaken to develop the strategies in b) above;
- j) evaluates and reports on the effectiveness of the noise and vibration management measures; and
- k) include a complaints management system that would be implemented for the duration of the project.

The Applicant must submit a copy of the CNVMP to the Department and to the Council, prior to commencement of work.

The CNVMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Waste Management Plan (CWMP)

B57.

- a) Prior to the commencement of works on the Site, a CWMP, prepared by a suitably qualified person in consultation with the Council, must be submitted to the satisfaction of the Certifying Authority. The CWMP must address, but not be limited to, the following matters:
 - i) recycling of demolition materials including concrete; and
 - ii) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The Applicant must submit a copy of the plan to the Department and to the Council prior to the commencement of work.
- d) The Applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Site, prior to the commencement of the removal of any waste material from the Site.

The Applicant must submit a copy of the CWMP to the Department and to the Council, prior to commencement of work.

The CWMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Traffic and Pedestrian Management Plan (CTPMP)

B58.

- a) Prior to the commencement of construction, a Construction Traffic and Pedestrian Management Plan (CTPMP) CTPMP must be prepared in consultation with the Council, CBD Coordination Office within Transport for NSW and RMS. A copy of the final plan is to be submitted to the Coordinator General, Sydney coordination office for endorsement, prior to the commencement of construction.
- b) The CTPMP must address, but not be limited to, the following matters:
 - i) ingress and egress of vehicles to the Site, including Swept path analysis;

- ii) construction vehicle routes and the potential impacts on general traffic, cyclists and pedestrians and bus services;
 - iii) cumulative construction impacts of projects including Sydney Light Rail Project and Sydney Metro City & Southwest. Including reference to existing CPTMPs for development within or around the development Site to ensure coordination of work activities are managed to minimise impacts on the CBD road network;
 - iv) loading and unloading, including construction works zones noting that Chalmers Street and Cleveland Street may not be suitable due to impact on buses and general traffic;
 - v) location of the crane and the crane swing paths;
 - vi) predicted volumes of construction vehicle movements, types and haulage routes;
 - vii) hours of arrival of all construction vehicles and detail the management of the arrival and departure times of heavy vehicles outside of morning and afternoon peak;
 - viii) pedestrian and traffic management methods;
 - ix) construction hours and program;
 - x) consultation strategy for liaison with surrounding stakeholders;
 - xi) cumulative construction impacts of surrounding construction projects and coordination of activities to manage and minimise road network impacts; and
 - xii) details of impacts identified, duration and proposed measures to mitigate any associated general traffic, public transport, pedestrian and cyclist impact.
- c) Any alterations to the public road, involving traffic and parking arrangements, must be referred to and approved by the relevant traffic committee.
- d) The Applicant must submit a copy of the final plan to the Council and the Department, prior to the commencement of works.

The Applicant must submit a copy of the CTPMP to the Department and to the Council, prior to commencement of work.

The CTPMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

B59. The Applicant shall provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Sydney Coordination Office within Transport for NSW to resolve issues relating to traffic, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

Complaints and Enquiries Procedure

B60. Prior to the commencement of construction works, or as otherwise agreed by the Secretary, the following must be made available for community enquiries and complaints for the duration of construction:

- a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
- b) a postal address to which written complaints and enquires may be sent; and
- c) an email address to which electronic complaints and enquiries may be transmitted.

B61. A Complaints Management System must be prepared prior to the commencement of any construction works and be implemented and maintained for the duration of these works.

The Complaints Management System must include a Complaints Register to be maintained recording information on all complaints received about the development during the carrying out of any works associated with the development. The Complaints Register must record the:

- a) number of complaints received;
- b) number of people affected in relation to a complaint; and
- c) nature of the complaint and means by which the complaint was addressed and whether resolution was reached, with or without mediation.

The Complaints Register must be provided to the Secretary upon request, within the timeframe stated in the request.

Compliance Reporting

- B62. A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of construction works. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction works.
- B63. The Pre-Construction Compliance Report must include:
- a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
 - b) the expected commencement date for construction.

Independent Environmental Audit

- B64. No later than one week prior to the commencement of construction works or within another timeframe agreed with the Secretary, a program of independent environmental audits must be prepared for the development in accordance with the latest version of AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems (Standards Australia, 2014) and submitted to the Secretary for information.

The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.

The environmental audit program prepared and submitted to the Secretary must be implemented and complied with for the duration of the development.

- B65. All independent environmental audits of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:
- a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
 - b) assesses whether the development is complying with the terms of this consent;
 - c) reviews the adequacy of any document required under this consent; and
 - d) recommends measures or actions to improve the environmental performance of the development, and improvements to any document required under this consent.
- B66. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.
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C DURING CONSTRUCTION

Approved Plans to be On-Site

- C1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

Construction Hours

- C2. Construction, including the delivery of materials to and from the Site, may only be carried out between the following hours:
- between 7 am and 6 pm, Mondays to Fridays inclusive; and
 - between 7.30 am and 3.30 pm, Saturdays.

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

- C3. Rock breaking, rock hammering, sheet piling, pile driving and similar activities as well as noisy demolition activities (i.e. activities that would generate noise levels greater than 75dB(A)) may only be carried out between the following hours:
- 9.00 am to 12.00 pm, Monday to Friday;
 - 2.00 pm to 5.00 pm Monday to Friday; and
 - 9.00 am to 12.00 pm, Saturday.
- C4. Activities may be undertaken outside of the hours within Conditions C2 and C3:
- if required by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - if required in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - works are inaudible at the nearest sensitive receivers; or
 - if a variation is approved in advance in writing by the Secretary or her nominee.

Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

Protection of Heritage Items

- C5. Significant building fabric and elements of existing heritage significant items is to be protected during demolition and construction works from potential damage. Protection systems must ensure historic fabric is not damaged or removed unless otherwise approved under this consent. All tradesmen and workers on Site shall be made aware of the significant fabric on Site.

Erosion and Sediment Control

- C6. All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

- C7. Any seepage or rainwater collected on-Site during construction or ground water shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Site Notice

C8.

- a) A Site notice(s) must be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
- b) The Site notice(s) is to satisfy all but not be limited to, the following requirements:
 - i) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - iii) the approved hours of work, the name of the Site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the Site notice; and
 - iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Site is not permitted.

Protection of Trees

C9.

- a) No street trees are to be trimmed or removed unless:
 - i) it forms a part of this development consent; or
 - ii) prior written approval from Council is obtained; or
 - iii) is required in an emergency to avoid the loss of life or damage to property.
- b) All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of Council.
- c) All trees on the Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

Construction Noise Management

- C10. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 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 CNVMP required under Condition B56 and Condition 0.
- C11. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C12. The Applicant must ensure construction vehicles do not arrive at the Site or surrounding residential precincts outside of the construction hours of work outlined under Condition C2 and Condition 0.
- C13. The Applicant must schedule intra-day 'respite periods' for construction activities identified in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) as being particularly annoying or intrusive to noise sensitive receivers, including surrounding residents and nearby hospital buildings. These activities are to be carried out after

8 am only and over continuous periods not exceeding three hours (with at least a one hour respite every three hours).

- C14. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a CNVMP required under Condition B56.
- C15. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- C16. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Site.
- C17. The Applicant must ensure construction of the development is carried out in accordance with the recommendations outlined within *Acoustic Assessment of Operation and Construction Noise and Vibration for Planning Application*, prepared by Acoustic Studio dated 2 June 2017 and the *Acoustic Assessment of Early Works Noise and Vibration for Review of Environmental Factors* prepared by Acoustic Studio dated 22 May 2017.

Vibration Criteria

- C18. To ensure no adverse structural damage occurs to existing heritage significant items, vibration monitoring, performed by a suitably qualified vibration consultant, is to be carried out on all heritage items in the vicinity of the proposal during demolition and construction works. In the event that harm to heritage items is identified, vibratory activities are to cease and alternative work methods are to be implemented.
- C19. Vibration caused by construction at any residence or structure outside the Site must be limited to:
 - a) for structural damage vibration, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures*; and
 - b) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472 – Guide to Evaluate Human Exposure to Vibration in Buildings (1 Hz to 80 Hz)* for low probability of adverse comment.
- C20. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- C21. These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Secretary.

Work Cover Requirements

- C22. 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 Work Cover requirements.

Handling of Asbestos

- C23. The Applicant is to 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 reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Hoarding Requirements

- C24. 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 shall 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

C25. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under and circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on Site.

Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics

C26. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the OEH Heritage Division contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage Division of the Office of Environment and Heritage.

Discovery of Aboriginal Heritage

C27. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The Site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the Site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and OEH to develop and implement management strategies for all projects/Sites.

D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Green Travel Plan

- D1. A **Green Travel Plan** (GTP), must be prepared by a suitably qualified traffic consultant in consultation with Council and (Sydney Coordination Office) Transport for NSW, to promote the use of active and sustainable transport modes. The GTP must be submitted to the Secretary prior to occupation and must address, but not limited to, the following:
- a) objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
 - b) address the misalignment of the mode share target for the number of students being dropped off at school by car. with the car passenger mode share in the Transport and accessibility Impact Assessment Report and accessibility;
 - c) specific tools and actions to help achieve the objectives and mode share targets;
 - d) measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
 - e) 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 students and staff to and from both schools at appropriate times throughout the academic year.

The GTP (as revised from time to time) must be implemented by the Applicant, or person/s authorised to, for the life of the development.

Out of Hours Event Management Plan

- D2. The Applicant is to prepare an Out of Hours Event Management Plan for each out of hours events, that involve 100 or more people. The plan must be prepared prior to each relevant event, in consultation with Council, 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 rooftop basketball court, where applicable, restricting use to before 8 am and after 10 pm;
 - 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.

The Applicant must submit a copy of the Out of Hours Event Management Plan to the Department and to the Council, prior to commencement of each relevant event.

The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified community event or use.

Operational Transport and Access Management Plan (OTAMP)

- D3. An OTAMP is to be prepared for the schools (or separately for each school) by a suitably qualified person, in consultation with Council, Transport for NSW and RMS, to the satisfaction of the Secretary, and must address the following:
- a) Detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;

- b) the location of all car parking spaces on the school campuses and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
- c) the location and operational management procedures of the pick-up and drop-off parking located within Chalmers Street, including staff management/traffic controller arrangements;
- d) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities during the hours of bus lane operations along Chalmers Street, including staff management/traffic controller arrangements;
- e) delivery and services vehicle and bus access and management arrangements;
- f) management of approved access arrangements;
- g) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing pick-up and drop-off parking in Chalmers Street;
- h) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- i) a monitoring and review program.

The OTAMP/s must be submitted to the Secretary for approval prior to operation of the development.

The OTAMP/s (as revised from time to time) must be implemented by the Applicant for the life of the development.

Drop-off/Pick-up zone

- D4. Prior to the commencement of operation, the Applicant must apply to Council for approval to extend the existing 'No Parking' zone on the eastern side of Chalmers Street opposite the main entry of the school to accommodate five vehicles for dropping-off/picking-up students.
- D5. The drop-off/pick-up zone on the eastern side of Chalmers Street opposite the main entry of the school must be monitored during the AM and PM peak drop-off/pick-up periods twice weekly for the first school term of operation and one day per week during the AM and PM peak drop-off/pick-up period for the second school term of operation unless otherwise agreed by the Secretary. A monthly report over a six-month period must be prepared by a suitably qualified person including a discussion of the results of the monitoring including:
 - a) Time period monitored (date, time);
 - b) Number of students exiting/alighting vehicles;
 - c) Number of vehicles using the drop-off/pick-up zone;
 - d) Length of time each vehicle loads/unloads students;
 - e) An assessment of how the drop-off/pick-up zone is operating, and whether there is any observed impact on the Cleveland Street / Chalmers Street intersection (eg queuing, illegal stopping, safety etc);
 - f) verification based of the results of traffic surveys at similar Sites; and
 - g) Any other relevant information as required.

If after six months of operation, the results of the monitoring indicate insufficient capacity of the drop-off/pick-up zone, alternative arrangements must be made in consultation with Council, TfNSW and RMS to address this issue. Alternative arrangements are to be incorporated into an updated OPTMP and submitted to the Secretary for approval.

Warm Water Systems and Cooling Systems

- B67. The installation, 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 Parts 1 and 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.

Rainwater Harvesting

- D6. The Applicant must ensure that a rainwater reuse/harvesting system for the Development is developed for the Site. A rainwater re-use plan is to be prepared and certified by an experienced hydraulic engineer. A signed works-as-executed Rainwater Re-use Plan is to be provided to the Certifying Authority prior to the issue of the final Occupation Certificate.

Mechanical Ventilation

- D7. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with the Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the satisfaction of the Certifying Authority prior to operation.

Design of Food Premises

- D8. The fitout of the food premises shall be carried out in accordance with AS 4674 Design, construction and fit-out of food premises. Details of compliance with the relevant provisions of the food code shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to operation.

Compliance with Food Code

- D9. The Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *AS 4674 Design, construction and fit-out of food premises*. The Applicant shall provide evidence of receipt of the certificate to the satisfaction of the Certifying Authority prior to the commencement of the building(s) or commencement of the use.

Public Domain Works

- D10. Prior to the occupation of each stage the building, the Applicant shall submit to the Council works-as-executed plans for each stage of the public domain works. Prior to occupation of each stage of the building, the Applicant must submit documentation to the Certifying Authority demonstrating that the works have been completed to Council's satisfaction.
- D11. Prior to the commencement of operation, the Applicant must identify any future school use of Prince Alfred Park and consult with Council on any plans for intended use. A report must be prepared for the information of the Secretary detailing these plans including consultation outcomes and any agreement to embellish the public domain due to an increased use of the park by students.

Signage

- D12. A Signage Strategy be prepared in consultation with RMS and Council and shall be submitted for the approval of the Certifying Authority, prior to the installation of any signs visible from the public domain.
- D13. Wayfinding signage for pedestrians and cyclists must be installed prior to commencement of use of any stage of the development.

Ecologically Sustainable Development

- D14. Prior to the final occupation of the development, the Applicant shall submit details to the Certifying Authority demonstrating that ecologically sustainable development initiatives have been incorporated in the proposed new buildings comparable to projects of a 5-star Green Star – Design & As Built tool rating.

Mechanical Ventilation

- D15. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Certifying Authority, prior to

commencement of use of stage of the development, that the installation and performance of the mechanical systems complies with:

- a) the BCA;
- b) Australian Standard AS 1668 and other relevant codes;
- c) the development consent and any relevant modifications; and
- d) any dispensation granted by the New South Wales Fire Brigade.

Road Damage

D16. 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 is to be met in full by the Applicant prior to commencement of use of any stage of the development.

Compliance Certificate

D17. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web Site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Certifying Authority prior to commencement of use of each stage of the building.

Post-construction Dilapidation Report

D18. Prior to commencement of use of any stage of the development:

- a) the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining heritage significant items, buildings, infrastructure and roads;
- b) the report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining heritage significant items, buildings, infrastructure and roads, the Certifying Authority must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions;
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and
- c) a copy of this report is to be forwarded to the Council.

Fire Safety Certification

D19. Prior to commencement of use of any stage of the development, 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

D20. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to commencement of use of any stage of the development. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:

- a) the Site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
- b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E POST OCCUPATION

Green Travel Plan

- E1. The Green Travel Plan required by condition D1 of this consent must be updated annually and implemented.

Loading and Unloading

- E2. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Site at all times.

Noise Control – Plant and Machinery

- E3. Noise associated with the operation of any plant, machinery or other equipment on the Site, must not exceed 5 dB(A) above the rating background noise level when measured at the boundary of the sensitive receiver.
- E4. The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry here valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in Department of Education, Assessment of Operational Noise Related to Noise Emissions from Mechanical Plant, prepared by Acoustic Studio, dated 25 September 2017.

Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Storage of Hazardous or Toxic Material

- E5. Any hazardous or toxic materials must be stored in accordance with WorkCover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110 per cent of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Public Way to be Unobstructed

- E6. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- E7. External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Fire Safety Certification

- E8. 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.

ADVISORY NOTES

Appeals

AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* (as amended).

Other Approvals and Permits

AN2 The Applicant must apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act 1993* or Section 138 of the *Roads Act 1993*.

Responsibility for other consents/agreements

AN3 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Use of Mobile Cranes

AN4 The Applicant must obtain all necessary permits required for the use of mobile cranes on or surrounding the Site, prior to the commencement of works. In particular, the following matters must be complied with:

- a) for special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-Site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council:
 - i) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions;
 - ii) at least four weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions; and
- b) the use of mobile cranes must comply with the approved hours of construction and must not be delivered to the Site prior to 7.30 am without the prior approval of Council.

Temporary Structures

AN5

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

AN6 This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. *AS1428 Parts 2, 3 & 4* provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*

AN7

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the *New South Wales Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Environment and Energy to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos Removal

AN8 All excavation and demolition works involving the removal and disposal of asbestos must be undertaken in consultation with SafeWork NSW and only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

Site contamination issues during construction

AN9 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about Site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on Site until the consultation is made with the Department.