

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Karen Harragon
Director
Social and Infrastructure Assessments

Sydney

10 April 2021

SCHEDULE 1

Development consent:	SSD 8640 granted by the Executive Director, Priority Projects on 20 December 2018
For the following:	Picton High School redevelopment including: • the demolition of buildings and associated excavation; • the retention and refurbishment of buildings; • the construction of a two and three storey building connecting existing retained buildings; • the reconfiguration of car and bus dropoff/pickup areas, including new access from Wonga Road and an internal access road; • an increase in onsite car parking with a capacity of 141 spaces; • increase in teaching space to accommodate 1,580 students and 125 staff; • removal of 99 trees; and • associated landscaping works.
Applicant:	Department of Education
Consent Authority:	Minister for Planning and Public Spaces
The Land:	480 Argyle Street, Picton (Lot 2 DP 520158)
Modification:	SSD 8640 MOD 2: amend conditions to incorporate updated landscape plans and alter requirements relating to dilapidation and contamination matters.

SCHEDULE 2

The above consent is modified as follows:

- a) Schedule 2 Part A – Administrative Conditions, Condition A2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS, Response to Submissions and Section 4.55 Modification Application(s);
 - (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by Billard Leece Partnership			
Dwg No.	Rev	Name of Plan	Date
AA03-0002	B	Site Context Plan	08/01/2019
SSD-AA10-0001	B	GA – Lower Ground Floor Plan – Zone A	08/01/2019
SSD-AA10-0002	B	GA – Lower Ground Floor Plan – Zone B	08/01/2019
SSD-AA10-0003	B	GA – Lower Ground Floor Plan – Zone C	08/01/2019
SSD-AA10-0004	B	GA – Lower Ground Floor Plan – Zone D	08/01/2019
SSD-AA10-0101	B	GA – Ground Floor Plan – Zone A	08/01/2019
SSD-AA10-0102	B	GA – Ground Floor Plan – Zone B	08/01/2019
SSD-AA10-0103	B	GA – Ground Floor Plan – Zone C	08/01/2019
SSD-AA10-0104	B	GA – Ground Floor Plan – Zone D	08/01/2019
SSD-AA10-0201	B	GA – First Floor Plan – Zone A	08/01/2019
SSD-AA10-0202		GA – First Floor Plan – Zone B	27/07/2018
SSD-AA20-0001	B	Elevations – General Arrangement – Science & Maths, Visual Arts, Design & Technology	08/01/2019
SSD-AA20-0002	B	Elevations – General Arrangement – Admin & Student Hub	08/01/2019
SSD-AA20-0003	B	Elevations – General Arrangement – Fitness & Performance	08/01/2019
SSD-AA20-0004	A	Elevations – General Arrangement – Support Unit & Metal Works Extension	08/01/2019
SSD-AA03-0003	B	External Signage	13/03/2019
Landscape Plans prepared by Arcadia Landscape Architecture			
Dwg No.	Rev	Name of Plan	Date
	B <u>E</u>	Vision Landscape Masterplan	February 2018 <u>December 2020</u>
	C	Cultural + Heritage Items	May 2018
	C	Landscape Sections	May 2018
	C	Landscape Sections – Section A-A	May 2018
	C	Landscape Sections – Section B-B	May 2018
	C	Landscape Sections – Section C-C	May 2018
	B	Materials Pavement	February 2018
	B	Materials Pavement	February 2018
	B <u>E</u>	Detail Entry Forecourt	February 2018 <u>December 2020</u>
	B	Materials Entry Forecourt	February 2018
	B <u>E</u>	Detail Terraced Lawns	February 2018 <u>December</u>

			2020
	B	Materials Terraced Lawns	February 2018
	B	Detail Social Hub	February 2018
	B	Materials Social Hub	February 2018
	B	Detail Educational Trail	February 2018
	B	Materials Educational Trail	February 2018
	B	Details Agricultural & Environmental Learning	February 2018
	B	Vision Natural Trail	February 2018
	B	Softscape Planting Character	February 2018
		Softscape Tree size specification & Formal Softscape Areas	<u>March 2019</u> <u>November 2020</u>
SSD-SK	0002	Front entry – Landscaping and Security	27/07/2018
	E	Design Tree Retention + Removal Strategy	<u>January 2019</u> <u>November 2020</u>
Concept stormwater, sediment and erosion control plan prepared by Bonacci			
Dwg No.	Rev	Name of Plan	Date
C030	P8	Concept Stormwater Management Plan	22/01/2019
C005	AD	Concept Sediment and Erosion Control Plan	22/01/2019
C007	AB	Sediment and Erosion Control Details	30/11/2018
C008	AB	Soil and Water Management Computations	30/11/2018

- b) Schedule 2 Part B Prior to Commencement of Construction, Condition B6A is added by the insertion **bold and underlined** words as follows:

Pre-Construction Dilapidation Report

B6A. Prior to the commencement of construction works associated with the construction of the car park adjacent to the northern boundary of the site, the Applicant is to engage a qualified structural engineer to prepare a pre-construction dilapidation report and submit it to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, as detailed in the Applicant's letter dated 24 March 2021 submitted in support of modification SSD-8640-Mod-1, that are likely to be impacted by construction works associated with the construction of the car park adjacent to the northern boundary of the site.

- c) Schedule 2 Part C – During Construction, Condition C22 is amended by the insertion of the **bold and underlined** words as follows:

Tree Protection

C22. For the duration of the construction works:

- street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- all street trees must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
- all trees on the site that are not approved for removal must be suitably protected during construction as per recommendations of the Arboricultural Assessment and Tree Management Plan prepared by Horticultural Management Services dated 12 February 2018, Arboricultural Assessment and Tree Management Plan Addendum prepared by Horticultural Management Services dated 19 October 2018 and Arboriculture Assessment Report Addendum prepared by Horticultural Management Services dated 15 March 2019, **as amended by the letter prepared by Horticultural Management Services dated 16 October 2019**; and
- if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection

measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

- d) Schedule 2 Part D Prior to Occupation or Commencement of Use, Conditions D33, D34, D35 and D36 are amended by the insertion of the **bold and underlined** words/numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

Validation Report

D33. The Applicant must ~~prepare~~**submit** a Validation Report for the development. The Validation Report must:

- (a) be prepared by ~~an EPA accredited Site Auditor~~**consultants certified under either the Environmental Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science**;
- (b) be submitted to ~~EPA~~, the Planning Secretary and the Certifying Authority for information one month after the completion of remediation works;
- (c) be prepared in accordance with the ~~RAP and the Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites (OEI, 2011)~~**Consultants Reporting on Contaminated Land: Contaminated Land Guidelines (EPA, 2020) and relevant guidelines made or approved under section 105 of the Contaminated Land Management Act 1997**;
- (d) include, but not be limited to:
 - (i) comment on the extent and nature of the remediation undertaken, **if applicable**;
 - (ii) describe the location, nature and extent of any remaining contamination on site;
 - (iii) sampling and analysis plan and sampling methodology;
 - (iv) results of sampling of treated material, compared with the treatment criteria, **if applicable**;
 - (v) details of the volume of treated material emplaced within the containment cell and its location, **if applicable**;
 - (vi) results of any validation sampling, compared to relevant guidelines/criteria;
 - (vii) discussion of the suitability ~~the remediated areas of the land~~ for the intended land use; and
 - (viii) any other requirement relevant to the project.

Site Audit Report and Site Audit Statement

D34. Prior to occupation of the building, the Applicant must obtain from an EPA accredited Site Auditor, a ~~Site Audit Statement and a Site Audit Report which demonstrates that the site is suitable for its intended use(s)~~**Section A1 or Section A2 Site Audit Statement (accompanied by an Environmental Management Plan, if required, that is prepared in accordance with The Guidelines for Consultants reporting on contaminated Land: Contaminated land guideline (NSW EPA 2020)) and its accompanying Site Audit Report, which states that the land has been made suitable for the intended land use.**

D35. Within 3 months of submission of the Validation Report required by condition D33, the Applicant must demonstrate to the satisfaction of the Certifying Authority that the Site Auditor has submitted a Site Audit Report and Site Audit Statement to EPA in accordance with the requirements of EPA's *Guidelines for the NSW Site Auditor Scheme* (~~DEC, 2006~~)**(EPA, 2017)**.

Landscaping

D36. Prior to occupation of the building, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must:

- (a) Include revised landscape plan as per condition B4 to include planting in accordance with the approved Softscape | Tree Size Specification & Formal Softscape Areas (**Issue C**) prepared by Arcadia Landscape Architecture dated ~~March 2019~~**November 2020** and at least 14 additional canopy trees;

- (b) detail the species to be planted on-site;
 - (c) include details of the area surrounding the education trail is to be rehabilitated with local native plants;
 - (d) include details that the native trees to be removed from the site are to be salvaged, including tree hollows and tree trunks (greater than 25cm in diameter and 3m in length) and used to enhance habitat at the site;
 - (e) include details of the installation of artificial nest boxes which are suitable to native fauna;
 - (f) detail that the seeds from native plants to be removed is collected and used in the landscape area;
 - (g) provide an ongoing weed control and maintenance program to maintain the existing and new remnant native vegetations;
 - (h) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
 - (i) comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006. D37. The Applicant must not commence operation until the Landscape Management Plan is submitted to the Certifying Authority.
- e) Schedule 2 Part E Post Occupation, Condition E19 is added by the insertion **bold and underlined** words as follows:

Environmental Management Plan

E19. The Applicant must manage the site in accordance with any Environmental Management Plan approved by the Site Auditor (if any) under condition D34 and any on-going maintenance of remediation notice issued by EPA under the Contaminated Land Management Act 1997.

End of modification (SSD-8640-Mod-2)