

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



David Gainsford

Executive Director

Infrastructure Assessments

Sydney 13th September. 2019

SCHEDULE 1

Application Number:	SSD 8812
Applicant:	Cranbrook School
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 1 DP663630, Lot 9 to 18 DP9005, Lot A to C DP186768, 5 Victoria Road, Bellevue Hill.
Development:	Alterations and additions to Cranbrook School comprising: • demolition of the existing War Memorial Hall and Mansfield buildings to facilitate the construction of the New Centenary Building; • excavation of Hordern Oval to facilitate the construction of a subsurface car park and new aquatic and fitness centre (including public domain works to New South Head Road; • new access driveway to the proposed car park, accessed off Rose Bay Avenue; • use of the internal driveway between Victoria Road and Rose Bay Avenue to accommodate on campus 'kiss and ride' facility; • construction of a new Hordern Oval Groundsman's facility; • reinstatement of the Hordern Oval as a playing field; • landscaping and general site improvements.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Cranbrook School any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
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 the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following: • building and road dilapidation surveys; • investigative drilling, investigative excavation or Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities.
Council	Woollahra Municipal Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising demolition, construction and operation, as modified by the conditions of this consent.
Earthworks	• works to prepare the site including: • bulk earthworks and detailed excavation; • site levelling; • shoring and stabilisation; • import and compaction of fill material; • piling and/or foundation works; and • excavation for, and installation of drainage and services.
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled Cranbrook School, prepared by Urbis dated May 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority

EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
GTP	Green Travel Plan
Heritage Division	Heritage Division of the Department of Premier and Cabinet (former Heritage Division of the Office of Environment and Heritage)
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Principal Certifying Authority	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.
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.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1

TfNSW	Transport for New South Wales
TfNSW (RMS)	Transport for NSW(Roads and Maritime Services)(former Roads and Maritime Services)
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

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

Architectural plans prepared by Architectus Group Pty Ltd			
Dwg No.	Rev	Name of Plan	Date
CR-DA-0051	1	Site & Context Analysis - Location Plan	20/04/2018
CR-DA-0063	2	Campus Analysis - Demolition Plan	26/04/2018
CR-DA-0064	2	Campus Analysis Demolition Axonometrics	26/04/2018
CR-DA-0065	2	Campus Analysis - Proposed Site Works	26/04/2018
CR-DA-0066	2	Campus Analysis - Proposed Site Works Axonometric	26/04/2018
CR-DA-2500	2	Campus Analysis - Existing and Proposed Sections	26/04/2018
CR-DA-4000	2	Finishes Board	07/08/2018
CB-DA-0002	1	Existing Plans	20/04/2018
CB-DA-0003	2	Demolition Plans	26/04/2018
CB-DA-1002	4	GA Plan – Roof Level	03/12/2018
CB-DA-1003	4	GA Plan Level 05	03/12/2018
CB-DA-1004	3	GA Plan – Level 04	07/08/2018
CB-DA-1005	3	GA Plan – Level 03	07/08/2018
CB-DA-1006	3	GA Plan – Level 02	07/08/2018
CB-DA-1007	3	GA Plan – Level 01	07/08/2018
CB-DA-2001	4	GA Elevation – North – South	14/12/2018
CB-DA-2002	4	GA Elevation – East – West	14/12/2018
CB-DA-2501	3	GA Section AA – BB	14/12/2018
CB-DA-2502	3	GA Section CC – DD	14/12/2018
CB-DA-2503	3	GA Section – EE Building Height	14/12/2018
CB-DA-5001	1	Façade Section	07/08/2018
CB-DA-9001	2	Perspective 01	07/08/2018
CB-DA-9002	2	Perspective 02	07/08/2018
CB-DA-9003	2	Perspective 03	07/08/2018
CB-DA-9004	2	Perspective 04	07/08/2018
CB-DA-9005	1	Perspective 05	07/08/2018

AF-DA-0502	2	Demolition Oval GA Plan	16/04/2018
AF-DA-1001	5	GA Plan 01 Oval	07/08/2018
AF-DA-1002	6	GA Plan B1 Concourse	17/08/2018
AF-DA-1003	3	GA Plan B2 Pool	07/08/2018
AF-DA-1004	1	GA plan B3 Subfloor	07/08/2018
AF-DA-2001	6	Elevations	29/01/2019
AF-DA-2501	5	Sections AA – CC	29/01/2019
AF-DA-2502	5	Sections DD – FF	29/01/2019
AF-DA-5001	1	Façade Section	07/08/2018
AF-DA-9001	2	Perspective 01	07/08/2018
AF-DA-9002	3	Perspective 02	07/08/2018
Landscape Plans prepared by Arcadia Landscape Architecture			
Dwg No.	Rev	Name of Plan	Date
100	9	Landscape Masterplan	September 2018
101	9	WMH Roof level – Landscape Plan	September 2018
102	9	WMH Level 03 – Landscape Plan	September 2018
103	9	WMH 02-00 – Landscape Plan	September 2018
104	9	ARC – Street Level Landscape Plan	September 2018
105	9	ARC – Oval Landscape Plan	September 2018

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

Limits of Consent

- A5. This consent lapses five years after the date of consent unless the works associated with the development has physically commenced.

Prescribed Conditions

- A6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Planning Secretary as Moderator

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

Evidence of Consultation

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (c) the outcome of that consultation, matters resolved and unresolved; and
 - (d) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging

- A9. The SSD may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the Planning Secretary for information. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A10. The Staging Report, prepared in accordance with Condition A9 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the SSD will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the SSD will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the SSD; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. The SSD must be staged in accordance with the Staging Report, as submitted to the Planning Secretary.
- A12. Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage

Staging, Combining and Updating Strategies, Plans or Programs

- A13. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan (including management plans, architectural or design plans) 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);
 - (b) 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
 - (c) 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).

- A14. If the Planning 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.
- A15. If approved by the Planning 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.

Structural Adequacy

- A16. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

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

External Walls and Cladding

- A17. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

- A18. 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.
- A19. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- A20. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

Access to Information

- A21. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;

- (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

Compliance

A22. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Student Numbers

A23. This consent does not approve any increase in student numbers above any existing consents restricting staff and/or student numbers on the site.

Buildings and Structures

A24. All buildings and structures (other than works associated with pedestrian footpaths, landscaping, bicycle racks, kerb and gutter and pedestrian footpath awnings), together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the New South Head Road boundary.

Incident Notification, Reporting and Response

- A25. 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.
- A26. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

- A27. 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 Principal Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A28. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A29. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

- A30. Within three months of:
- (a) the submission of a compliance report under condition C25;
 - (b) the submission of an incident report under condition A25;
 - (c) the submission of an Independent Audit under condition D31; or
 - (d) the issue of a direction of the Planning Secretary under condition A3 which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Department and the Principal Certifying Authority must be notified in writing that a review is being carried out.
- A31. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Principal Certifying Authority. Where revisions

are required, the revised document must be submitted to the Principal Certifying Authority for approval within six weeks of the review.

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

ADVISORY NOTES

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

PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Outdoor Lighting

- B1. All outdoor lighting within the site must comply with, where relevant, AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-1997 Control of the obtrusive effects of outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Property Damage Security Bond

- B2. Prior to the issue of any construction certificate, a property damage security bond is to be paid to Council. Prior to payment Council can provide the value of the property damage security bond.

Development Contribution

- B3. Prior to the issue of any construction certificate, a Section 94A levy totalling \$1,106,490, is to be paid to Council in accordance with Section 7.12 of the EP&A Act and Schedule 1 of Woollahra Section 94A Development Contributions Plan 2011. Prior to payment Council can provide the value of the indexed levy.

External Walls and Cladding

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

Stormwater Management System

- B5. Prior to the issue of any construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Principal Certifying Authority. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with applicable Australian Standards;
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;

Stormwater Management Plans

- B6. Prior to the issue of any Construction Certificate, plans and specifications required by Clause 13.9 of the Regulation, must include Water Sensitive Urban Design details and must have a general design in accordance with stormwater plans prepared by AECOM dated 13 September 2018 and the following amendments showing integrated water sensitive design:
- (a) a rainwater/stormwater collection tank(s) (harvest tanks) sized to accommodate the irrigation and water re-use demand of the site. A rainwater re-use plan must be prepared and certified by a suitably qualified and experienced person(s);
 - (b) a stormwater management system that continually manages and treats discharge offsite prior to entering the Council drainage system is implemented;
 - (c) new roof and hard paved areas are to be directed to the harvest tanks to meet the requirements of the proposed water re-use and where there is sufficient fall; and
 - (d) the integrated water sensitive design system is to be designed to meet or exceed Council's water treatment guidelines.
- B7. Water quality measures are installed that meet the following environmental targets for stormwater runoff leaving the site:
- (a) 90% removal of gross pollutants (> 5mm);

- (b) 85% removal of total suspended solids;
 - (c) 65% removal of total phosphorous; and
 - (d) 45% removal of total nitrogen.
- B8. Compliance with the objectives and performance requirements in the Building Code of Australia.
- B9. The installation of a rainwater tank which is to be connected for non-potable uses such as irrigation. Overflow from the rainwater tank shall be directed to the proposed on-site absorption system.
- B10. The installation of a bio-retention system to achieve the water quality targets stipulated in Chapter E2.2.3 of the Woollahra Development Control Plan 2015.

Roadworks and Access

- B11. Prior to the issue of any construction certificate, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of all construction vehicles.

Provision of public footpath

- B12. Plans provided as part of the construction certificate must clearly indicate the existing road reserve as well as the public footpath area to be registered as an easement in favour of Council (i.e. that area provided within private land that is required to form part of a 2.5m wide pedestrian footpath along New South Head Road). The area provided shall be sufficient to accommodate a shared cycle/pedestrian path clear of any obstructions.

Construction Impact Assessment and Management Plan

- B13. Prior to the issue of any construction certificate, the Construction Impact Assessment and Management Plan, prepared by Botanics Tree Wise People Pty Ltd, amended October 2018, is updated to provide the following:
- (a) comprehensive assessment of the impact on the trees in accordance with industry standards and arboricultural best practice to demonstrate that all options have been considered to retain as many trees as possible on the site. This includes making an assessment using Australian Standard AS 4970-2009: The Protection of Trees on Development sites; and
 - (b) tree and site-specific tree protection strategy which details what methods are proposed to minimise impacts to trees to be retained.

PART C PRIOR TO COMMENCEMENT OF WORKS

Notification of Commencement

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

Certified Drawings

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

Protection of Public Infrastructure

- C4. Prior to commencement of works, the Applicant must:
 - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Principal Certifying Authority and Council.

Unexpected Contamination Procedure

- C5. Prior to commencement of works, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition C12 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

Community Communication Strategy

- C6. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information and approved by the Planning Secretary prior to the commencement of construction. The 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.

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.

- C7. Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.

Rainwater Harvesting

- C8. Prior to the commencement of construction, the Applicant must ensure that a rainwater reuse/harvesting system for the development is developed for the site. A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer.

Ecologically Sustainable Development

- C9. Prior to commencement of works, the Applicant must demonstrate that ESD is being achieved by either registering a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Principal Certifying Authority, unless an alternative Certification process is agreed to by the Planning Secretary

Demolition

- C10. Prior to the commencement of construction works, demolition plans required by AS 2601-2001 The demolition of structures (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Principal Certifying Authority and Planning Secretary.

Environmental Management Plan Requirements

- C11. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development;
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review/update of the plan and any updates in response to incidents or matters of non-compliance.

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

Construction Environmental Management Plan

- C12. Prior to the commencement of construction works, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the satisfaction of the Principal Certifying Authority and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C13);
 - (c) Construction Noise and Vibration Management Sub-Plan (see condition C14);
 - (d) Construction Waste Management Sub-Plan (see condition C15);
 - (e) Construction Soil and Water Management Sub-Plan (see condition C16);
 - (f) Flood Emergency Response Sub-Plan (see condition C17);
 - (g) an unexpected finds protocol for contamination and associated communications procedure;
 - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
 - (i) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.
- C13. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council, TfNSW (RMS) and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- C14. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;

- (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition C6(d) and
 - (f) include a complaints management system that would be implemented for the duration of the construction.
- C15. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
 - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- C16. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) describe all erosion and sediment controls to be implemented during construction;
 - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (d) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas;
 - (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).
- C17. The Applicant must prepare a Flood Emergency Response Sub-Plan (FERSP) and the plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the *Floodplain Risk Management Guideline* (OEH, 2007);
 - (c) include details of:
 - (i) the flood emergency responses for both construction and operation phases of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (vi) awareness training for employees and contractors, and students.

Erosion and Sedimentation Control

- C18. Soil erosion and sediment control measures must be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1* (Landcom, 2004). Details are to be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of construction.

Construction Parking

- C19. Prior to commencement of works, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

Construction and Demolition Waste Management

- C20. The Applicant must notify the TfNSW (RMS) Traffic Management Centre 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.

Construction Worker Transportation Strategy

- C21. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Principal Certifying Authority. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.

Operational Waste Storage and Processing

- C22. Prior to commencement of works, the Applicant must obtain agreement from Council for the design of the operational waste storage area where waste removal is undertaken by Council.

Archaeological testing and salvage investigations

- C23. The archaeological and salvage investigations detailed in the Aboriginal Cultural Heritage report prepared by Unearthed Archaeology must be undertaken prior to the issue of construction certificates within the vicinity of the proposed investigations.

Bicycle Parking and End-of-Trip Facilities

- C24. Prior to the commencement of construction, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted in the form of updated drawings to the satisfaction of the Certifying Authority:
- (a) the provision of a minimum 121 staff/visitor/student bicycle parking spaces;
 - (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of AS 2890.3:2015 Parking facilities - Bicycle parking, and be located in easy to access, well-lit areas that incorporate passive surveillance;
 - (c) the provision of end-of-trip facilities for staff in accordance with the ESD Design & As Built rating tool;
 - (d) appropriate pedestrian and cyclist advisory signs are to be provided; and
 - (e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Compliance Reporting

- C25. No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Principal Certifying Authority.
- C26. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018), unless otherwise agreed by the planning secretary
- C27. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Principal Certifying Authority in writing at least seven days before this is done.
- C28. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

Car Parking and Service Vehicle Layout

- C29. Prior to the commencement of construction, compliance with the following requirements must be submitted to the satisfaction of the Certifying Authority:
- (a) all construction vehicles must enter and leave the Site in a forward direction;
 - (b) a minimum of 124 on-site car parking spaces for use during operation of the development and designed in accordance with the latest version of AS2890.1;
 - (c) the swept path of the longest construction vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with AUSTROADS; and the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed.

Landscaping

- C30. Prior to the commencement of construction, the Applicant must submit amended plans to the satisfaction of the Principal Certifying Authority detailing.
- (a) the provision of at least an additional seven locally indigenous mature shade providing canopy trees on the site;
 - (b) the provision of street trees along the New South Head Road. Species and spacing must be in consultation with Council.

Road and Public Domain Works

- C31. A separate application under Section 138 of the *Roads Act* 1993 must be made to, and be approved by Council as the road authority, for the following infrastructure works prior to the commencement of construction of the road and public domain works:
- (a) The removal of existing kerb and gutter and the construction of a new 5.5m wide vehicular crossing for vehicular access into the proposed basement parking in accordance with Council's standard driveway drawing RF2_D. The new crossing must be constructed at right angle to the street kerb in plain concrete. A design longitudinal surface profile for the proposed driveway must be submitted for assessment;
 - (b) The removal of existing kerb and gutter and the construction of a new 3m wide vehicular crossing for vehicular access into the proposed maintenance building in accordance with Council's standard driveway drawing RF2_D. The new crossing must be constructed at right angle to the street kerb in plain concrete. A design longitudinal surface profile for the proposed driveway must be submitted for assessment;
 - (c) The removal of the existing kerb ramp and the construction of a new kerb ramp in accordance with Council's specification;
 - (d) The reconstruction of the existing kerb and gutter, between the new vehicular crossing for access into the maintenance building and the new kerb ramp removal of existing kerb and gutter in plain concrete in accordance with Council's standard driveway drawing RF2_D;
 - (e) The reconstruction of the existing footpath across the frontage of the proposed works in New South Head Road in accordance with Council's standard driveway drawing RF2_D. The footpath must be constructed to the following specification:
 - The width of the footpath must be 2.5m
 - The footpath must be constructed in concrete
 - A maximum crossfall of 3% must be provided
 - (f) The reconstruction of the kerb and footpath along Rose Bay Avenue in accordance with the approved plans listed in Condition A2(d);
 - (g) Detailed long section and cross section at every 5m interval must be prepared by a suitably qualified and experienced civil engineer;
 - (h) The construction of all traffic devices, associated landscaping and infrastructure (footpath, kerb and gutter and road pavement) works on Council's property must be in accordance

with Council's specification and relevant Australian Standards. Detailed design including certification from the designing structural/civil engineer must be submitted with the application certifying that all works are designed in accordance with Council's specification and the relevant Australian Standards; and

- (i) Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.
- C32. A bond of \$118,500 will be used as security to ensure satisfactory completion of the infrastructure works. The security or bank guarantee must be the original unconditional bank guarantee with no expiry date; and
- C33. The Bond will not be released until Council has inspected the site and is satisfied that the works have been completed in accordance with Council approved drawings and to Council requirements.

Provision for Energy Supplies

- C34. Any required substation must be located within the boundaries of the site. Where an electricity substation is required within the site but no provision has been made to place it within the building and such substation has not been detailed in approved plans, Section 4.55 application is to be submitted to assess the proposed location of the required substation.

PART D DURING CONSTRUCTION

Site Notice

D1. A site notice(s):

- (a) 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, Principal Certifying Authority and Structural Engineer and is to satisfy all but not be limited to, the following requirements:
 - (i) minimum dimensions of the notice must 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 must 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.

Operation of Plant and Equipment

D2. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

Demolition

D3. Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001).

Construction Hours

D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

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

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

D5. Notwithstanding D4 above, when demolition, excavation and constructions works are to be undertaken on school days, all vehicular movements associated with this work shall only be undertaken between the hours of 7am and 8am, 9:00am and 2:30pm and 4:00pm and 5:00pm in order to minimise disruption to the traffic network during school pick-up and drop-off periods.

D6. Construction activities may be undertaken outside of the hours in condition D4 if required:

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

D7. Notification of such construction activities as referenced in Condition D6, must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

D8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

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

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

Implementation of Management Plans

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

Construction Traffic

- D10. All demolition and construction vehicles (excluding worker vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping.
- D11. No construction or on-going access for vehicles is to be gained directly from the classified road network (i.e. along the New South Head Road boundary of the development site) without approval from the relevant road authority.
- D12. All vehicles are to enter and exit the site in a forward direction.

Hoarding Requirements

- D13. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing;
 - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application; and

No Obstruction of Public Way

- D14. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances without relevant authority approval. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

Construction Noise Limits

- D15. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- D16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition D4.
- D17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of audible movement alarms (quackers) to minimise noise impacts on surrounding noise sensitive receivers.

Vibration Criteria

- D18. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D19. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D18
- D20. The limits in conditions D18 and D19 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C12 of this consent.

Air Quality

- D21. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D22. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

- D23. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Imported Soil

- D24. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Principal Certifying Authority upon request.

Disposal of Seepage and Stormwater

- D25. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Principal Certifying Authority. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Unexpected Finds Protocol – Aboriginal Heritage

- D26. 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 EESG 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 EESG to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EESG.

Unexpected Finds Protocol – Historic Heritage

- D27. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the 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 Department of Premier and Cabinet.

Waste Storage and Processing

- D28. All waste generated by construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D29. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

- D30. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.

Independent Environmental Audit

- D31. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- D32. Prior to the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Principal Certifying Authority.

- D33. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:

- (a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and
- (b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.

In all other respects Table 1 remains the same. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks notice to the applicant of the date upon which the audit must be commenced.

- D34. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department and the Principal Certifying Authority under condition D32 of this consent; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- D35. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition D34 of this consent;
 - (b) submit the response to the Department and the Principal Certifying Authority; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Principal Certifying Authority in writing at least seven days before this is done.
- D36. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

PART E PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

Notification of Occupation

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

Out of Hours Event Management Plan

- E2. Prior to the commencement of the first out of hours events (school use) run by the school that involves 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (School Use) 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 New Centenary Building and Aquatic and Fitness Centre, where applicable, restricting use before 6 am and after 10 pm, for events outside the normal function of school operations;
 - (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.
- E3. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.
- E4. Prior to the commencement of out of hours events (community use) run by the external parties that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (Community Use) in consultation with Council and submit it to the Council and Planning Secretary. The plan must 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 New Centenary Building and Aquatic and Fitness Centre, where applicable, restricting use before 6 am and after 10 pm, for events outside the normal function of school operations;
 - (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.
- E5. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified community event or use.

External Walls and Cladding

- E6. Prior to issue of an occupation certificate, the Applicant must provide the Principal Certifying Authority with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E7. The Applicant must provide a copy of the documentation given to the Principal Certifying Authority to the Planning Secretary within seven days after the Principal Certifying Authority accepts it.

Post-construction Dilapidation Report

- E8. Prior to issue of an occupation certificate, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure.
 - b) to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Principal Certifying Authority must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c) to be forwarded to Council.

Protection of Public Infrastructure

- E9. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by B3 of this consent.

Utilities and Services

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

Works as Executed Plans

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

Green Travel Plan

- E12. Prior to issue of an occupation certificate, the Green Travel Plan (GTP) dated 17 December 2018 prepared by ptc issue 5, must be submitted to the Principal Certifying Authority and implemented by the school to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Woollahra Council and (Sydney Coordination Office) Transport for NSW;
 - (b) include a survey of staff and parents to determine the demand that exists for staff and students to cycle to school;
 - (c) include 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;
 - (d) include specific tools and actions to help achieve the objectives and mode share targets;
 - (e) include 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
 - (f) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of students and staff to and from both schools at appropriate times throughout the academic year.

Heritage

- E13. The Applicant must prepare a Heritage Interpretation Plan to acknowledge the historic heritage of the site.
- E14. A photographic archival recording of all buildings and landscape elements to be demolished must be prepared prior to the commencement of works, in accordance with the NSW Heritage Division publications "How to prepare archival records of heritage items and Photographic Recording of Heritage Items using Film or Digital Capture". A copy of these archival recordings must be provided to Woollahra Council.
- E15. The history and development of the site should be interpreted on the site by introduced devices such as (but not limited to) plaques that detail the history of the site and its historical associations as outlined in the Statement of Heritage Impact prepared by Urbis, Issue 03, dated 7 May 2018.
- E16. The recommendations contained within Section 7 of the Heritage Impact Statement prepared by Urbis, Issue 03, dated 7 May 2018 must be fully complied with.
- E17. A suitably qualified heritage architect/consultant shall be engaged to oversee all works to buildings identified as being of high significance including, but not limited to, the Perkins building.
- E18. Appropriate mitigation measures are to be implemented to ensure that no damage occurs during construction to the significant Sports Pavilion (Rotunda designed by John Horbury Hunt).

Mechanical Ventilation

- E19. Prior to the issue of an Occupation Certificate, the Applicant must provide evidence to the satisfaction of the Principal Certifying Authority, prior to the final occupation, that the installation and performance of the mechanical ventilation systems complies with:
 - (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
 - (b) any dispensation granted by the NSW Fire Brigade.

Road Damage

- E20. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to commencement of use of any stage of the development.

Fire Safety Certification

- E21. Prior to issue of an occupation certificate, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- E22. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Principal Certifying Authority prior to the occupation of the relevant parts of any new or refurbished buildings. 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 Principal Certifying Authority 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.

Car Parking Arrangements

- E23. Prior to the commencement of operations of the Aquatic & Fitness Centre or other timeframe agreed in writing by the Planning Secretary, the proposed expansion of the carpark must be completed.

Compliance with Food Code

- E24. The Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and must provide evidence of receipt of the certificate to the satisfaction of the Principal Certifying Authority

Stormwater Quality Management Plan

- E25. Prior to issue of an occupation certificate, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Principal Certifying Authority along with evidence of compliance with the OMP. The OMP must ensure proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Rainwater Harvesting

- E26. Prior to the issue of the relevant occupation certificate, a signed works-as-executed Rainwater Re-use Plan must be provided to the Principal Certifying Authority and the Planning Secretary

Warm Water Systems and Cooling Systems

- E27. 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.

Outdoor Lighting

- E28. Prior to the issue of the relevant occupation certificate, the Applicant must submit evidence from a suitable qualified practitioner to the Principal Certifying Authority that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage

- E29. Prior to the issue of the relevant occupation certificate, way-finding signage and signage identifying the location of staff car parking must be installed.
- E30. Prior to the issue of the relevant occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- E31. Prior to the issue of the relevant occupation certificate, 'Do not drink' signage on non-potable water used for toilet flushing and to new hose taps and irrigation systems for landscaped areas must be installed within the site.

Operational Waste Management Plan

- E32. Prior to issue of an occupation certificate, the Applicant must prepare a Waste Management Plan for the development and submit it to the Principal Certifying Authority. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the*

Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (Department of Environment, Climate Change and Water, 2009);

- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) include the Management and Mitigation Measures included in the Preparation of Waste & Recycling Management Plan prepared by SLR Consulting Australia Pty Ltd dated 18 April 2018.

Landscape Management Plan

- E33. Prior to issue of an occupation certificate, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Principal Certifying Authority.
- E34. The plan must describe the monitoring and maintenance measures to manage revegetation and landscaping works; be consistent with the Applicant's Management and Mitigation Measures in the EIS and Rts

Road and Public Domain Works

- E35. Prior to issue of an occupation certificate, the Applicant must ensure the following:
 - (a) Road and public domain works as required by Condition C31 have been completed to the satisfaction of Council.
 - (b) All road and public domain works specified in the approved plans listed in Condition A2(d) have been completed to the satisfaction of the Principal Certifying Authority.

Covenant for Works on Council Property

- E36. Prior to the issue of the final Occupation Certificate and to ensure that all private structures on Council public road reserve are in accordance with Council's "Policy for Managing Encroachments on Council Road Reserves", the person with the benefit of this consent, being the owner of Cranbrook School, must enter into a legal agreement with Council for the associated landscaping and placement of private structures on Council's property.
- E37. The owner must enter into a legal agreement as follows:
 - (a) the registration on the title to the subject property to which this Public Positive Covenant pursuant to S88E of the *Conveyancing Act 1919* burdening the subject property and benefitting the Council providing for the indemnification of Council from any claims or actions, and the ongoing maintenance of any private structures encroaching on the public road reserve for which consent has been given, such as steps, retaining walls, sitting furniture, access ways, overhang balconies, awnings, signs and the like. This process has an estimated timeframe of 2 months.
 - (b) the wording of the Public Positive Covenant must be in accordance with Council's standard format and the Instrument must be registered at the Land Property Information office prior to the issue of the relevant Occupation Certificate.
 - (c) the property owner must pay Council monetary compensation for the Public Positive Covenant, as determined by the Council, and must also pay all of Council's associated costs.

Note: The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The Principal Certifying Authority must supply a copy of the works as executed plans to Council together with the final Occupation Certificate.

Creation of Easement for Access for the Public Footpath Located within Private Property

- E38. Prior to the issue of the final Occupation Certificate for the Aquatic and Fitness Centre, an easement for access must be created on the Cranbrook School Certificate of Title for any portion of the proposed footpath adjacent to New South Head Road and located within the School's property boundary.

E39. The owner must enter into a legal agreement as follows:

- (a) the procuring of an easement for access in favour of Woollahra Council from Cranbrook School in terms satisfactory to the Council under the Conveyancing Act 1919 permitting the public footpath structures to remain on Cranbrook School Property; and
- (b) the property owner must pay of all Council's associated costs with the legal agreement.

Positive Covenant and Work-As-Executed Certification of Stormwater Systems

E40. On completion of construction work, stormwater drainage works must be certified by a professional engineer with Works-As-Executed drawings submitted to the Principal Certifying Authority detailing:

- (a) compliance with conditions of development consent relating to stormwater;
- (b) the structural adequacy of the on-site detention system (OSD);
- (c) that the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) pipe invert levels and surface levels to Australian Height Datum;
- (e) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits; and
- (f) prior to the issue of a final Occupation Certificate, a positive Covenant pursuant to Section 88E of the Conveyancing Act 1919 must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the on-site detention system and/or absorption trenches, including any pumps and sumps incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered at the Lands Title Office.

PART F POST OCCUPATION

Operation of Plant and Equipment

- F1. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Community Communication Strategy

- F2. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Unobstructed Driveways and Parking Areas

- F3. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Green Travel Plan

- F4. The Green Travel Plan required by condition E12 of this consent must be updated annually and implemented, unless otherwise agreed to by the Planning Secretary.

Ecologically Sustainable Development

- F5. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star design and As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifying Authority and the Planning Secretary.
- F6. If an alternative certification process has been agreed to by the Planning Secretary under Condition C9, evidence of compliance must be provided to the Principal Certifying Authority and the Planning Secretary.

Outdoor Lighting

- F7. Notwithstanding Condition E28, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Landscaping

- F8. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E33 for the duration of occupation of the development.

APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the 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 fails to give the notification required under condition A25 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.

APPENDIX 2 ADVISORY NOTES

Long Service Levy

- AN1 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

- AN2 Any advice or notice to the consent authority must be served on the Planning Secretary.

Road Design and Traffic Facilities

- AN3 All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (RMS) (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

Utilities and Services

- AN4 Prior to commencement of works, for any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- AN5 Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

Hoarding Requirements

- AN6 The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

- AN7 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 particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Fire Safety Certificate

- AN8 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.

Submission of documentation, drawings and details to TfNSW (RMS)

- AN9 The developer is to submit design drawings and documents relating to the excavation of the site and support structures (i.e. the works for the proposed aquatic and fitness centre that are adjacent to and in the vicinity of the New South Head Road road reserve) to TfNSW (RMS) for assessment, in accordance with Technical Direction GTD2012/001 and approval provided.
- AN10 The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW (RMS). Please send all documentation to development.sydney@rms.nsw.gov.au.
- AN11 If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
- AN12 Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system (e.g. that impact upon New South Head Road) are to be submitted to TfNSW (RMS) for approval, prior to the issue of a Construction Certificate and commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au.
- AN13 A plan checking fee will be payable and a performance bond may be required before TfNSW (RMS) approval is issued.

Road Occupancy License

AN14 A *Road Occupancy Licence* must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

AN15 To protect the safety of work personnel and the public, the work site must be adequately *secured* to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Sydney Water Compliance

AN16 The *approved* plans must be submitted to the Sydney Water Tap in online service to determine whether the development will affect any Sydney Water or water main, stormwater drains and/or easement, and if further requirements need to be met.

