

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of *the State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3.

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.

[Name of Commissioner]
Member of the Commission

[Name of Commissioner]
Member of the Commission

Sydney

2020

SCHEDULE 1

Application Number:	SSD 8993
Applicant:	SCEGGS Darlinghurst Limited
Consent Authority:	Independent Planning Commission
Site:	215 Forbes Street, Darlinghurst (Lot 200 DP1255617)
Development:	Concept proposal and first stage of works for the redevelopment of SCEGGS including: <u>Concept proposal:</u> <ul style="list-style-type: none">• demolition of Wilkinson House, Science and Library Building, Old Gym Building, part of additions to Barham Building;• conservation works to the existing Barham Building for use for general school purposes;• four building envelopes and land use comprising:<ul style="list-style-type: none">◦ maximum six storey Multi-Purpose Building envelope for general school purposes and childcare centre and including pick-up/drop-off and car parking facilities;◦ maximum four storey replacement Wilkinson House building envelope for general school purposes; and◦ maximum three storey Administration Building envelope for general school purposes.

Stage 1 works:

- demolition of existing Wilkinson House;
- excavation of basement and construction of a new 4 storey building for general school purposes; and
- construction of 10 temporary demountable classrooms for use during Stage 1 works.

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>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	SCEGGS Limited or 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>
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
CEMP	Construction Environmental Management Plan
Conditions of this consent	The conditions contained in Schedule 2 and 3 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: <ul style="list-style-type: none"> • 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	City of Sydney Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Design Guidelines and Development Parameters	Design Guidelines and Development Parameters contained within the document titled <i>SCEGGS Darlinghurst Masterplan 2040 Architectural Design Report Rev B</i> prepared by TKDArchitects and dated January 2019
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities as modified by the conditions of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EESG	The Environment, Energy and Science Group of the Department of Planning, Industry and Environment

EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement SCEGGS Darlinghurst Concept Plan and Wilkinson House Redevelopment</i> , prepared by Urbis Pty Ltd, dated 5 February 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
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>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
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
Management and mitigation measures	The management and mitigation measures set out in Section 9 of the Response to Submissions
Material harm	Is harm that: <ol style="list-style-type: none"> involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or 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 and Public Spaces (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
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
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
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
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.
RFI	The Applicant’s further information titled <i>Response to Request for Information – SCEGGS Darlinghurst SSD 8893</i> prepared by Urbis Pty Ltd and dated 17 January 2020
RtS	The Applicant’s response to submissions titled <i>Response to Submissions and Preliminary Assessment SCEGGS Darlinghurst Concept Plan and Wilkinson House Redevelopment</i> , prepared by Urbis Pty Ltd, dated 4 November 2019
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 site as described at Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
TfNSW (RMS)	Transport for New South Wales (Roads and Maritime Services)
VENM	Virgin Excavated Natural Material
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
CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL
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.

Determination of Future Applications

A2. In accordance with section 4.22(4) of the EP&A Act all development under the Concept Proposal must be subject of future application(s).

A3. The determination of future development application(s) is to be not inconsistent with the terms of development consent SSD 8993 as described in Schedule 1 and subject to the conditions in Parts A and B, Schedule 2.

Terms of Consent

A4. The development may only be carried out:

- in compliance with the conditions of this consent;
- in accordance with all written directions of the Planning Secretary;
- generally in accordance with the EIS, RtS and RRFI;
- in accordance with the approved plans in the table below:

Architectural drawings prepared by TKD Architects			
Dwg No.	Rev	Name of Plan	Date
AR.MP.1102	D	PROPOSED SITE PLAN	15.01.20
AR.MP.1103	B	GFA CALCULATIONS	26.09.18
AR.MP.1104	A	EXISTING AND DEMOLISHED GFA PLANS	26.09.18
AR.MP.2101	E	PROPOSED MASTERPLAN ENVELOPE LEVEL 1	15.01.20
AR.MP.2102	D	PROPOSED MASTERPLAN ENVELOPE LEVEL 2	15.01.20
AR.MP.2103	C	PROPOSED MASTERPLAN ENVELOPE LEVEL 3	26.09.18
AR.MP.2104	C	PROPOSED MASTERPLAN ENVELOPE LEVEL 4	26.09.18
AR.MP.2105	C	PROPOSED MASTERPLAN ENVELOPE LEVEL 5	26.09.18
AR.MP.2106	C	PROPOSED MASTERPLAN ENVELOPE LEVEL 6	26.09.18
AR.MP.2107	C	PROPOSED MASTERPLAN ENVELOPE LEVEL 7	26.09.18
AR.MP.2108	D	PROPOSED MASTERPLAN ENVELOPE ROOF LEVEL	15.01.20
AR.MP.2109	D	ENVELOPE DIMENSIONS LEVEL 1	15.01.20
AR.MP.2110	D	ENVELOPE DIMENSIONS LEVEL 2	15.01.20
AR.MP.2111	D	ENVELOPE DIMENSIONS ROOF LEVEL	15.01.20
AR.MP.3002	D	PROPOSED MASTERPLAN ENVELOPE ELEVATIONS	15.01.20
AR.MP.4003	C	PROPOSED MASTERPLAN ENVELOPE SECTIONS 1	26.09.18
AR.MP.4004	C	PROPOSED MASTERPLAN ENVELOPE SECTIONS 2	26.09.18
AR.MP.5002	C	PROPOSED SHADOW DIAGRAMS_SPRING-SUMMER-AUTUMN	26.09.18
AR.MP.5004	C	PROPOSED SHADOW DIAGRAMS_WINTER	26.09.18
AR.MP.5006	C	PROPOSED SHADOW DIAGRAMS_WINTER_THOMSON ST	26.09.18
AR.MP.5009	C	PROPOSED SHADOWS ON THOMSON STREET ELEVATION WINTER	26.09.18
AR.MP.6001	C	3D HEIGHT PLANE 1	26.09.18

AR.MP.6002	C	3D HEIGHT PLANE 2	26.09.18
AR.MP.6003	B	3D HEIGHT PLANE 3	26.09.18
AR.MP.6004	B	3D HEIGHT PLANE 4	26.09.18
AR.MP.6005	B	3D HEIGHT PLANE 5	26.09.18
AR.MP.6006	B	3D HEIGHT PLANE 6	26.09.18
Concept landscape drawings prepared by Context			
Dwg No.	Rev	Name of Plan	Date
18549	D	LANDSCAPE CHARACTER ZONES	September 2019
18549	A	LANDSCAPE MASTERPLAN	September 2019
18549	A	CHARACTER ZONE – WILKINSON HOUSE	September 2019
18549	A	CHARACTER ZONE – FORBES STREET ENTRY	September 2019
18549	A	CHARACTER ZONE – FORBES STREET ELEVATION	September 2019
18549	A	CHARACTER ZONE – HERITAGE ZONE	September 2019
18549	A	CHARACTER ZONE – CENTRAL LAWN	September 2019
18549	A	CHARACTER ZONE – CENTRAL LAWN (section)	September 2019
18549	A	CHARACTER ZONES – PODIUM + ROOFTOP	September 2019
18549	A	CHARACTER ZONES – PODIUM + ROOFTOP (section)	September 2019
18549	A	MATERIALITY	September 2019

A5. 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.

A6. 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 A4. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A4, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

A7. This consent lapses five years after the date of consent unless the works associated with the Stage 1 development have physically commenced.

Student, childcare and Staff Numbers

A8. The student population and associated full time equivalent staff numbers of SCEGGS must not exceed 942 and 158 respectively.

A9. Notwithstanding condition A8, the maximum student population may exceed 942 by up to a maximum of 20 additional students to allow for unanticipated fluctuations on a temporary basis.

A10. The childcare centre must not exceed 45 childcare places and 5 staff.

Prescribed Conditions

A11. 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

A12. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Legal Notices

A13. Any advice or notice to the consent authority must be served on the Planning Secretary.

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 CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

Building Design

B1. All future development applications for new built form must include:

- (a) detailed plans, elevations and sections.
- (b) artist's perspectives and photomontages.
- (c) a design statements demonstrating the design quality of the proposed development having regard to the existing buildings on site, the character of surrounding development and the Design Principles in Schedule 4 of the State Environmental Planning Policy Educational Establishments and Child Care Facilities) 2017.
- (d) consideration of the Design Guidelines and Development Parameters.

B2. The proposed new built form must be contained within the approved building envelopes illustrated in the approved plans referenced at Schedule 2, Condition A4.

Heritage

B3. All future development applications for new built form must be accompanied by a Heritage Impact Statement and Heritage Archaeological Assessment, which considers both Aboriginal and non-Aboriginal archaeological impacts.

Landscaping

B4. All future development applications for new built form must include:

- (a) detailed landscape plans identifying the vegetation to be removed or relocated, and the location of replacement and additional landscaping. The plans must:
 - (i) be generally in accordance with the Landscape Masterplan Rev D prepared by Context and dated September 2019 submitted with the RtS.
 - (ii) include relevant details of the species to be planted (preferably species indigenous to the area) and the landscape treatments, including any pavement and seating areas.
 - (iii) consider opportunities for the inclusion of green roofs above new buildings.
- (b) an Arboricultural Impact Assessment, including detailed root mapping, which demonstrates that the proposed works would not be detrimental to the long term health of the existing trees retained on-site and along Bourke, Thompson, Forbes and St Peters Streets and Thompson Lane.

Ecologically Sustainable Development

B5. All future development applications for new built form must demonstrate how the principles of Ecologically Sustainable Development have been incorporated into the design, construction and on-going operation of the new buildings.

B6. All future development applications for new built form must consider opportunities for the incorporation of green roofs.

Amenity

B7. All future development applications for new built form must include an assessment of amenity impacts including solar access (including detailed overshadowing diagrams), visual privacy, view loss and light spill (including a lighting plan).

Community Use

B8. All future development applications for new built form must clarify whether there is any change to the existing arrangements for community use of school facilities/infrastructure. Where a change is proposed, details of operation, use, hours of operation, traffic and amenity impacts must be provided.

Childcare Centre Use

B9. The future development application(s) for the childcare centre shall demonstrate that the childcare centre and its facilities have been designed in accordance with the requirements of the

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and the associated standards and guidelines contained within the associated Child Care Planning Guideline, 2017.

Disability Access

B10. All future development applications for new built form must be accompanied include a Disability Access Review to demonstrate an appropriate degree of accessibility in accordance with the *Disability (Access to Premises - buildings) Standards 2010 (the Premises Standards)*.

Traffic, Access, Car and Bicycle Parking

B11. All future development applications for new built form must be accompanied by:

- (a) a Traffic Impact Assessment that considers the traffic and transport impacts associated with the construction and operation of the proposed development.
- (b) an updated Green Travel Plan outlining the measures to reduce private vehicle usage.
- (c) an Operational Transport and Access Management Plan.
- (d) a Road Safety Evaluation.

B12. The Multi-Purpose Building Bourke Street driveway must be designed to achieve the following outcomes:

- (a) minimise the width of the driveway to a maximum two vehicular lane widths only.
- (b) locate the proposed driveway to minimise impacts to street landscaping and street trees.
- (c) ensure fine grain building articulation is presented to Bourke Street.

B13. The maximum number of additional on-site car parking spaces must not exceed 15 spaces, comprising:

- (a) 12 childcare centre spaces.
- (b) 3 service vehicle spaces.

Note: the above car parking maximum does not apply to existing car parking spaces on the site or the potential relocation of any existing car parking spaces within the site.

B14. The future development applications relating to the Multi-Purpose Building must include the provision of a minimum of 50 bicycle parking spaces and associated end of trip facilities.

B15. The future development applications relating to the Multi-Purpose Building and the surface car park accessed off Forbes Street must:

- (a) demonstrate how the 19 existing student/staff bicycle parking spaces (located on the Old Gym Building and the Forbes Street car park) will be retained or re-provided.
- (b) demonstrate that the 19 existing/re-provided bicycle spaces are in addition to the 50 spaces provided in accordance with condition B1410.
- (c) confirm the new use and treatment of the space previously used as the Forbes Street surface car park, which must not include car parking.

Waste

B16. All future development applications for the new built form must include a Waste Management Plan to address storage, collection, vermin-control, hygiene and management of waste and recycling within the development.

Utilities

B17. All future development applications for new built form must address the existing capacity and any augmentation requirements of the development for the provision of utilities including staging of infrastructure through the preparation of an Infrastructure Management Plan in consultation with relevant agencies and service providers.

Stormwater and Flooding

B18. All future development applications for new built form must be accompanied by:

- (a) a Stormwater Management Plan detailing an assessment of any flood risk on site and consideration of any relevant provisions of the NSW Floodplain Development Manual

2005, stormwater and drainage infrastructure, and details demonstrating that water sensitive urban design measures have been incorporated into the development.

Construction

B19. All future development applications for new built form must provide an analysis and assessment of the impacts of construction and include:

- a) Construction Pedestrian and Traffic Management Plan (CPTMP), prepared in consultation with TfNSW Sydney Coordination Office, Transport Management Centre and TfNSW (RMS). The CPTMP must detail vehicles routes, numbers of trucks, hours of operation, access arrangements and traffic control measures and cumulative construction impacts (i.e. arising from concurrent construction activity).
- b) Construction Noise and Vibration Impact Assessments that identifies and provides a quantitative assessment of the main noise generating sources and activities during construction, and any noise sources during operation. Details are to be provided outlining any mitigation measures to ensure the amenity of adjoining sensitive land uses is protected throughout the construction and operational periods.
- c) Community Consultation and Engagement Plans.
- d) Construction Waste Management Plan.
- e) Water Quality Impact Assessments and an Erosion and Sediment Control Plan (including water discharge considerations).
- f) Geotechnical Assessment Report with details of proposed mitigation measures during excavation works and measures to control impacts on adjoining properties due to vibration or changes to groundwater or drainage during construction.
- g) Acid Sulphate Soil Assessment and Management Plan.

Contamination

B20. All future development applications for new built form must be accompanied by a detailed site contamination investigation and, as necessary, a Remedial Action Plan.

SCHEDULE 3
CONDITIONS OF CONSENT FOR STAGE 1 WORKS
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

A2. The development may only be carried out:

- in compliance with the conditions of this consent;
- in accordance with all written directions of the Planning Secretary;
- generally in accordance with the EIS and Response to Submissions;
- in accordance with the approved plans in the table below:

Architectural drawings prepared by TKD Architects			
Dwg No.	Rev	Name of Plan	Date
AR.DA.1001	A	WILKINSON HOUSE TEMPORARY DEMOUNTABLES PLAN	26.09.18
AR.DA.2101	A	WILKINSON HOUSE REDEVELOPMENT BASEMENT PLAN	26.09.18
AR.DA.2102	B	WILKINSON HOUSE REDEVELOPMENT GROUND PLAN	26.09.18
AR.DA.2103	B	WILKINSON HOUSE REDEVELOPMENT LEVEL 1 PLAN	26.09.18
AR.DA.2104	B	WILKINSON HOUSE REDEVELOPMENT LEVEL 2 PLAN	26.09.18
AR.DA.2105	C	WILKINSON HOUSE REDEVELOPMENT LEVEL 3 PLAN	15.01.20
AR.DA.3002	C	WILKINSON HOUSE REDEVELOPMENT ELEVATIONS	15.01.20
AR.DA.5001	B	WILKINSON HOUSE REDEVELOPMENT EXTERNAL MATERIALS AND FINISHES	26.09.18

Civil drawings prepared by TKD Architects			
Dwg No.	Rev	Name of Plan	Date
C01	P1	NOTES AND LEGEND SHEET	19.10.18
C02	P1	EROSION AND SEDIMENT CONTROL PLAN	19.10.18
C05	P2	SITEWORKS AND STORMWATER PLAN	19.10.18
C10	P1	DETAIL SHEET 1	19.10.18
C11	P1	DETAIL SHEET 2	19.10.18

A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
- any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and
- the implementation of any actions or measures contained in any such document referred to in (a) above.

A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

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

Prescribed Conditions

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

Planning Secretary as Moderator

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

Evidence of Consultation

A8. Where conditions of this consent require consultation with an identified party, the Applicant must:

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

Staging

A9. The project may be constructed and operated in stages. Where 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 for the approval of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

A10. A Staging Report prepared in accordance with condition A9 must:

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

A11. Where staging is proposed, the project must be staged in accordance with the Staging Report, as approved by 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 plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy,

plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);

(b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and

(c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A14. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A15. If approved by the Planning Secretary, updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Structural Adequacy

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.*
- *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.*

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.

Incident Notification, Reporting and Response

A23. The Planning Secretary 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.

A24. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

A25. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

A26. 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.

A27. 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

A28. Within three months of:

- (a) the submission of a compliance report under condition C22;
- (b) the submission of an incident report under condition A23;
- (c) the submission of an Independent Audit under condition D40;
- (d) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

A29. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised. Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier 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.

PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Certified Drawings

B1. Prior to the issue of a construction certificate, the Applicant must submit to the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

Development Contributions

B2. Prior to the issue of a construction certificate, a contribution under section 7.11 of the EP&A Act must be paid to Council in relation to the Sydney Development Contributions Plan 2015 for the additional gross floor area of 163.10 square metres (adjusted on a quarterly basis from the date of this consent, to account for movements in the Australian Bureau of Statistics Consumer Price Index – Building Construction (NSW)). Prior to payment, Council shall provide the value of the indexed levy.

External Walls and Cladding

B3. Prior to the issue of a construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Access for People with Disabilities

B4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the issue of a construction certificate, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Ecologically Sustainable Development

B5. Prior to the issue of a construction certificate, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:

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

Outdoor Lighting

B6. Prior to the issue of a construction certificate, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

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

Protection of Public and Private Property Infrastructure

- C3. Prior to the commencement of construction, 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);
 - (c) prepare a dilapidation report identifying the condition of all adjoining and nearby premises including heritage items;
 - (d) prepare a report by a professional engineer detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions, and demonstrating the suitability of the proposed methods of construction to overcome any potential damage to nearby premises.
 - (e) submit a copy of the dilapidation report and engineers report to the Certifier and Council.

Site Contamination

- C4. Remediation approved as part of this development consent must be carried out in accordance with the report titled '*Report on Detailed Site (Contamination) Investigations, Stage 1 (Wilkinson House) of 2040 Masterplan, 215 Forbes St, Darlinghurst*' dated August 2019 and prepared by Douglas Partners Pty Ltd, as amended by letter titled '*SCEGGS Wilkinson House Redevelopment 215 Forbes Street, Darlinghurst*' and prepared by Douglas Partners Pty Ltd.
- C5. Following completion of remedial works, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by an EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the ongoing use as a school and be provided to the Certifier.

Unexpected Contamination Procedure

- C6. Prior to the commencement of earthworks, 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 C13** 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.

Utilities and Services

- C7. Prior to the commencement of the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- C8. 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.

Pre-Construction Dilapidation Report

- C9. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council, and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, heritage items on adjoining land in the

vicinity of the proposed construction works and Council assets that are likely to be impacted by the proposed works.

Community Communication Strategy

C10. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- (e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.

Demolition

C11. Prior to the commencement of construction, demolition work plans required by *AS 2601-2001 The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

Environmental Management Plan Requirements

C12. 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

C13. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:

- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (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 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling;
- (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C14);
- (c) Construction Noise and Vibration Management Sub-Plan (see condition C15);
- (d) Construction Waste Management Sub-Plan (see condition C16);
- (e) Construction Soil and Water Management Sub-Plan (see condition C17);
- (f) an unexpected finds protocol for contamination and associated communications procedure;
- (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
- (h) 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.

C14. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council and TfNSW;
- (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
- (d) detail heavy vehicle routes, access and parking arrangements
- (e) detail other major construction projects underway in Darlinghurst at the same time as the proposed works and make appropriate arrangements to mitigate any cumulative impacts;

- (f) include arrangements for the provision of replacement drop-off / pick-up spaces where existing drop-off / pick-up spaces are impacted by the proposed construction works;
- (g) 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;
- (h) include a program to monitor the effectiveness of these measures; and
- (i) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

C15. The Construction Noise and Vibration Management Sub-Plan (CNVMS) 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 C15(d);
- (f) include a complaints management system that would be implemented for the duration of the construction; and
- (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with Condition C12(d).

C16. 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; and
- (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 construction.

C17. 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) detail all off-Site flows from the Site; and
- (e) 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.

Construction Worker Transportation Strategy

C18. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise

demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

Operational Noise – Design of Mechanical Plant and Equipment

C19. Prior to installation of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the revised report titled '*SCEGGS Darlinghurst Masterplan & Stage 1 Project Application Construction & Operational Noise Report No.18180 Version C*' dated October 2019 and prepared by Wilkinson Murray Pty Ltd (CONR), into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the CONR.

Archival Photographic Documentation – Wilkinson House building

C20. Prior to the commencement of demolition works on site, a photographic archival record of the external and internal areas of the Wilkinson House building must be prepared in accordance with the NSW Heritage Branch guidelines titled *Photographic Recording of Heritage Items using Film or Digital Capture*. A digital copy must be submitted to Council, any local studies collection in the relevant local government area and the Planning Secretary prior to demolition works commencing.

Public Domain Works

C21. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

Compliance Reporting

C22. 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 Planning Secretary and the Certifier.

C23. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

C24. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.

C25. 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.

PART D DURING CONSTRUCTION

Approved Plans to be On-site

D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

Site Notice

D2. A site notice(s):

- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
- (b) 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;
- (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (d) 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
- (e) 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

D3. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Demolition

D4. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by Condition C11.

Construction Hours

D5. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

- (a) between 7:30am and 5:30pm, Mondays to Fridays inclusive; and
- (b) between 7:30am and 3:30pm, Saturdays.

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

D6. Construction activities may be undertaken outside of the hours in condition D5 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.

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 at conditions C14 to C17).

Construction Traffic

D10. All construction 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 or approved on-street work zone before stopping.

Road Occupancy Licence

D11. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

Hoarding Requirements

D12. The following hoarding requirements must be complied with:

- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
- (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.
- (c) the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

No Obstruction of Public Way

D13. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Construction Noise Limits

D14. 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 CNVMS (condition C15).

D15. 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 D5.

D16. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.

D17. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.

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 CNVMS, approved as part of the CEMP and required by condition C15 of this consent.

Tree Protection

D21. For the duration of the construction works:

- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- (b) all street trees must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arboricultural Impact Assessment dated September 2019 and prepared by Bluegum Tree Care and Consultancy; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Air Quality

D22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D23. 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.

D24. The Applicant must install and operate equipment in line with best practice.

Erosion and Sediment Control

D25. 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. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

Imported Soil

D26. 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 Certifier upon request.

Disposal of Seepage and Stormwater

D27. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Stormwater Management System

D28. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier. 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; and
- (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;

Unexpected Finds Protocol – Aboriginal Heritage

D29. 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 EES Group 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 EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

Unexpected Finds Protocol – Historic Heritage

D30. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the NSW Heritage NSW 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 the NSW Heritage NSW.

Waste Storage and Processing

D31. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

D32. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

D33. 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.

D34. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.

D35. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Outdoor Lighting

D36. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Independent Environmental Audit

D37. 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.

D38. 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 Planning Secretary and the Certifier.

D39. 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.

D40. Independent Audits of the development must be carried out in accordance with:

- (a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition D38 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).

D41. 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 D40 of this consent;
- (b) submit the response to the Planning Secretary and the Certifier; and
- (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.

D42. 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 COMMENCEMENT OF OPERATION

Notification of Occupation

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

External Walls and Cladding

E2. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

E3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Post-construction Dilapidation Report

E4. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:

- to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
- to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- to be forwarded to Council.

Protection of Public Infrastructure

E5. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- 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 this consent.

Protection of Property

E6. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Utilities and Services

E7. Prior to commencement of operation, 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

E8. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Green Travel Plan

E9. Prior to the commencement of operation, a Green Travel Plan (GTP), must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:

- (a) be prepared by a suitably qualified traffic consultant in consultation with TfNSW;
- (b) 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;
- (c) include specific tools and actions to help achieve the objectives and mode share targets;
- (d) 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
- (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

Heritage Interpretation Plan

E10. Prior to the commencement of operation, the Applicant must submit a Heritage Interpretation Plan to acknowledge the heritage of the site to the satisfaction of the Planning Secretary. The plan must:

- (a) be prepared by a suitably qualified and experienced expert in consultation with the Heritage NSW and Council;
- (b) include provision for naming elements within the development that acknowledges the site's heritage; and
- (c) incorporates interpretive information in to the new Wilkinson House building.

Mechanical Ventilation

E11. Prior to commencement of operation, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:

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

Operational Noise – Design of Mechanical Plant and Equipment

E12. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Construction and Operational Noise Report dated October 2019 and prepared by Wilkinson Murray Pty Ltd have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Construction and Operational Noise Report.

Road Damage

E13. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Fire Safety Certification

E14. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

E15. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:

- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and

(b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Stormwater Quality Management Plan

E16. Prior to the commencement of operation, an Operation and Maintenance Plan (OMP) is to be submitted to the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:

- (a) maintenance schedule of all stormwater quality treatment devices;
- (b) record and reporting details;
- (c) relevant contact information; and
- (d) Work Health and Safety requirements.

Warm Water Systems and Cooling Systems

E17. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 *Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Outdoor Lighting

E18. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Site Contamination

E19. Remediation approved as part of this development consent must be carried out in accordance with the report titled '*Report on Detailed Site (Contamination) Investigations, Stage 1 (Wilkinson House) of 2040 Masterplan, 215 Forbes St, Darlinghurst*' dated August 2019 and prepared by Douglas Partners Pty Ltd, as amended by letter titled '*SCEGGS Wilkinson House Redevelopment 215 Forbes Street, Darlinghurst*' and prepared by Douglas Partners Pty Ltd

E20. Prior to the issue of an occupation certificate, 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).

Ecological Sustainable Development

E21. Prior to the issue of an occupation certificate, evidence must be submitted to the Certifier from a suitably qualified Green Star Accredited Professional that the ESD measures approved under condition B5 have been implemented.

PART F - POST OCCUPATION

Operation of Plant and Equipment

F1. All temporary demountable classrooms shall be dismantled and removed from the site within three months of the occupation of the replacement Wilkinson House building.

Operation of Plant and Equipment

F2. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

F3. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Community Communication Strategy

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

Heritage Interpretation Plan

F5. The Applicant must implement the most recent version of the Heritage Interpretation Plan approved under condition E10.

Operational Noise Limits

F6. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Construction and Operational Noise Report dated October 2019 and prepared by Wilkinson Murray Pty Ltd.

F7. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the Construction and Operational Noise Report dated October 2019 and prepared by Wilkinson Murray Pty Ltd. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Unobstructed Driveways and Parking Areas

F8. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Green Travel Plan

F9. The Green Travel Plan required by condition E9 of this consent must be updated annually, including the results of monitoring/review undertaken in accordance with condition E9(e), and implemented unless otherwise agreed by the Planning Secretary. A copy of the updated Green Travel Plan(s) must be made available to the Planning Secretary upon request.

Ecologically Sustainable Development

F10. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary.

Outdoor Lighting

F11. Notwithstanding Condition E18, 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.

APPENDIX 1 ADVISORY NOTES

General

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

Long Service Levy

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

Legal Notices

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

Utilities and Services

AN4. Prior to the construction of 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.

Road Design and Traffic Facilities

AN6. 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.

Road Occupancy Licence

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

SafeWork Requirements

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

Hoarding Requirements

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

Handling of Asbestos

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

Fire Safety Certificate

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

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary 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 A23 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.