

# 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 26 April 2021, 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.



Alan Bright

**Director**

**State Significant Acceleration**

Sydney

14 October 2021

### **SCHEDULE 1**

<b>Application Number:</b>	SSD 10325
<b>Applicant:</b>	KINCOPPAL - ROSE BAY SCHOOL
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Lot 104 DP 1092747 2 Vaucluse Road, Vaucluse
<b>Development:</b>	<p>Consent is sought for staged alterations and additions to Kincoppal-Rose Bay School of the Sacred Heart comprising a concept proposal and detailed stage 1 proposal. The development includes:</p> <p><b><u>Concept Proposal:</u></b></p> <ul style="list-style-type: none"><li>• the reconfiguration and expansion to the Hughes centre</li><li>• the reconfiguration and expansion to the senior school circulation hub</li><li>• the construction of a new building to form an expansion to the existing boarding house facilities</li></ul> <p><b><u>Stage 1 Proposal:</u></b></p> <ul style="list-style-type: none"><li>• the demolition of pavements, toilet block, building interiors and roofs</li></ul>

- alterations and upgrade works to the existing early learning centre, junior school Barat Burn buildings, year 8 learning centre and senior school main entrance forecourt
- traffic management works including new drop-off pick up facilities, new entrance signage, new vehicular crossing, elevated pedestrian path and increased car parking
- improved pedestrian access throughout the school
- landscaping and tree removal
- an Increase in the total number of students up to 1,205

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	KINCOPPAL - ROSE BAY SCHOOL or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	<i>Construction Environmental Management Plan</i>
<b>Certified Contaminated Land Consultant</b>	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
<b>Certifier</b>	Means a council or accredited certifier
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings , the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• Archaeological Salvage;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).</p>
<b>Council</b>	Woollahra Municipal Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds, driveways, paths, and other structures on the site
<b>Department</b>	NSW Department of Planning Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities, as modified by the conditions of this consent.
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services

<b>EES Group</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement, Kincoppal-Rose Bay School</i> , prepared by Urbis dated 27 November 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>Evening</b>	The period from 6pm to 10pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>GTP</b>	Green Travel Plan
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage NSW, Department of Premier and Cabinet
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in the EIS
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>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)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces and Minister for Transport and Roads (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent

<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled "Aboriginal cultural heritage consultation requirements for proponents 2010" (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>RtS</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
<b>Site</b>	The land defined in Schedule 1
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

**SCHEDULE 2**  
**CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL**  
**PART A ADMINISTRATIVE CONDITIONS**

**Determination of Future Applications**

- A1. In accordance with Section 4.22(4) of the EP&A Act all development under the concept proposal must be the subject of future development application(s), other than the development of Stage 1 that is subject to the conditions of consent in Schedule 3.
- A2. The determination of future application(s) is to be not inconsistent with the terms of development consent SSD 10325 as described in Schedule 1 and subject to the conditions in Parts A and B, Schedule 2.

**Obligation to Minimise Harm to the Environment**

- A3. 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**

- A4. The development (other than the development of Stage 1 that is subject to the conditions of consent in Schedule 3) may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS as prepared by Urbis dated 27 November 2020 and Response to Submissions (RtS) prepared by Urbis dated 15 July 2021;
  - (d) in accordance with the approved plans in the table below:

<b>Architectural drawings prepared by BVN Architects</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
AR-ABC-A1-01	5	Site – Proposed Site Plan – Concept Masterplan	04.06.2021
AR-ABC-A1-03	1	Site – Proposed Site Plan – Concept Works	04.06.2021
AR-ABC-A1-10	1	Site – Existing Carpark Plan	04.06.2021
AR-ABC-A1-11	1	Site – Proposed Carpark Plan	04.06.2021
AR-ABC-A1-12	1	Site – ESD Initiatives	04.06.2021
AR-B11-B1-00	1	B11 Site Plan Precinct Identification	04.06.2021
AR-B11-B1-01	1	B11 Site Plan – Setbacks	04.06.2021
AR-B11-B1-02	1	B11 Floor Plans	04.06.2021
AR-B11-D1-00	1	B11 Site Section	04.06.2021
AR-B11-D1-01	1	B11 Section	04.06.2021
AR-B12-B1-00	1	B12 Site Plan Precinct Identification	04.06.2021
AR-B12-B1-01	1	B12 Site Plan – Setbacks	04.06.2021
AR-B12-B1-02	1	B12 Floor Plans	04.06.2021
AR-B12-D1-00	1	B12 Site Section	04.06.2021
AR-C14-B1-00	1	C14 Site Plan Precinct Identification	04.06.2021
AR-C14-B1-01	1	C14 Site Plan – Setbacks	04.06.2021
AR-C14-B1-02	1	C14 Floor Plans	04.06.2021
AR-C14-D1-00	1	C14 Site Section	04.06.2021
AR-C14-D1-01	1	C14 Section	04.06.2021
<b>Landscape drawings prepared by Turf Design Studio</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
L-DA-2	A	Landscape Concept Plan	24.05.2021
L-DA-3	A	Concept Tree Management Plan	24.05.2021
L-DA-4	A	Materials Palette	24.05.2021
L-DA-5	A	Planting Palette – Sheet 01	24.05.2021
L-DA-6	A	Planting Palette – Sheet 02	24.05.2021

- 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; and
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in condition (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(c) or A4(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A4(c) and A4(d), 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 work is physically commenced within the meaning of Section 4.53 of the EP&A Act.
- A8. This approval does not allow any components of the concept proposal to be carried out without further approval or consent being obtained from the relevant consent authority (other than the development of Stage 1 that is subject to the conditions of consent in Schedule 3).

#### **Staff and student numbers**

- A9. The student population must not exceed 1,205 comprising the following student groups:
- (a) A maximum of 70 early learning centre students; and
  - (b) A maximum of 1,135 primary or senior school students.
- Notwithstanding, the maximum primary or senior student population may exceed 1,135 by up to a maximum 20 additional students from time to time, to allow for unanticipated fluctuations on a temporary basis. No temporary exceedance is allowed for the early learning centre.
- A10. A maximum of 190 boarding students are permitted at the school at any one time.
- Notwithstanding, the maximum number of boarders may exceed 190 by up to a maximum 15 additional students from time to time, to allow for unanticipated fluctuations on a temporary basis.
- A11. The full-time equivalent staff numbers must not exceed 185.

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

### Building Design

- B1. All future development applications relating to the concept development must include:
- (a) detailed plans, elevations and sections;
  - (b) a Design statement demonstrating the design quality of the proposed development having regard to the existing buildings on site, the character of surrounding development and the design quality principles in Schedule 4 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
  - (c) a Crime Prevention Through Environmental Design (CTPED) assessment, which details measures to maximise the safety of students, staff and public; and
  - (d) an Urban Design Report including artist's perspectives and photomontages (Boarding House Extension only).
- B2. All future built form must be contained wholly within the approved building envelopes, illustrated in the approved plans referenced at Schedule 2 Condition A4.

### Aboriginal Heritage

- B3. Any future development application for the Boarding House Extension must be accompanied by an Aboriginal Cultural Heritage Report (ACHAR) prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the site.

### Built Heritage

- B4. All future development applications for the concept proposal involving demolition and/or any new built form must be accompanied by a Heritage Impact Statement and must include:
- (a) Consideration of the strategies and recommendations outlined within the Conservation Management Plan (CMP) prepared by Design 5 (dated August 2020) and submitted with the EIS.
  - (b) Consideration to the design recommendations contained within the Heritage Impact Statement (HIS) prepared by Design 5 (dated October 2020) including:
    - Senior School integrated circulation hub
      - (i) The fabric associated with the main school building is maintained and conserved, in particular, the joinery of the main stair.
      - (ii) A detailed fabric analysis is undertaken of the affected areas prior to development of the proposal.
    - Internal alterations to the Hughes Centre
      - (iii) There be no increase to the width of the window openings proposed to be converted to doors.
      - (iv) Materials for the balcony be visually recessive.
      - (v) Works to the Hughes Centre must include opportunities to recover the significance of Claremont, such as the replacement of the decorative iron balustrade on the northern side, so as to ensure that the mid to late twentieth century presentation of Claremont as the first building on the site is enhanced.
    - Extension of the existing boarding house (Sheldon House)
      - (vi) The new structure must be kept as low as possible, and not extend above the height of the existing parapet / balustrade to Sheldon House.
      - (vii) Access to the roof area above the new structure must not be provided.
      - (viii) The materiality, detailing and roof forms must be carefully chosen so as to ensure that the new structure does not visually distract from the strong aesthetic cohesiveness of the historic Convent School.
      - (ix) The 1930s pathways and steps be retained and any connections to these should be carefully resolved.
      - (x) The concept design must be developed in consultation with a heritage architect so as to ensure compliance with the policies of the CMP.

### Landscaping

- B5. Any future development application for the Boarding House Extension must include detailed landscape plans identifying any vegetation to be removed or relocated, and the location of any replacement plantings and/or additional landscaping.



### **Amenity**

- B6. Any future development application for the Boarding House Extension 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).

### **Ecological Sustainable Development**

- B7. Where relevant, 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 building.

### **Disability Access**

- B8. All future development applications for any new built form must be accompanied by 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).

### **Noise and Vibration**

- B9. Where relevant, all future development applications for demolition and/or any new built form must be accompanied by a Noise and Vibration Impact Assessment that identifies and provides a quantitative assessment of the main noise generating sources and activities at all stages of construction, and any noise sources during operation. Details are to be provided outlining any mitigation measures to ensure the amenity of adjoining sensitive receivers are protected throughout the construction and operational periods.

### **Contamination**

- B10. Where relevant, all future development applications for demolition and/or any new built form must be accompanied by a Detailed Site Investigation Report, including an assessment of potential site contamination.
- B11. Should the investigations required by condition B10 identify that remediation works are required, a RAP is to be prepared and approved by a NSW EPA accredited Site Auditor to confirm that the RAP is appropriate.

### **Construction Traffic and Pedestrian Management Plan**

- B12. All future development applications for demolition and/or any new built form must be accompanied by a preliminary Construction Traffic and Pedestrian Management Plan (CTPMP) detailing vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures.

### **Geotechnical**

- B13. Any future development application for the Boarding House Extension must be accompanied by a detailed Geotechnical Report which details the proposed mitigation measures during excavation works to control impacts due to vibration, including potential impacts on Aboriginal heritage, or changes to groundwater during construction works.

### **Waste**

- B14. Where relevant, all future development applications must be accompanied by a Waste Management Plan to address storage, collection, and management of waste and recycling generated by the development.

### **Utilities**

- B15. Where relevant, all future development applications must address the existing capacity and augmentation requirements of the development on the provision of utilities, including staging of infrastructure through the preparation of an Infrastructure Management Plan in consultation with relevant agencies and service providers.

**SCHEDULE 3**  
**CONDITIONS OF CONSENT FOR STAGE 1 PROPOSAL**  
**PART C ADMINISTRATIVE CONDITIONS**

**Obligation to Minimise Harm to the Environment**

- C1. 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**

- C2. The development of Stage 1 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 as prepared by Urbis dated 27 November 2020 and Response to Submissions (RtS) prepared by Urbis dated 15 July 2021;
  - (d) in accordance with the approved plans in the table below:

<b>Architectural drawings prepared by BVN Architects</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
<i>Precinct A – Junior School and Early Learning Centre</i>			
AR-A-A1-0X	1	Site – Proposed Site Plan – Junior School + ELC	04.06.2021
AR-A-A0-01	5	Site – Project Identification Plan	04.06.2021
AR-A-A0-02	5	Site – Existing Demolition Plan	04.06.2021
AR-A-A1-00	6	Site – Proposed Site Plan	04.06.2021
AR-A-A1-10	3	Site – Existing/Proposed Sections	04.06.2021
AR-A-B0-00(A)	4	Site Entry – Existing Demolition Plan North	04.06.2021
AR-A-B0-00(B)	3	Site Entry – Existing Demolition Plan South	04.06.2021
AR-A-B0-01	5	ELC – Existing Demolition Plan – Level -03	04.06.2021
AR-A-B0-02	5	ELC – Existing Demolition Plan – Level -02	04.06.2021
AR-A-B0-04	5	Existing Demolition Plan – Level -02	04.06.2021
AR-A-B0-05	5	Existing Demolition Plan – Level -01	04.06.2021
AR-A-B0-06	5	Existing Demolition Plan – Level 00	04.06.2021
AR-A-B0-07	5	Existing Demolition Plan – Level 01	04.06.2021
AR-A-B0-09	4	Existing Demolition Plan – Level 02	04.06.2021
AR-A-B0-10	5	Existing Demolition Plan – Level 03	04.06.2021
AR-A-B0-11	5	Existing Demolition Plan – Roof	04.06.2021
AR-A-B1-00(A)	5	Site Entry – Proposed Plan North	04.06.2021
AR-A-B1-00(B)	3	Site Entry – Proposed Plan South	04.06.2021
AR-A-B1-01	8	ELC – Proposed GA Plan – Level -03	04.06.2021
AR-A-B1-02	7	ELC – Proposed GA Plan – Level -02	04.06.2021
AR-A-B1-03	6	ELC – Proposed Roof Plan	04.06.2021
AR-A-B1-04	7	Proposed GA Plan – Level -02	04.06.2021
AR-A-B1-05	7	Proposed GA Plan – Level -01	04.06.2021
AR-A-B1-06	7	Proposed GA Plan – Level 00	04.06.2021
AR-A-B1-07	5	Proposed GA Plan – Level 01	04.06.2021
AR-A-B1-09	7	Proposed GA Plan – Level 02	04.06.2021
AR-A-B1-10	7	Proposed GA Plan – Level 03	04.06.2021
AR-A-B1-11	7	Proposed GA Plan - Roof	04.06.2021
AR-A-C1-00	5	Site Entry – Elevations and Section	04.06.2021
AR-A-C1-01	5	Proposed Elevations – East (Admin)	04.06.2021
AR-A-C1-02	7	Proposed Elevations – East	04.06.2021

AR-A-C1-03	4	Proposed Elevations – North	04.06.2021
AR-A-C1-04	4	Proposed Elevations – West	04.06.2021
AR-A-C1-05	7	Proposed Elevations – South	04.06.2021
AR-A-C1-06	5	ELC – Proposed Elevations – North and East	04.06.2021
AR-A-C1-07	5	ELC – Proposed Elevations – South and West	04.06.2021
AR-A-D1-01	6	GA Section 1	04.06.2021
AR-A-D1-02	6	GA Section 2	04.06.2021
AR-A-D1-03	6	GA Section 3	04.06.2021
AR-A-D1-04	1	ELC Excavation Sections	04.06.2021
AR-A-Y1-00	4	Site – Materials and Finishes	04.06.2021
AR-A-Y1-01	4	ELC – Materials and Finishes	04.06.2021
AR-A-Y1-02	7	Junior School – Materials and Finishes	04.06.2021
AR-A-Y1-10	1	Junior School Street Entry Signage	04.06.2021
<i>Precinct B – Senior School Main Entry</i>			
AR-B6-A1-00	1	Proposed Site Plan	04.06.2021
AR-B6-B0-02	4	Demolition Plan	04.06.2021
AR-B6-B1-00	4	Proposed Plan – Level 02	04.06.2021
AR-B6-C1-00	4	Proposed Elevation – East	04.06.2021
AR-B6-D0-00	4	Proposed Section	04.06.2021
AR-B6-Y1-00	2	Material and Finishes	04.06.2021
<i>Precinct B – Year 8 Centre</i>			
AR-B8-A1-00	1	Proposed Site Plan	04.06.2021
AR-B8-B0-00	4	Existing/Demolition Plan – Level 03	04.06.2021
AR-B8-B1-00	4	Proposed GA Plan – Level 03	04.06.2021
AR-B8-B1-01	4	Proposed Roof Plan	04.06.2021
AR-B8-C1-00	4	Proposed Elevations – West and East	04.06.2021
AR-B8-C1-01	4	Proposed Elevations – North and South	04.06.2021
AR-B8-D1-00	4	Proposed Sections	04.06.2021
AR-B8-D1-01	3	Existing and Proposed Site Section	04.06.2021
AR-B8-Y1-01	4	Materials and Finishes	04.06.2021
<i>Precinct B – Bus and Car Parking Area</i>			
AR-B13-A1-01	1	Proposed Site Plan	04.06.2021
AR-B13-B0-01	4	Demolition Plan – East	04.06.2021
AR-B13-B0-03	2	Demolition Plan – West	04.06.2021
AR-B13-B1-00	5	Proposed Plan – Level G – East	04.06.2021
AR-B13-B1-01	4	Proposed Plan – Level LG – East	04.06.2021
AR-B13-B1-02	3	Proposed Plan – Level G – West	04.06.2021
AR-B13-C1-00	4	Proposed Elevations	04.06.2021
AR-B13-D1-00	4	Section Sheet 01	04.06.2021
AR-B13-D1-01	3	Section Sheet 02	04.06.2021
AR-B13-D1-02	1	Bus Carpark – Excavation Diagrams	04.06.2021
AR-B13-Y1-00	4	Bus Carpark – Materials and Finishes	04.06.2021
<b>Landscape drawings prepared by Turf Design Studio</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
L-DA-3	A	Stage 1 Detailed Works Plan	24.05.2021
L-DA-4	A	Tree Management Plan – Sheet 01 (Bus and Car Parking Area)	24.05.2021
L-DA-5	A	Tree Management Plan – Sheet 02 (Bus and Car Parking Area)	24.05.2021
L-DA-6	A	Detailed Plan (Senior School Main Entry)	24.05.2021

L-DA-7	A	Detailed Plan (Bus and Car Parking Area)	24.05.2021
L-DA-8	A	Detailed Plan (Junior School and ELC)	24.05.2021
L-DA-9	A	Detailed Plan (Junior School and ELC)	24.05.2021
L-DA-10	A	Detailed Plan (Junior School and ELC)	24.05.2021
L-DA-11	A	Detailed Plan (Junior School and ELC)	24.05.2021
L-DA-12	A	Detailed Plan (Junior School and ELC)	24.05.2021
L-DA-13	A	Detailed Plan (Junior School and ELC)	24.05.2021
L-DA-14	A	Materials Palette	24.05.2021
L-DA-15	A	Planting Palette – Sheet 01	24.05.2021
L-DA-16	A	Planting Palette – Sheet 02	24.05.2021

- C3. 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; and
  - any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - the implementation of any actions or measures contained in any such document referred to in condition (a) above.
- C4. 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 C2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition C4(c) or C2(d) the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### Limits of Consent

- C5. This consent lapses five years after the date of consent unless work is physically commenced within the meaning of Section 4.53 of the EP&A Act.

#### Staff and student numbers

- C6. The student population must not exceed 1,205 comprising the following student groups:

- A maximum of 70 early learning centre students; and
- A maximum of 1,135 primary or senior school students.

Notwithstanding, the maximum primary or senior student population may exceed 1,135 by up to a maximum 20 additional students from time to time, to allow for unanticipated fluctuations on a temporary basis. No temporary exceedance is allowed for the early learning centre.

- C7. The full-time equivalent staff numbers must not exceed 185.

#### Built Heritage

- C8. The following is required during the preparation and construction phases of the Stage 1 development:
- Ongoing consultation with the heritage architect is to occur during construction of the different stages.
  - All works are to be undertaken in accordance with the strategies and recommendations outlined within the Conservation Management Plan (CMP) dated August 2020 prepared by Design 5 and submitted with the EIS.
- C9. The Stage 1 development is to implement the design recommendations described within the Heritage Impact Statement prepared by Design 5 in the EIS including:

##### Early learning centre

- The detailed design for the proposed car parking along the road to the cemetery must be developed in consultation with a heritage architect and landscape architect to ensure compliance with the policies of the CMP and any impact heritage impacts are minimised.

##### Barat Burn junior school and sundial lawn/terrace – west wing

- The detailed design for modifications to the Italianate style balustrade to meet BCA requirements with respect to the height of barriers to prevent falls, must be prepared in consultation with a heritage architect. Any modifications should retain access to the mosaic and sundial.

- (c) New shade structures or balustrading to the proposed roof terrace must be located and designed so as not clutter or impinge on key views to and from Barat Bum east wing.

Barat Bum junior school – east wing

- (d) The internal marble terrazzo architraves to the external window openings must be retained and expressed in the new design.

Junior School traffic management works

- (e) Detailed designs of the following must be prepared in consultation with a heritage architect to ensure visual impacts are minimised for:
  - (i) The materiality and detailing of the new driveway crossing
  - (ii) The walkway location to ensure that it does not visually or materially impact on the former quarry face forming the eastern boundary of the lawn in front of the grotto, or the existing cut sandstone steps, between the Noviceship Lawn and the grotto.

Senior School refurbishment of school reception

- (f) The detailed designs must include the following:
  - (i) careful integration of new timber partitioning with the existing cedar joinery on the southern side of the main entry foyer; and
  - (ii) realignment of the proposed glazed partitions to ensure the original fireplace remains visible.
- (g) The existing stone landing and steps to the main entry below the new stone elements must be protected to enable their future uncovering and exposure.
- (h) The following significant fabric is to be salvaged and reused in the design or stored on site for future re-use:

Main Senior School Reception Building

- (i) Cedar doorcase;
- (ii) Pair of cedar double doors to the main entry, located within a later 1990 timber screen;
- (iii) Pair of cedar French doors to the original/early chimney breast; and

Bus / car parking

- (iv) Section of the 1888 stone retaining wall (identified as of high significance: An approximate 7m x 0.6m section (two courses) of the 1888 stone retaining wall at its southern extremity).

**Prescribed Conditions**

- C10. 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**

- C11. 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**

- C12. 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 to the Planning Secretary for 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**

- C13. The Stage 1 Proposal may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- C14. A Staging Report prepared in accordance with condition C13 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.
- C15. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- C16. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

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

- C17. 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).
- C18. Any strategy, plan or program prepared in accordance with condition C17, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- C19. 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.
- C20. 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**

- C21. 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.

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

### **External Walls and Cladding**

- C22. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### **Applicability of Guidelines**

- C23. 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.
- C24. 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**

- C25. 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**

- C26. 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 C2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent audit of the development and the Applicant’s response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operation of the buildings that are part of this development.

#### **Compliance**

- C27. 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**

- C28. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- C29. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

#### **Non-Compliance Notification**

- C30. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance
- C31. 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.
- C32. 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**

- C33. Within three months of:
- (a) the submission of a compliance report under condition C36;
  - (b) the submission of an incident report under condition C29;
  - (c) the submission of an Independent Audit under condition F41;
  - (d) the approval of any modification of the conditions of this consent; or
  - (e) the issue of a direction of the Planning Secretary under condition C3 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.

- C34. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary and / or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

#### **Compliance Reporting**

- C35. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).
- C36. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- C37. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- C38. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), 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 PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### Compliance for Pre-school

- D1. Prior to the issue of any relevant construction certificate, revised details for the pre-school component must be prepared and certified by a suitably qualified person to demonstrate that the procedures for emergency and evacuation are compliant with the Education and Care Services National Regulations.

### External Walls and Cladding

- D2. Prior to the issue of a construction certificate for a relevant stage, 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.

### Stormwater Management System

- D3. Prior to the issue of a construction certificate for the relevant stage involving stormwater works, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The detailed design of the system must:

- (a) be designed by a suitably qualified and experienced person(s) in consultation with Council (where relevant);
- (b) be generally in accordance with the conceptual design in the EIS as listed in the following plans:

Civil Drawings prepared by Henry & Hymas			
Dwg No.	Rev	Name of Plan	Date
19949_DA_C100	02	Overall Site Plan	25.08.2020
19949_DA_C101	02	Senior School – Internal Roadway Design Plan – Ground Level	25.08.2020
19949_DA_C102	03	Senior School – Internal Roadway Design Plan – Basement Level	28.05.2021
19949_DA_C110	03	Junior School – Internal Roadway Design Plan – Ground Level	28.05.2021
19949_DA_C120	03	Lower Ground Floor Typical Sections	28.05.2021
19949_DA_C150	02	Overall Stormwater Concept Plan	13.05.2021
19949_DA_C200	02	Stormwater Miscellaneous Details and Pit Lid Schedule	25.08.2020
19949_DA_C201	02	OSD Tank Plan and Details	25.08.2020
19949_DA_C250	02	Senior School – Stormwater Catchment Plan – Pre and Post Development	25.08.2020
19949_DA_C251	02	Junior School – Stormwater Catchment Plan – Pre and Post Development	25.08.2020

- (c) be in accordance with applicable Australian Standards and Woollahra Development Control Plan 2015 Chapter E2 – Stormwater and Floods Risk Management;
- (d) include:
  - (i) plans with details of and location of all proposed pipe layouts, on-site detention and rainwater tanks;
  - (ii) location and dimension of all drainage pits;
  - (iii) any potential conflict of the tanks, pits or pipes with existing and proposed trees and vegetation;
  - (iv) internal dimensions and volume of the proposed detention range;
  - (v) diameter of the outlet to the proposed detention storage basin;
  - (vi) plans, elevations and sections showing the detention storage basin invert level, centre line level of outlet, top water level, finished surface level and adjacent structures;
  - (vii) plans, elevations and sections showing the rainwater tanks, finished surface levels and adjacent structures;
  - (viii) access and maintenance facilities;
  - (ix) construction and structural details of all tanks and pits and / or manufacturer's specifications for proprietary products;
  - (x) details of emergency overland flow-path (to an approved Council drainage point) in case of blockage to the on-site detention system and / or rainwater tanks; and
  - (xi) non removable fixing details for orifice plates, where used for the on-site detention tank(s); and
  - (xii) point and method of connection to any Council's drainage infrastructure.

## **Operational Noise – Design of Mechanical Plant and Equipment**

- D4. Prior to the issue of any construction certificate for the design of mechanical plant and equipment, the Applicant must incorporate appropriate noise mitigation to demonstrate compliance with the Project Noise Trigger Levels in the Kincoppal Rose Bay School Project Application Construction & Operational Noise Report, prepared by Wilkinson Murray and dated 10 June 2020 (Revision A). The Certifier must verify the detailed drawings to ensure that all noise mitigation measures have been incorporated into the design and that these measures would result in compliance with the relevant Project Noise Trigger Levels.

## **Operational Waste Storage and Processing**

- D5. Prior to the issue of any construction certificate for the operational waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

## **Geotechnical Matters**

- D6. Prior to the issue of the construction certificate for the relevant construction stage involving excavation works, the Applicant must appoint a suitably qualified geotechnical consultant to oversee the excavation works on the site.
- D7. The construction certificate plans for each relevant stage must demonstrate to the satisfaction of the Certifier that all recommendations contained in Section 4 of the following reports are implemented:
- (a) Geotechnical and Hydrogeological Investigation report for the proposed elevated walkway and road, dated 20 April 2021 prepared by JKGeotechnics;
  - (b) Supplementary Geotechnical and Hydrogeological Investigation report for the proposed ELC building, dated 20 April 2021 prepared by JKGeotechnics; and
  - (c) Supplementary Geotechnical and Hydrogeological Investigation report for the proposed car/bus parking structure, dated 20 April 2021 prepared by JKGeotechnics.

This includes (but not limited to):

- (d) management of groundwater (where relevant) during bulk excavation;
  - (e) design of temporary and permanent batters;
  - (f) shoring system and ground anchors; and
  - (g) design of piles and foundations.
- D8. Prior to the issue of any construction certificates for the site, a suitably qualified geotechnical consultant must prepare a report which:
- (a) determines the possibility of any adjoining buildings, founded on loose materials, being affected by the piling, piers and excavation;
  - (b) assesses the requirements for underpinning any adjacent or adjoining buildings founded on such soil on a case by case basis;
  - (c) provides appropriate recommendations to manage such impacts; and
  - (d) includes a certificate to demonstrate that the construction certificate plans comply with the requirements of condition D7.

## **Car Parking and Service Vehicle Layout**

- D9. Prior to the issue of a construction certificate for car and bus parking, evidence must be submitted to the certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the site in a forward direction;
  - (b) a total of 134 on-site car parking spaces and 3 motorcycle spaces for the whole school are provided for use during operation of the development and designed in accordance with the latest version of *AS/NZS 2890.1:2004: Parking Facilities - Off-Street Car Parking* and *AS 2890.2:2002 - Off-Street Parking: Commercial Vehicle Facilities*.
  - (c) sight distance requirements must comply with Clause 3.2.4 and Figure 3.3 of *AS2890.1-2004*;
  - (d) the first 6m of all new driveways from the property boundary shall have a maximum gradient of 5% to comply with Clause 3.3 of *AS2890.1*.
  - (e) access levels and grades must comply with access levels and grade required by Council under *the Roads Act 1993*.
  - (f) the swept paths of the longest vehicle entering the site in association with the new work, as well as manoeuvrability through the site, are in accordance with the latest version of *AS 2890.2*.

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

- D10. Prior to the issue of a construction certificate of the relevant construction stage, the following design details in relation to the secure bicycle parking spaces must be submitted to the Certifier for approval:
- (a) the provision of a minimum of 18 bicycle parking spaces outlined in plans listed in condition C2; and
  - (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of *AS 2890.3:2015 Parking facilities - Bicycle parking*.

### **Public Domain Works**

- D11. Prior to the issue of a construction certificate for external footpath, driveway crossings 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.

**Note:** *Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for works within the public domain.*

### **Aboriginal Cultural Heritage**

- D12. Prior to the issue of a construction certificate, the Aboriginal Cultural Heritage Assessment Report (ACHAR) titled "*detailed and Concept Development Kincoppal-Rose Bay School, 1A and 2 Vaucluse Road*" and dated September 2021 must be updated as follows:
- (a) Figure 52 be amended to include a legend showing areas of high and moderate archaeological sensitivity for the proposed works based on the results of the geotechnical investigations.

## **PART E PRIOR TO COMMENCEMENT OF WORKS**

### **Notification of Commencement**

- E1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- E2. 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**

- E3. Prior to the issuance of a construction certificate, the applicant must submit to the satisfaction of the Certifier, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### **Protection of Public Infrastructure**

- E4. Prior to the commencement of construction of a relevant construction stage, 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). The report must include coloured and date stamped photographs showing the current condition of any existing damage fronting the site and adjoining the site; and
  - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier in an electronic format and to Council in both paper copy and electronic format.

### **Pre-Construction Dilapidation Report**

- E5. 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, and Council assets that are likely to be impacted by the proposed works.

### **Heritage Photographic Archival Recording**

- E6. Prior to the commencement of demolition or vegetation removal, a photographic archival record of all buildings and landscape elements to be demolished/removed is to 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 relevant local studies collection in the locality and the Planning Secretary.

### **Development Contributions**

- E7. Prior to commencement of construction for any part of the development, development contributions must be paid in accordance with the Woollahra Section 7.12 Development Contributions Plan 2021.

### **Community Communication Strategy**

- E8. No later than two weeks before the commencement of any construction works, a Community Communication Strategy must be submitted to the Planning Secretary for information, prior to the commencement of construction. 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.

## Ecologically Sustainable Development

- E9. Prior to the commencement of construction of a relevant construction stage, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 4-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
  - (b) seeking approval from the Planning Secretary for an alternative certification process.

## Outdoor Lighting

- E10. Prior to commencement of lighting installation of a relevant construction stage, evidence must be submitted to the satisfaction of 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*.

## Demolition

- E11. Prior to the commencement of construction of a relevant construction stage, 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

- E12. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

**Note:** The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>

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

## Construction Environmental Management Plan

- E13. 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 for information. 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) external lighting in compliance with AS 4282-2019 *Control of the obtrusive effects of outdoor lighting*;
    - (vii) community consultation and complaints handling as set out in the Community Communication Strategy required by condition E8;
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition E15);
  - (c) Construction Noise and Vibration Management Sub-Plan (see condition E16);
  - (d) Construction Soil and Water Management Sub-Plan (see condition E17);
  - (e) Aboriginal Cultural Heritage Management Sub-Plan (see condition E18);
  - (f) an unexpected finds protocol for contamination and associated communications procedure;
  - (g) 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
- E14. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- E15. 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) be consistent with the preliminary CTMP submitted with the RtS.

- (d) include details of predicted number of construction vehicle movements per day and detail of vehicle types, noting that vehicle movements are to be minimised during peak traffic periods;
  - (e) include assessment of potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
  - (f) include details of any cumulative impacts due to ongoing construction works on nearby sites;
  - (g) include 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; (h) detail heavy vehicle routes, access and parking arrangements;
  - (h) detail construction vehicle access arrangements to demonstrate that:
    - (i) construction vehicles can enter and leave the site in a forward direction; and (
    - (ii) 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, is in accordance with the latest version of AS 2890.2;
    - (iii) include details regarding safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs; and
  - (i) include details to demonstrate the construction vehicle access arrangements and student / staff access to the site during construction works to ensure safe operation of the school at all times.
- E16. 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) be consistent with the Construction & Operational Noise Report, prepared by Wilkinson Murray and dated 10 June 2020 (Revision A);
  - (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (e) include strategies that have been developed with the community for managing high noise generating works;
  - (f) describe the community consultation undertaken to develop the strategies in condition (e) above;
  - (g) includes details of the noise management measures (including scheduling of activities, noise barriers within the site, hoardings etc) that would be installed to ensure that students / staff are not impacted by the construction noise;
  - (h) include a complaints management system that would be implemented for the duration of the construction; and
  - (i) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition E12.
- E17. The Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (c) describe all erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (d) 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) 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);
  - (f) detail all off-site flows from the site; and
  - (g) 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 5-year ARI and 1 in 100-year ARI.
- E18. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) prior to construction, in consultation with Heritage NSW and the Registered Aboriginal Parties, to address the following:
- (a) unexpected finds procedure;

- (b) management and mitigation measures required before, during and after construction;
- (c) the ongoing management of AHIMS site #45-6-3754;
- (d) ongoing consultation with Registered Aboriginal Parties; and
- (e) Aboriginal cultural heritage Induction for all staff, contractors and visitors involved in the construction phase of the project.

#### **Soil and Water**

- E19. Prior to the commencement of construction, the applicant must install erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP.

#### **Construction Parking**

- E20. Prior to the commencement of construction, 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.

#### **Operational Noise – Design of Mechanical Plant and Equipment**

- E21. Prior to installation of mechanical plant and equipment, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Kincoppal Rose Bay School Project Application Construction & Operational Noise Report, prepared by Wilkinson Murray and dated 10 June 2020 (Revision A) have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels / project noise trigger levels.

#### **Construction Access arrangements**

- E22. Prior to the commencement of construction, evidence of compliance of construction parking and access arrangements with the following requirements must be submitted to the Certifier:
- (a) all vehicles must enter and leave the Site in a forward direction;
  - (b) 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, is in accordance with the latest version of AS 2890.2; and
  - (c) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, has been addressed.

#### **Remediation**

- E23. Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

## **PART F DURING CONSTRUCTION**

### **Site Notice**

- F1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
  - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
  - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
  - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

### **Operation of Plant and Equipment**

- F2. 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**

- F3. 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 E11.

### **Construction Hours**

- F4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6 pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
- F5. No work may be carried out on Sundays or public holidays.
- F6. Activities may be undertaken outside of these hours 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.
- F7. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- F8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 2.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm, Saturday.

### **Implementation of Management Plans**

- F9. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

### **Construction Traffic**

- F10. 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 an approved on-street work zone before stopping.

### **Hoarding Requirements**

- F11. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

### **No Obstruction of Public Way**

- F12. 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

- F13. The development must be constructed to achieve the construction noise management levels detailed in the CNVMSP required by condition E16.
- F14. 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 F4.
- F15. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

### Vibration Criteria

- F16. 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).
- F17. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition F16.
- F18. The limits in conditions F16 and F17 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition E16 of this consent.

### Trees approved for removal

- F19. Tree removal must be limited to trees numbered 2-16 and 26 as identified in the Arboricultural Impact Assessment, prepared by Botanics Tree Wise People and dated April 2020.

### Tree Protection

- F20. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
  - (b) all street trees immediately adjacent to the approved disturbance area and property boundary 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, prepared by Botanics Tree Wise People and dated April 2020; 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.

### Landscaping

- F21. Prior to the installation of landscaping where appropriate, the Applicant must prepare a revised Landscape Plan to manage the revegetation and landscaping works on-site, to the Certifier. The plan must:
- (a) Show the replacement of the *Acmena smithii* (sublime) with *Waterhousea floribunda* within the northern courtyard of the junior school.

### Air Quality

- F22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- F23. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and

- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

#### **Erosion and Sediment Control**

- F24. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP.

#### **Imported Soil**

- F25. 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**

- F26. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

#### **Emergency Management**

- F27. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

#### **Aboriginal Cultural Heritage**

- F28. All works on site are to be carried out in accordance with the approved Aboriginal Cultural Heritage Management Plan prepared in accordance with condition E18 and the updated ACHAR report under condition D12.

#### **Unexpected Finds Protocol – Aboriginal Heritage**

- F29. 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**

- F30. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the 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 following consultation with the Heritage Council (or delegate) and with the written approval of the Planning Secretary.

#### **Waste Storage and Processing**

- F31. 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.
- F32. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- F33. 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.
- F34. 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.
- F35. 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**

- F36. The Applicant must ensure that all external lighting is constructed and maintained in in accordance with AS 4282-2019 *Control of the obtrusive effects of outdoor lighting*.

#### **Site Contamination**

- F37. Remediation of the site must be carried out in accordance with the Remediation Action Plan prepared by JKEnvironments for proposed development at Kincoppal-Rose Bay School dated 14 May 2021 and any variations

to the plan approved by an NSW EPA-accredited Site Auditor or the unexpected finds protocol prepared in accordance with condition E13(f).

- F38. If work is to be carried out / completed in stages, the staging report (condition C17) must reflect the staging of the remediation works and an NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- F39. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

#### **Independent Environmental Audit**

- F40. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- F41. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- F42. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those agreed to above, upon giving at least 4 week's notice to the Applicant of the date or timing upon which the audit must be commenced.
- F43. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition F41 of this consent, or condition F42 where notice is given;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- F44. Independent Audit Reports and the applicant/proponent's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary.
- F45. Notwithstanding the requirements of the Independent Audit Post Approval Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

## **PART G PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE / COMMENCEMENT OF OPERATION**

### **Notification of Occupation**

- G1. At least one month before the issue of the occupation certificate for a relevant construction stage, 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**

- G2. Prior to the issue of the occupation certificate for a relevant construction stage, 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.
- G3. 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**

- G4. Prior to the issue of the occupation certificate for a relevant construction stage, 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 Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions;
    - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - (c) to be forwarded to Council for information.

### **Protection of Public Infrastructure**

- G5. 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;
  - (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 E7 of this consent.

### **Protection of Property**

- G6. 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**

- G7. 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**

- G8. 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.

### **Mechanical Ventilation**

- G9. Prior to commencement of operation, the Applicant must provide evidence to the satisfaction of 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.

## **Warm Water Systems and Cooling Systems**

- G10. 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**

- G11. 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.

## **Operational Noise – Design of Mechanical Plant and Equipment**

- G12. Prior to the issue of the occupation certificate for a relevant construction stage, the Applicant must submit evidence to the Certifier that the noise mitigation measures (if any) in condition D4 have been incorporated and that the mechanical plant and equipment would not generate noise that exceeds the Project Noise Trigger Levels for the development identified in the Kincoppal Rose Bay School Project Application Construction & Operational Noise Report, prepared by Wilkinson Murray and dated 10 June 2020 (Revision A).

## **Road Damage**

- G13. 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**

- G14. 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**

- G15. 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.

## **Compliance with Food Code**

- G16. Prior to the issue of the occupation certificate for a relevant construction stage, 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 provide evidence of receipt of the certificate to the satisfaction of the Certifier.

## **Stormwater Management Plan**

- G17. Prior to the issue of the occupation certificate for a relevant construction stage, a Stormwater Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of 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.

## **Landscaping**

- G18. Prior to the occupation certificate for the relevant construction stage, landscaping of the site must be completed in accordance with landscape plan(s) listed under condition F21.

## Protection of Public Infrastructure

G19. 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.

## Signage

G20. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.

G21. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

## Site Contamination

G22. Prior to commencement of operation, the Applicant must submit a Validation Report for the development to the Certifier. The Validation Report must:

- (a) be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme;
- (b) be prepared in accordance with the relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
- (c) include, but not be limited to:
  - (i) comment on the extent and nature of the remediation undertaken;
  - (ii) if material is to remain in-situ and capped, describe the location, nature and extent of any remaining contamination on site as well as any ongoing management requirements;
  - (iii) sampling and analysis plan and sampling methodology undertaken as part of the remediation;
  - (iv) if treated material is to remain on the subject site, results of sampling of treated material, compared with the treatment criteria in the most updated RAP;
  - (v) results of any validation sampling, compared to relevant guidelines/criteria;
  - (vi) comment on the suitability of the area for the intended land use; and
- (d) be submitted to the Planning Secretary for information.

G23. Prior to commencement of operation, the Applicant must obtain confirmation from the Certifier in writing that the requirements of condition G22 have been met.

G24. Where changes are made to the Remediation Action Plan prepared by JKEnvironments for proposed development at Kincoppal-Rose Bay School under condition F37, prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

## Green Travel Plan

G25. Prior to the issue of the first occupation certificate, 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 Council and TfNSW;
- (b) address the requirements of Section 8 of the SEARs;
- (c) including analysis of staff and student travel survey data and school postcode data and discussion of how this data has informed the mode share targets and actions of the GTP;
- (d) identify the number of staff and students within reasonable walking / cycling distance;
- (e) include staged mode share targets for staff and students which reflect a commitment to increase non-car mode share for travel to and from the site, and strategies to deliver those mode share targets;
- (f) include strategies that encourage the use of public and active transport and discourage the use of single occupant car travel to access the site; for staff and students;
- (g) include the provision of bicycle parking, dedicated end of trip facilities including but not limited to lockers, showers and change rooms and e-bike charging station(s) for staff and students to support an increase in the non-car mode share for travel to and from the site;

- (h) prepare a Transport Access Guide for staff and students providing information about the range of travel modes, access arrangements and supporting facilities that service the site; and
- (i) determine a communication strategy for engaging with students, staff and visitors regarding public and active transport use to the site and the proportion of the health and wellbeing benefits of active and non-car travel to the site.

**Note:** *The Applicant must submit a copy of the final GTP to TfNSW at [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au) for consultation prior to the issue of the first occupation certificate. TfNSW is also happy to meet with the proponent to discuss the above requirements*

## **PART H POST OCCUPATION/ONGOING**

### **Operation of Plant and Equipment**

- H1. All plant and equipment used on site must be maintained in a proper and efficient condition and be operated in a proper and efficient manner

### **Warm Water Systems and Cooling Systems**

- H2. 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**

- H3. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

### **Operational Noise Limits**

- H4. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Kincoppal Rose Bay School Project Application Construction & Operational Noise Report, prepared by Wilkinson Murray and dated 10 June 2020 (Revision A).

### **Unobstructed Driveways and Parking Areas**

- H5. 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.

### **Ecologically Sustainable Development**

- H6. 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. If an alternative certification process has been agreed to by the Planning Secretary under condition C14(b), evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

### **Green Travel Plan**

- H7. The GTP required by condition G25 of this consent must be updated annually and implemented for the life of the development.

### **Outdoor Lighting**

- H8. Notwithstanding condition G11, 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.

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

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

### **Utilities and Services**

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

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

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

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

### **Road Occupancy Licence**

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

### **SafeWork Requirements**

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

### **Hoarding Requirements**

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

### **Handling of Asbestos**

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

### **Fire Safety Certificate**

AN12. 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 notified to the Department via the Major Projects website 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 C30 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.