

# Development Consent

## *Section 4.38 of the Environmental Planning and Assessment Act 1979*

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the State Environmental Planning Policy (State and Regional Development) 2011 and section 4.5(a) of the *Environmental Planning and Assessment Act 1979* approved the development application referred to in Schedule 1, subject to the conditions 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;
- providing a process to inform and consult with the public; and
- provide for the ongoing environmental management of the development.



Peter Duncan, AM (Chair)  
Member of the Commission



Professor Richard Mackay, AM  
Member of the Commission

Sydney

5 November 2021

### SCHEDULE 1

<b>Application Number:</b>	SSD-10421
<b>Applicant:</b>	Sydney Grammar Schools
<b>Consent Authority:</b>	Independent Planning Commission
<b>Site:</b>	The area labelled SSDA Site in the plans listed at Condition A2, within the Weigall Playing Fields, Neild Avenue, Paddington, and within the following lots: Lot 1 DP 633259, Lot 2 DP 547260 (part) and Lot 1 DP 311460 (part)
<b>Development:</b>	Construction and operation of the new Weigall Sports Complex for Sydney Grammar School, comprising: <ul style="list-style-type: none"><li>• demolition of:<ul style="list-style-type: none"><li>○ sports facilities including cricket nets, six multi-purpose / tennis courts and the Barry Pavilion;</li><li>○ at-grade car parking, Neild Avenue driveway and cross-over; and</li></ul></li></ul>

- vehicle service road and associated works on the southern boundary;
- bulk earthworks, remediation work (as required), acid sulfate soil management and validation work;
- diversion of sewer and stormwater infrastructure;
- construction of a:
  - three-storey sports complex building including swimming pools, multi-purpose courts, spectator seating and associated amenities;
  - a single-storey split level car park building; and
  - stand-alone electrical kiosk substation;
- 102 car parking spaces, six motorcycle spaces, 42 bicycle parking spaces and a pick-up/drop-off facility (up to six cars); and
- associated landscaping, removal of trees, road and public domain works, and ancillary signage.

## 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>	Sydney Grammar School or any other person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	Means a council certifier 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>	The 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>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works;</li> <li>• remediation 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>Demolition</b>	The deconstruction and removal of buildings, sheds 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, RtS and SRtS, 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>EESG</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 'Sydney Grammar School Weigall Sports Complex (SSD-10421) Neild Avenue, Rushcutters Bay State

*Significant Development Application Environmental Impact Assessment Revision 2'*, prepared by Robinson Urban Planning Pty Ltd dated 2 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, Community Engagement of the Department of Premier and Cabinet
<b>Heritage NSW ACH</b>	Heritage NSW Aboriginal Cultural Heritage
<b>Heritage Item</b>	An item as defined in the Dictionary of <i>Woollahra Local Environmental Plan 2014</i> , and assessed as being of local, State and/ or National heritage significance, and/or a place included on the NSW State Heritage Register, 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
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	As defined in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Section 3.0 of the SRtS.
<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 (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>Noise Report</b>	<i>'Sydney Grammar School Weigall Sports Complex Noise Impact Assessment Revision 5'</i> prepared by White Noise Acoustics and dated 12 September 2021

<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>OMP</b>	Operational Management Plan
<b>OTAMP</b>	Operational Transport and Access Management Plan
<b>OWMP</b>	Operational Waste Management Plan
<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>	As listed in Table 3 of the Aboriginal Cultural Heritage Assessment by Ecological, 10 Sept 2020
<b>RtS</b>	The Applicant's response to submissions report and attachments titled 'Sydney Grammar School Weigall Sports Complex (SSD-10421) Response to Submissions', prepared by Robinson Urban Planning Pty Ltd and dated 23 April 2021.
<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>SGS</b>	Sydney Grammar School
<b>SRtS</b>	The Applicant's supplementary response to submissions, including the following documents and their appendices: <ul style="list-style-type: none"> <li>• <i>Sydney Grammar School Weigall Sports Complex (SSD-10421) Response to Request for Information</i>, dated 15 June 2021;</li> <li>• Letter 'RE: Sydney Grammar School Weigall Sports Complex (SSD-10421) Response to Request for Information', dated 9 July 2021;</li> <li>• 'Weigall Sports Complex, Sydney Grammar School (SSD-10421) Response to RFI dated 15 July 2021', dated 28 July 2021; and</li> <li>• 'Weigall Sports Complex, Sydney Grammar School (SSD-10421) – Request for information (impact on views/outlook)' dated 8 September 2021.</li> </ul>
<b>Site Auditor</b>	As accredited by the EPA pursuant to section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	A report prepared by a Site Auditor pursuant to section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	A statement prepared by a Site Auditor pursuant to 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**  
**PART A ADMINISTRATIVE CONDITIONS**

**Obligation to Minimise Harm to the Environment**

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

**Terms of Consent**

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS, except where superseded by the RtS and SRtS;
- (d) in accordance with the approved plans in the table below (except as may be amended by the conditions of consent) as updated by condition B1:

<b>Architectural plans prepared by <i>Allen Jack+Cottier</i></b>			
<b>Plan No.</b>	<b>Rev</b>	<b>Name of Drawing</b>	<b>Date</b>
A1000	C	WEIGALL SPORTS COMPLEX BUILDING 01 AND BUILDING 02 LOCALITY PLAN	10/06/2021
A1001	C	WEIGALL SPORTS COMPLEX BUILDING 01 AND BUILDING 02 SITE PLAN	10/06/2021
A1100	C	WEIGALL SPORTS COMPLEX BUILDING 01 AND BUILDING 02 DEMOLITION PLAN	10/06/2021
A2100	C	BUILDING 01 SPORTS FACILITIES BUILDING GENERAL ARRANGEMENT PLAN BASEMENT	10/06/2021
A2101	C	BUILDING 01 SPORTS FACILITIES BUILDING GENERAL ARRANGEMENT PLAN GROUND	10/06/2021
A2102	C	BUILDING 01 SPORTS FACILITIES BUILDING GENERAL ARRANGEMENT PLAN MEZZANINE	10/06/2021
A2103	C	BUILDING 01 SPORTS FACILITIES BUILDING GENERAL ARRANGEMENT PLAN FIRST	10/06/2021
A2104	C	BUILDING 01 SPORTS FACILITIES BUILDING GENERAL ARRANGEMENT PLAN SECOND	10/06/2021
A2105	C	BUILDING 01 SPORTS FACILITIES BUILDING GENERAL ARRANGEMENT PLAN ROOF	10/06/2021
A2110	C	BUILDING 02 CAR PARK GENERAL ARRANGEMENT PLAN LOWER/UPPER GROUND	10/06/2021
A2111	C	BUILDING 02 CAR PARK GENERAL ARRANGEMENT PLAN LOWER/UPPER FIRST	10/06/2021
A3100	C	BUILDING 01 SPORTS FACILITIES BUILDING ELEVATIONS NORTH AND SOUTH	10/06/2021
A3101	C	BUILDING 01 SPORTS FACILITIES BUILDING ELEVATIONS EAST AND WEST	10/06/2021
A3110	C	BUILDING 02 CAR PARK ELEVATIONS NORTH AND SOUTH	10/06/2021
A3111	C	BUILDING 02 CAR PARK ELEVATIONS EAST AND WEST	10/06/2021
A3200	C	BUILDING 01 SPORTS FACILITIES BUILDING SECTIONS 01 AND 02	10/06/2021

A3201	C	BUILDING 01 SPORTS FACILITIES BUILDING SECTIONS 03 AND 04	10/06/2021
A3210	C	BUILDING 02 CAR PARK SECTIONS 01 AND 02	10/06/2021
A3211	C	BUILDING 02 CAR PARK SECTIONS 03 AND 04	10/06/2021
A4100	C	BUILDING 01 SPORTS FACILITIES BUILDING WALL SECTION WALL SECTION	10/06/2021
A4101	C	BUILDING 01 SPORTS FACILITIES BUILDING WALL SECTION	10/06/2021
A4102	C	BUILDING 01 SPORTS FACILITIES BUILDING WALL SECTION	10/06/2021
A4103	B	WEIGALL SPORTS COMPLEX BUILDING 01 AND BUILDING 02 SOUTHERN BOUNDARY FENCE DETAIL	10/06/2021
A4104	C	WEIGALL SPORTS COMPLEX BUILDING 01 AND BUILDING 02 MATERIAL PALETTE	10/06/2021
A4105	A	Building 01 Sports Facilities Building Western Façade Annotated Elevation	19/10/2021
A4106	A	Building 01 Sports Facilities Building Western Façade Annotated Perspective	19/10/2021

<b>Landscape plans prepared by Aspect Studio</b>			
<b>Plan No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
SY20015_DA-001	A	Landscape Plan	06/04/21
SY20015_DA-002	A	General Arrangement Plan – Building 01 – Sports Facilities Building	06/04/21
SY20015_DA-003	A	General Arrangement Plan – Building 02 – Car Park	06/04/21
SY20015_DA-004	A	Sections	06/04/21
SY20015_DA-005	A	Elevations	06/04/21
SY20015_DA-006	A	Deep Soil	06/04/21
SY20015_DA-007	A	Tree Canopy Coverage	06/04/21
SY20015_DA-008	A	Planting Strategy Plan	06/04/21
SY20015_DA-009	A	Existing Tree Plan	06/04/21
SY20015_DA-010	A	Existing and Proposed Trees Summary	06/04/21
SY20015_DA-011	A	Planting Palette	06/04/21
SY20015_DA-012	A	Planting Palette	06/04.21
SY20015_DA-013	A	Planting Schedules	06.04.21

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

listed in conditions A2(c) or A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

### **Limits of Consent**

- A5. This consent lapses five years after the date of consent unless work is physically commenced.
- A6. This consent does not approve any increase in student and staff numbers for Sydney Grammar School.

### **Use of the Site**

- A7. The usage profile for the site, school use, community use and hours of operation of the facilities within the site must be in accordance with conditions F1 to F9 of this development consent.

### **Prescribed Conditions**

- A8. 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**

- A9. 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 to the extent to which the Secretary has the power under the EP&A Act.

### **Evidence of Consultation**

- A10. Where conditions of this consent require consultation with an identified party, the Applicant must:
  - (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### **Staging**

- A11. The project 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).
- A12. A Staging Report prepared in accordance with condition A11 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.
- A13. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.

A14. 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**

A15. 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).

A16. Any strategy, plan or program prepared in accordance with condition A15, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

A17. 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.

A18. 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**

A19. 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 Building Code of Australia (BCA).

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

### **External Walls and Cladding**

A20. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### **Applicability of Guidelines**

A21. 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.

A22. 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**

A23. 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**

- A24. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

### **Compliance**

- A25. 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**

- A26. 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.
- A27. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

### **Non-Compliance Notification**

- A28. 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.
- A29. 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.
- A30. 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

A31. Within three months of:

- (a) the submission of a compliance report under condition A33;
- (b) the submission of an incident report under condition A27;
- (c) the submission of an Independent Audit under condition D56;
- (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 A2 which requires a review,

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

A32. 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 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

A33. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).

A34. 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.

A35. The Applicant must make each Compliance Report publicly available within 60 days of submitting it to the Planning Secretary.

A36. 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.

## Sydney Trains

A37. Where a condition of consent requires consultation with Sydney Trains, the Applicant must forward all requests and/or documentation to the Central Sydney Trains External Interface Management team via email on [Central\\_Interface@transport.nsw.gov.au](mailto:Central_Interface@transport.nsw.gov.au).

A38. No work is permitted within any easements which benefits Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior endorsement or an agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant.

## PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### Design Amendments

- B1. Prior to the issue of any construction certificate, the design of Building 1 (Sports Complex building) must be amended and revised architectural plans and documentation demonstrating compliance with the condition must be submitted to, and approved by, the Planning Secretary. The revised design must modify the design of that part of Building 1 located directly opposite 8 Vialoux Avenue (i.e. the building component east of the Building 1 stair core/Multipurpose Hall 4 and including the area above the program pool) to reduce the view loss impact experienced by the north facing living rooms within apartments 1, 5, 8 and 12 at 8 Vialoux Avenue. The amendments to the design must comprise (unless otherwise agreed with the Planning Secretary) the following:
- (a) relocate the floor plate of the portion of Level 1 accommodating Multi-Purpose Sports Hall 2, further northward by **4m**, to increase the setback of this part of Building 1 to the southern boundary;
  - (b) relocate the floor plate of the portion of Level 2 accommodating Multi-Purpose Sports Hall 3 further northward by **3m**, to increase the setback of this part of Building 1 to the southern boundary;
  - (c) relocate the floor plates of Levels 1 and 2 accommodating the Multi-Purpose Sports Hall 2 and 3 further northward (i.e. section of Building 1 to the east of the stair core) such that the northern wall of this part of the building is located above the ground floor outdoor circulation space and bleacher seating (along the northern edge of Building 1 facing towards the existing sports grounds); and
  - (d) include non-trafficable areas (except for maintenance purposes) and provide roof-top planting along the southern edge of the roofs created from the relocation of the floor plates of Levels 1 and 2 further northward (i.e. the 4m and 3m wide roof areas on Levels 1 and 2 respectively, facing the apartments on 8 Vialoux Avenue).
- B2. Prior to the issue of any construction certificate, the Applicant must incorporate the following amendments to the approved plans, to the satisfaction of the Planning Secretary:
- (a) amend the Neild Avenue gated pedestrian entrance and path to retain and protect tree T32 identified in the submitted '*Arboricultural Impact Assessment Tree Protection Specification Revision C*' prepared by Tree IQ and dated 14 September 2020 in addition to the trees identified for retention in the plans listed in condition A2 and include a supporting Arboricultural Impact Assessment Report.
- B3. Prior to the issue of any construction certificate, the Applicant must incorporate the following amendments to the approved plans, to the satisfaction of the Planning Secretary:
- (a) Further refine the design of Building 2 to minimise visual amenity and reflectivity impacts, including providing further details of the screening arrangements on all elevations (including details of the screen planting) and details of all surface treatments, signage, fittings and fixtures that will be visible on the upper level.

### External Walls and Cladding

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

### Paddington Greenway

- B5. Prior to the issue of any construction certificate, the Applicant must consult with the Steering Committee for the Paddington Greenway to identify feasible routes in or around the Weigall Playing Fields for the Paddington Greenway. If this consultation results in the Applicant and Steering Committee agreeing that the preferred route passes through any part of the area within the Site, the Applicant must amend the Project to facilitate such a route, or identify and facilitate

an alternative viable route. The evidence of such consultation and the outcomes must be submitted to the satisfaction of the Planning Secretary, prior to the issue of the construction certificate.

### **Electrical Substation**

- B6. Prior to the issue of any construction certificate, the siting and or design of the proposed electrical substation and associated fencing must be amended to minimise its visibility from the public realm, with consideration given to locating the substation further from the site boundaries with emergency and service access available via the main vehicle access from Neild Avenue. Revised architectural plans and documentation demonstrating compliance with the condition must be submitted to, and approved by, the Planning Secretary.

### **Sydney Water Infrastructure and existing stormwater systems**

- B7. The construction certificate plans must demonstrate that all buildings and permanent structures are at least 1m outside of the outer face of Sydney Water's stormwater channel as it currently runs across the site or its future position, if redirected as part of the Application.

*Note: Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eaves, hanging stairs, stormwater pits, stormwater pipes, elevated driveway, basement access or similar structures. This clearance requirement would apply for unlimited depth and height.*

- B8. The construction certificate plans must demonstrate that any ground level treatment where the quality of the final ground surface is above the quality of standard footpath, such a treatment is not located within the 1m clearance zone of Sydney Water stormwater assets (e.g. no tennis court or any artificial turf) in their current position or future position, if redirected as part of the Application.
- B9. The construction certificate plans must demonstrate that the development (including all buildings and structures) are located outside the zone of influence of the Council's existing pipeline(s). The plans must demonstrate that footings extend to at least 100mm below the invert of the Council's pipe unless the footings are to be placed on competent bedrock.

### **Solar Panel Reflectivity**

- B10. Prior to the issue of any relevant construction certificate, the Applicant must provide to the satisfaction of the Certifier, a Solar Reflectivity Report prepared by a suitably qualified person with evidence that the proposed roof mounted solar panels are of a design and/or have been oriented to ensure that they would not result in adverse reflectivity / solar glare impacts to neighbouring residential properties (12-16 Neild Avenue and 18-28 Neild Avenue, and 25-33 Lawson Street) at any time during the year, when compared to the building roof without the roof mounted solar panels. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier approves it.
- B11. The construction certificate plans must include design details of the proposed solar panels on Building 1 to demonstrate the compliance of recommendation of the solar reflectivity report (where relevant) prepared pursuant to condition B10.

### **Swimming Pool Exhaust**

- B12. Prior to the issue of any relevant construction certificate, the Applicant must demonstrate to the satisfaction of the Certifier that the pool exhaust discharges at the roof level (above the Main Pool / Multi-Purpose Hall 1) and has been designed in accordance with Australian Standard 1668.2.

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

- B13. Prior to the issue of any relevant construction certificate for the design of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the report titled 'Sydney Grammar School Weigall Sports Complex Noise Impact Assessment Revision 5' prepared by White Noise Acoustics and dated 12 September 2021 (Noise Report), into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise Report.

## Operational Waste Storage and Processing

B14. Prior to the issue of any relevant 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.

## Parking, Driveway and Service Vehicle Layout

B15. Prior to the issue of a relevant construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the satisfaction of the Certifier that the operational access and parking arrangements comply with the following requirements:

- (a) 102 on-site car parking spaces, including three accessible spaces and no more than three 'small car spaces' are provided on the site (including Building 2 and surface parking);
- (b) six on-site motorcycle spaces are provided on the site;
- (c) an on-site pick-up/drop-off facility capable of accommodating six cars is provided on the site;
- (d) driveways and on-site manoeuvring areas allow for all vehicles to enter and leave the site in a forward direction;
- (e) all on-site car parking spaces are designed in accordance with the latest versions of AS 2890.1 and AS 2890.6 and allow an 85<sup>th</sup> percentile vehicle to manoeuvre into and out of a space without the loss of on-street parking opposite or abutting the proposed vehicle entry;

**Note:** *Vehicle turning paths are to be determined in accordance with Australian Standard 2890.1.2004. The 85th percentile vehicle is a standardised vehicle based on the significant characteristics of various vehicle types operating on Australian roads. More information about the 85th percentile vehicle, including its dimensions, can be found in AS 2890.1.2004.*

- (f) the swept path of the longest vehicle entering and exiting the site in association with the proposed development; as well as manoeuvrability through the site, is in accordance with the latest version of AS 2890.2;
- (g) access levels and grades comply with access levels and grade required by Council under the *Roads Act 1993*;
- (h) the driveway gradient and transitions comply with the latest version of AS2890.1 and include drawings showing:
  - (i) a longitudinal surface profile for the proposed driveway starting from the road centreline and including the kerb;
  - (ii) the kerb to be on the worst-case edge of the driveway; and
  - (iii) sight splays with minimum dimensions of 2.0m by 2.5m at property line (to ensure adequate visibility between vehicles leaving the site and pedestrians on the frontage road footpath) in accordance with the latest version of AS 2890.1;
- (i) the layback, crossing and street levels (where practicable) comply with Council's Standard Drawing RF2 "Standard Crossing & Layback"; and
- (j) the existing footpath levels being maintained (wherever possible).

**Note:** *A separate application is required by the Roads Act 1993 to alter Council's footpath levels.*

## Bicycle Parking and End-of-Trip Facilities

B16. Prior to the issue of any relevant construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifier:

- (a) the provision of a minimum two staff and 40 visitor/student bicycle parking spaces as outlined in plans listed in condition A2;

- (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; and
- (c) the provision of end-of-trip facilities for staff.

### Landscaping

B17. Prior to the issue of any relevant construction certificate, the Applicant must prepare revised Landscape Plans, to the satisfaction of the Planning Secretary. The plans must:

- (a) incorporate the amendments to the Building 1 landscaping and tree retention required under condition B1 and B2;
- (b) incorporate tree species that minimise overshadowing of neighbouring residential apartments;
- (c) include details of the rooftop planting for the eastern portion of Building 1;
- (d) ensure that the landscaped rooftop areas of Building 1 are non-trafficable (except for maintenance purposes);
- (e) provide for the planting of 42 new trees;
- (f) confirm the resulting tree canopy site coverage is no less than 31.7% of the site area;
- (g) detail the location, species, maturity and height at maturity of plants to be planted on-site;
- (h) include majority of plants (trees, shrubs and groundcovers) indigenous to the local area;
- (i) confirm all trees planted on Site will be advanced stock with a pot container size of 200 litres or greater;
- (j) include a new fence to replace the existing fence like for like (unless an alternative fence is otherwise agreed to with that adjoining owner and evidence provided to the Planning Secretary of that agreement), along the southern boundary of the site; and
- (k) include the provision of nest boxes suitable to native fauna likely to use the site.

### Public Domain Works

B18. Prior to the issue of any construction certificate for footpath, vehicular 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 roadworks or works within the public domain.*

### Geotechnical and Hydrogeological Design, Certification and Monitoring

B19. Prior to the issue of any relevant construction certificate, the Applicant must update the *Report on Geotechnical Investigation* prepared by Douglas Partners dated 9 March 2020 to include a Geotechnical / Hydrogeological Monitoring Program. The updated report must:

- (a) be certified by a suitably qualified expert and submitted to the Certifier;
- (b) include details of the location and type of monitoring systems to be utilised;
- (c) include details of the pre-set acceptable limits for peak particle velocity and ground water fluctuations;
- (d) include details of the recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer;
- (e) include details of a contingency plan; and
- (f) include measures that:

- (i) will detect any settlement associated with temporary and permanent works and structures;
- (ii) will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like);
- (iii) will detect vibration in accordance with AS 2187.2-1993 including acceptable velocity of vibration (peak particle velocity); and
- (iv) will detect groundwater changes calibrated against natural groundwater variations.

B20. Prior to the issue of any relevant construction certificate, the Applicant must undertake additional geotechnical investigation within the site including, but not limited to:

- (a) piezometers to measure groundwater fluctuations and to perform in-situ drawdown tests to estimate permeability of the soils/rock;
- (b) sampling and analysis of groundwater quality; and
- (c) installation of data loggers to obtain continuous measurement of groundwater levels and fluctuations.

B21. The construction certificate plans must include civil and structural engineering details for foundation retaining walls, footings, and subsoil drainage systems, as applicable, prepared by a professional engineer, (suitably qualified and experienced in geotechnical and hydrogeological engineering). The details must:

- (a) be generally consistent with recommendations of the *Report on Geotechnical Investigation* prepared by Douglas Partners dated 9 March 2020;
- (b) be certified by a suitably qualified geotechnical engineer and submitted to the Certifier for approval;
- (c) demonstrate that the foundation retaining walls, footings, and subsoil drainage systems, as applicable, provide:
  - (i) appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure;
  - (ii) appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater); and
  - (iii) tanking of all below ground structures, if deemed necessary by the geotechnical engineer upon detailed site investigation, to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.

### Stormwater Management System

B22. Prior to the issue of any relevant construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design as listed below, as amended by condition B1:

<b>Civil plans prepared by Warren Smith &amp; Partners</b>			
<b>Plan No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
C6.01	3	STORMWATER KEY PLAN	09/09/2020
C6.02	3	STORMWATER PLAN – SHEET 1	09/09/2020
C6.03	3	STORMWATER PLAN – SHEET 2	09/09/2020
C6.04	3	STORMWATER PLAN – SHEET 3	09/09/2020
C6.05	3	STORMWATER PLAN – SHEET 4	09/09/2020

C6.06	3	STORMWATER PLAN – SHEET 5	09/09/2020
C6.07	2	STORMWATER PIT SCHEDULE	09/09/2020
C6.08	3	STORMWATER CATCHMENT PLAN – SHEET 1	09/09/2020
C6.09	3	STORMWATER CATCHMENT PLAN – SHEET 2	09/09/2020
C6.10	2	OSD PLAN	09/09/2020
C6.11	2	OSD SECTIONS	09/09/2020
C6.12	3	STORMWATER DRAINAGE DETAILS	09/09/2020
C6.13	3	OCEAN PROTECT TREATMENT DEVICE TYPICAL DETAILS	09/09/2020

- (c) demonstrate compliance with the objectives and performance requirements of the BCA;
- (d) demonstrate that the location of the stormwater pipes, pits would not obstruct, remove (when not necessary), disconnect or render inoperable the existing public stormwater system on the site;
- (e) demonstrate compliance with Chapter E2 – Stormwater and Flood Risk Management of Woollahra Development Control Plan 2015 (WDCP);
- (f) demonstrate compliance with Sydney Water requirements in relation to stormwater and sewer lines;

**Note:** Existing stormwater drainage systems that discharge to the sewer are not in compliance with Sydney Water or Council's requirements.

- (g) include a drainage Layout Plan at a scale of 1:100 and based on drainage calculations prepared in accordance with the Institute of Engineers Australia publication, Australian Rainfall and Run-off, 1987 edition or most current version thereof, including, but not limited to:
  - (i) proposed pipe layout, dimensions, grades, lengths and materials;
  - (ii) all invert levels reduced to Australian Height Datum (AHD);
  - (iii) location, dimensions and types of all drainage pits;
  - (iv) exact point and type of connection to Council's drainage infrastructure; and
  - (v) overland flow paths over impervious areas;
- (h) include:
  - (i) location of all trees on and adjacent to the site that will be retained under the proposal;
 

**Note:** Drainage systems must not interfere with these trees.
  - (ii) copies of certificates of title, showing the creation of easements to drain water (if required);
  - (iii) the location of the closest Council stormwater pit and line, regardless of the point of discharge, together with the exact location of any Council drainage easement and/or reserve on the property;
 

**Note:** This information can be obtained from the site survey, visual inspection of the area and by perusal of Council's drainage plans.
  - (iv) subsoil drainage details and layout, clean out points, discharge point;
  - (v) pump/sump (where a gravity solution is not possible);
  - (vi) type of pump & sump details and discharge rates;
  - (vii) details of buffer storage, stilling pits;
  - (viii) details of buffer storage/pump timer so that subsoil discharge occurs at night and infrequently;
  - (ix) details of stormwater treatment devices (such as gross pollutant traps or others), meeting the specifications outlined in Council's water quality targets detailed in Chapter E2 "Stormwater and Flood Risk Management" of WDCP; and

- (x) details of any private drainage easements required, where the new or existing stormwater drainage systems are proposed to discharge to an approved drainage point after passing over other private properties (if relevant);
  - (i) demonstrate that ageing infiltration systems, such as rubble pits, “soak-aways” and discharge to the surface are not utilised by the development;
  - (j) demonstrate that the stormwater run-off from the proposed development drains to an approved and legal drainage point (consistent with plans listed in condition B22(b));
  - (k) include approvals from the relevant authority required for drainage connections (Council, Sydney Water or City of Sydney Council, as relevant);
  - (l) be in accordance with applicable Australian Standards; and
  - (m) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.
- B23. Separate construction certificates would need to be lodged and approved by the relevant authorities under the *Roads Act 1993* or *Local Government Act 1993*, for all stormwater works relating to Council/Sydney Water owned assets, relocation / reconstruction of public drainage system and stormwater works within public reserves
- B24. Construction Certificate plans must demonstrate that all works (where relevant) in relation to relocation, reconstruction of Council’s drainage system or works that, upon completion would in Council’s ownership, care and control in the future, comply with Council’s *Specification for Roadworks, Drainage and Miscellaneous Works* (2012).
- B25. Prior to the issue of any relevant construction certificate, for any connection into the City of Sydney’s drainage system, an ‘Application for Approval of Stormwater Drainage Connections’ must be submitted to City of Sydney Council together with any applicable fees.

### **Flooding**

- B26. The construction certificate plans must demonstrate, to the satisfaction of the Certifier, that all property vehicular and pedestrian access threshold levels are designed to provide a minimum freeboard protection in accordance with Clause E2.3.3 Flood Planning Levels in the Woollahra DCP Chapter E2 – Stormwater Flood Risk Management.
- B27. A suitably qualified hydraulic engineer must certify that the levels, or alternative protection measures, are satisfactory to protect the site and the adjoining properties (as relevant) from additional inundation resulting from the project. A copy of the certification must be submitted with the plans, to the Certifier for information.

### **Roadworks and Pedestrian Access Improvements**

- B28. Prior to the issue of any relevant construction certificate for external roadworks and pedestrian infrastructure, the Applicant must prepare design plans for the following traffic calming measures, in consultation with the relevant roads authority (Council, City of Sydney Council or Transport for NSW, as relevant):
- (a) the upgrade of the two existing at-grade pedestrian crossings at the intersection of Neild Avenue and Lawson Street to be raised pedestrian crossings; and
  - (b) the installation of speed reduction facilities, e.g. speed table, between the existing speed table on Neild Avenue and the intersection of Neild Avenue and Boundary Street.
- B29. The Applicant must lodge a separate construction certificate application under the *Roads Act 1993*, for all external roadworks required by condition B28, for approval by the relevant roads authority. The Applicant must provide a copy of the documents approved by the relevant roads authority to the Certifier and the Planning Secretary for information.
- B30. Notwithstanding, the requirement of condition B28, if the Applicant proposes alternate traffic calming measures, agreements with and appropriate approvals/endorsements from the relevant roads authority must be obtained and evidence submitted to the Certifier, prior to the issue of any relevant construction certificate for those works.

## Sydney Trains

- B31. Prior to the issue of any relevant construction certificate, the Applicant must undertake a services search to establish the existence and location of any rail services adjacent or near the site. Persons performing the service search must use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site. Evidence of such services search, consultation (where relevant) and relocation arrangements must be submitted to the Certifier for information, prior to the issue of the relevant construction certificate.
- B32. The construction certificate plans must identify the relocation of the rail services, if relevant.
- B33. Prior to the issue of any construction certificate, the Applicant must provide evidence (such as consultation documents and a letter from Sydney Trains) to the satisfaction of the Certifier to confirm that no works are proposed within any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time or if works are proposed, necessary endorsements or an agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained.

## Construction Methodology

- B34. Prior to the issue of any relevant construction certificate, the Applicant must prepare a Construction Methodology Structural Report. The report must:
- (a) be prepared by a suitably qualified and experienced structural engineer;
  - (b) be submitted to the Certifier for approval;
  - (c) include measures to demonstrate that the proposed excavation and/or piling or similar will have no adverse impacts on any adjoining or adjacent properties (including the property at 12 – 16 Neild Avenue, opposite the site) and infrastructure including any existing boundary wall;
  - (d) include a certification from the suitably qualified engineer that no underpinning works to neighbouring structures are required and if underpinning works are required, the Applicant must seek and obtain owner's consent from the relevant neighbour (in case such works are needed);
  - (e) include evidence of site investigation by conducting test pits utilised to determine the design parameters appropriate to the specific development and site; and
  - (f) include:
    - (i) location of nearby foundations/footings (site and neighbouring properties) including any existing boundary wall;
    - (ii) design solutions showing that the footings of all existing structures will not be disturbed or undermined by the proposed excavation;
    - (iii) proposed method of excavation;
    - (iv) permanent and temporary support measures for excavation;
    - (v) certification from a suitably qualified engineer, for any proposed ground anchors system, certifying that the system will have no adverse impacts to the structural integrity of adjoining properties;
    - (vi) details of any potential settlements affecting footings/foundations;
    - (vii) details of excavation support;
    - (viii) groundwater levels (if any);
    - (ix) potential vibration caused by method of excavation; and
    - (x) de-watering including seepage and off-site disposal rate (if any).

## All Abilities Access

- B35. Prior to the issue of any relevant construction certificate, the Applicant must provide evidence to the Certifier from an appropriately qualified person, that the works that are the subject of this development are designed to provide access and facilities for people with a disability, in accordance with the BCA.

## **PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION**

### **Notification of Commencement**

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

### **Certified Drawings**

- C3. Prior to the commencement of construction for any relevant part of the development, 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.

### **Payment of Damage Security Deposit**

- C4. Prior to the commencement of construction for any relevant part of the development, payment of the property damage security deposit, Local Government Act Activity Applications, Infrastructure Works Bond and the likes fees is to be confirmed with and paid to Council.

### **Pre-construction Dilapidation Report - Protection of Public Infrastructure**

- C5. Prior to the commencement of any construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services and Infrastructure 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 (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths); and
  - (c) submit a copy of the Pre-construction Dilapidation Report to the asset owner, Planning Secretary, Certifier and Council.

### **Pre-construction Condition Surveys - Residential Properties**

- C6. Prior to the commencement of any construction, the Applicant must offer pre-construction surveys to the adjoining owners and tenants (including 12 – 16 Neild Avenue, located opposite the site) of surface and sub-surface residential structures.
- C7. Where the offer (specified in condition C6) is accepted, the Applicant must arrange for surveys to be undertaken by a suitably qualified and experienced engineer and/or building surveyor prior to the commencement of vibration generating works that could impact on the external and internal parts of the structures within the identified properties.
- C8. Prior to the commencement of any vibration generating works that could impact on the external and internal parts of the structures surveyed as required by condition C7, the Applicant must:
  - (a) prepare the results of each survey in a Pre-construction Condition Survey Report;
  - (b) provide a copy of those relevant parts the report required by condition C8(a) to the owner and occupier of each residential property surveyed no later than one month before the commencement of all other potentially impacting works; and
  - (c) submit a copy of the Pre-construction Condition Survey Report to the Planning Secretary and Certifier.

### **Loose Foundation Materials**

- C9. Prior to the commencement of any construction, the Certifier must ensure that a professional engineer determines the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The professional engineer (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis and provide a report to the Certifier.

**Note:** A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

### **Community Consultative Committee**

C10. Prior to the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects (2016)*. The CCC must begin to exercise functions in accordance with such Guidelines, including holding its initial meeting, at least one month prior to the commencement of construction and continue to do so for the duration of construction and for at least three years following the completion of construction.

**Notes:**

- The CCC is an advisory committee only.
- In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.

### **Community Communication Strategy**

C11. No later than two months before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for approval. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners, tenants and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of three years following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design, construction and operation phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development, including contact details to enquire about the development or to make a complaint to the Applicant, ensuring that residents of 27,39,31,33 Lawson Street and 2 Vialoux Street (Lot 2 in Deposited Plan 633259) receive such information via hand delivery;
- (c) set out procedures and mechanisms for the regular distribution of information about or relevant to the development to the Community Consultative Committee, including advance notification of the commencement of construction and notification of the submission of all drawings and management plans required by the Conditions of this Consent and any subsequent updates to these plans;
- (d) set out procedures and mechanisms for publishing advance notice of commencement of Construction on the Applicant's website;
- (e) set out procedures and mechanisms for publishing advance notice on the Applicant's website of all events at the Weigall Playing Fields that involve the use of Building 1 and / or Building 2;
- (f) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (g) set out procedures and mechanisms:
  - (i) through which the community can enquire about the development, make a complaint 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.

- (h) include any specific requirements regarding traffic, noise and vibration, lighting, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.

### **Demolition**

- C12. Prior to the commencement of construction, demolition work plans required by *AS 2601-2001 The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

### **Environmental Management Plan Requirements**

- C13. 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**

- C14. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:

- (a) Details of:
  - (i) hours of work;
  - (ii) 24-hour contact details of site manager;
  - (iii) management of dust and odour to protect the amenity of the neighbourhood;
  - (iv) stormwater control and discharge;
  - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (vi) 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 C11;
  - (viii) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
- (b) details of earthworks and the volume of soil transported to and from the site;
- (c) details of the certified construction techniques for excavation as required in condition D30;
- (d) copies of necessary permits and approvals required for construction management;
- (e) Construction Traffic and Pedestrian Management Sub-Plan (see condition C16);
- (f) Construction Noise and Vibration Management Sub-Plan (see condition C17);
- (g) Construction Soil and Water Management Sub-Plan (see condition C18);
- (h) Flood Emergency Response (see condition C19);
- (i) Aboriginal Heritage Management Sub-Plan (see condition C20);
- (j) an unexpected finds protocol for contamination and associated communications procedure;
- (k) an unexpected finds protocol for non-Aboriginal heritage and associated communications procedure; and
- (l) 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.

- C15. 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.

C16. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council and TfNSW;
- (c) detail the scope of the works to be completed including details of the various construction stages;
- (d) to the fullest extent reasonably practicable, provide an amended construction site access/entry arrangement that does not include construction vehicles entering or exiting the Site via Vialoux Avenue and avoids construction traffic using Lawson Street and Alma Street, with all construction traffic to enter and exit the site directly from/to Neild Avenue. Exiting construction traffic should be routed from Neild Avenue onto Boundary Street;
- (e) include details demonstrating that at least two of the five informal Vialoux Avenue car parking spaces located at the northern end of the street can be retained during the construction phase of the development;
- (f) details of installation of "No Parking Zone" on Vialoux Avenue and the temporary removal of one 2P time restricted car parking space;
- (g) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
- (h) identify local traffic routes to be used by construction vehicles;
- (i) identify ways to manage construction works to address impacts on local traffic routes;
- (j) identify other developments occurring in close proximity (500m or in the same street) to the site or major development in the locality;
- (k) identify whether construction works associated with the White City redevelopment will be underway at any time during the construction phase of the Development;
- (l) identify traffic management and mitigation measures to minimise the cumulative traffic impact of any relevant developments identified in C16(j) or C16(k) during the ongoing construction works on the site;
- (m) provide details of consultation strategies with builders / developers at any relevant developments identified in C16(j) or C16(k), with regard to construction vehicle access etc to minimise the cumulative traffic and parking impacts of the developments;
- (n) provide details of the construction worker transportation strategy and parking arrangements for those that would drive to the site;
- (o) provide details for construction worker tool kit storage in case public transport is available to the construction personnel;
- (p) identify any construction work zones, proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access or reversing manoeuvres onto a public road;
- (q) provide Traffic Control Plans prepared by an accredited RMS Red or Orange card holder to manage these temporary changes to the surrounding roads identified in condition C16(p);
- (r) detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of work(s);
- (s) provide details of construction traffic arrival and departure times on school days (for SGS Edgecliff campus);
- (t) demonstrate that construction vehicles will be accommodated on the site to the greatest extent practicable, and provide details of parking arrangements of

construction vehicles that are to be accommodated on the site including a scaled drawing of the location, and vehicle swept paths;

- (u) demonstrate that the construction vehicles accommodated on the site can access and egress the site in a forward direction;
- (v) include details of the Work Zones on the surrounding roads, where needed;
- (w) include details and dimensions of all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc;
- (x) provide the location of any site sheds and any anticipated use of cranes, concrete pumps and identify the relevant permits that will be required for crane access to the site;
- (y) detail how the crane/s, that are to be accommodated within the site (if relevant) will be erected and removed, including the location, number and size of vehicles involved in the erection/removal of the crane/s, the duration of the operation and the proposed day and times, any full or partial road closures required to erect or remove the crane/s; and
- (z) provide appropriate Traffic Control Plans prepared by an approved RMS Red or Orange Card holder required for managing cranes (if relevant).

C17. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) identify the sensitive noise receivers surrounding the site;
- (c) include the recommendations to mitigate and manage construction noise as outlined in section 9 of the Noise Report;
- (d) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) and the Noise Report;
- (e) describe the measures to be implemented to manage high noise generating works (such as where Noise Management Levels are exceeded) including, but not limited to, piling, in close proximity to sensitive receivers;
- (f) include strategies that have been developed with the community for managing high noise generating works;
- (g) describe the community consultation undertaken to develop the strategies in condition C17(f);
- (h) describe measures and respite periods for high noise generating works to ensure the amenity of the nearby residents and school users are restored;
- (i) include a complaints management system that would be implemented for the duration of the construction; and
- (j) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures.

C18. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:

- (a) be prepared by a suitably qualified expert, in consultation with Council;
- (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
- (c) incorporate the document titled '*Acid Sulfate Soils Management Plan ref: 58554/135442 (Rev 0)*', prepared by JBS&G and dated 22 February 2021 and include measures for the management, handling, treatment and disposal of acid sulfate soils and monitoring of water quality at acid sulfate soils treatment areas;

- (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the site);
  - (e) detail all off-site flows from the site; and
  - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to, 1 in 5-year ARI and 1 in 100-year ARI).
- C19. The Applicant must prepare a Flood Emergency Response Sub-Plan (FERSP) and the plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EESG);
  - (c) include details of:
    - (i) the flood emergency responses for both construction and operation phases of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees and contractors, and students.
- C20. The Applicant must prepare an Aboriginal Cultural Heritage Management Sub-Plan (ACHMSP). The plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties; and
  - (b) include measures recommended by the *Aboriginal Cultural Heritage Assessment* prepared by Eco Logical Australia dated 25 January 2021.

### **Construction Work Zone**

- C21. Prior to the commencement of a relevant construction stage that requires the establishment of a work zone on a public road, the Applicant must:
- (a) obtain the necessary approvals for the work zone from the relevant roads authority, including payment of appropriate fees; and
  - (b) ensure that appropriate work zone signs are erected by the relevant roads authority (or others as needed) to enforce the work zone.
- C22. Prior to the commencement of any relevant construction stage which requires any oversized vehicles to operate on Council or City of Sydney Council property (including approved Works Zones), the Applicant must obtain a Permit to Stand Plant. Evidence of such permits must be attached to the CEMP and provided to the Certifier for information.

*Note: oversized vehicles are vehicles longer than 7.5m or heavier than 4.5 tons.*

### **No Parking Zone and Temporary Removal of One Car Park on Vialoux Avenue**

- C23. Prior to the issue of any construction certificate, the Applicant must obtain approval from the relevant roads authority (Council or others) for the installation of 'No Parking Zone' and temporary removal of one (1) 2P – time restricted parking space at the cul-de-sac end of Vialoux Avenue (near the site entrance), unless an alternative agreement is reached with Council with regard to construction vehicle access to the site.

### **Construction Worker Transportation**

- C24. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

- C25. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

#### **Soil and Water**

- C26. 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 (condition C18).
- C27. The Applicant must undertake and implement the Acid Sulfate Soil Management in accordance with the plan incorporated in the CSWMSP.

#### **Outdoor Lighting**

- C28. Prior to the installation of permanent outdoor lighting, evidence must be submitted to the satisfaction of the Certifier that:
- (a) 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; and
  - (b) Incorporates all design related recommendations in the *SGS Weigall Sports Complex – Lighting Design SEARs Report* prepared by Steensen Varming dated 02/07/2020 and as updated by the RtS and SRtS.

#### **Ecologically Sustainable Development**

- C29. Prior to the commencement of construction unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD approach is generally consistent with “*SGS Weigall Sports Complex – Ecologically Sustainable Development (ESD) SSDA – 10421*” by Steensen Varming dated 7/09/2020 (Rev 02) and that ESD 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.

#### **Utilities**

- C30. Prior to the commencement of construction written advice must be obtained from the relevant utility providers / authorities (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.
- C31. Prior to the construction of any utility works associated with the development, the Applicant must obtain any relevant approvals from service providers.

#### **Hazardous Material Register**

- C32. Prior to the commencement of construction, a Hazardous Materials Register must be prepared for the site and maintained during works to ensure legislative compliance.

#### **Hazardous Materials Survey and Management Plan**

- C33. Prior to the commencement of construction, a qualitative risk assessment of potential hazardous materials must be conducted of the pavilion and multipurpose tennis courts and a Hazardous Materials Survey and Management Plan must be prepared (where required). The Plan must detail recommendations for control measures.

#### **Project arborist**

- C34. Prior to the commencement of any construction works, the Applicant must employ a Project Arborist with a AQ Level 5 qualification to oversee the construction works on the site.

### **Heritage and Archaeology**

C35. Prior to any ground disturbance works commencing on site, all construction staff and contractors must be made aware of their statutory obligations for Aboriginal Objects under the *National Parks and Wildlife Act 1974*, and Relics under the *Heritage Act 1977*. This must be implemented as a heritage induction programme provided by a heritage consultant or consultants with relevant Aboriginal and historic heritage expertise.

### **Site Auditor**

C36. Prior to the commencement of construction works, the Applicant must appoint an NSW EPA accredited Site Auditor to oversee all remediation works on the site.

## PART D DURING CONSTRUCTION

### Site Notice

- D1. 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

- D2. 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

- D3. 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 C12.

### Construction Hours

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D5. Construction activities may be undertaken outside of the hours in condition D4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or their nominee if appropriate justification is provided for the works.
- D6. When demolition, excavation and construction works are undertaken on school days, all vehicular movements associated with this work must only be undertaken between the hours of 9:30am and 2:30pm in order to minimise disruption to the traffic network during school pick-up/drop-off times, unless otherwise agreed with the Planning Secretary.
- D7. Notification of such construction activities as referenced in condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D8. Rock breaking, rock hammering, sheet piling, pile driving and other similar noisy works / activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 4pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

## Implementation of Management Plans

- D9. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (condition C14) including Sub-Plans.
- D10. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP (condition C18).
- D11. The Applicant must carry out the construction of the development in accordance with the geotechnical / hydrological monitoring program (condition B19) and maintain the investigation equipment at all times (condition B19).
- D12. All construction works and excavation works must incorporate the techniques and recommendations in the Construction Methodology Report in condition B34.

## Construction Traffic

- D13. All construction vehicles must 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.
- D14. Two of the five informal Vialoux Avenue car parking spaces located at the northern end of the street must be retained, at all times, during the construction phase of the development.

## No Obstruction of Public Way

- D15. 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.

## Site Cranes

- D16. Site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards.
- D17. Cranes must not swing or hoist over any public place unless the Applicant has the relevant approval under the *Local Government Act 1993*, *Crown Lands Act 1989* or *Roads Act 1993*.

**Note:** *Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, the Principal Contractor or Owner-builder must obtain an access order under the Access to Neighbouring Land Act 2000 or easement under section 88K of the Conveyancing Act 1919 or section 40 of the Land and Environment Court Act 1979 as appropriate. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.*

- D18. Cranes used for the development, must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the Civil Aviation Act 1988 (Cth).
- D19. No illuminated sign(s) must be erected upon or displayed upon any site crane.

## Hoarding Requirements

- D20. 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.

## Construction Noise Limits

- D21. The construction noise must be managed in accordance with the CNVMSP, required by this development consent.
- D22. 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 conditions D4 to condition D8, unless otherwise agreed with the Planning Secretary.

- D23. 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.
- D24. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of  $L_{Aeq}$  75dBA) as measured at the sensitive receiver must only be undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers, unless alternate measures are specified in the CNVMSP.
- Note:** For the purposes of this condition 'continuous' includes any period during which there is less than one hour respite between ceasing and recommencing any of the work the subject of this condition.
- D25. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.

### Vibration Criteria

- D26. Vibration caused by construction at any residence or structure outside the site must be limited to:
- 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
  - 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).
- D27. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D26.
- D28. The limits in condition D26 and condition D27 apply unless otherwise outlined in the CNVMSP, approved as part of the CEMP (condition C14).

### Tree Protection

- D29. For the duration of the construction works:
- street trees must not be trimmed or removed unless such action forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
  - all street trees immediately adjacent to the approved disturbance area 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;
  - all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the report titled '*Arboricultural Impact Assessment Tree Protection Specification Revision C*' prepared by Tree IQ and dated 14 September 2020; and
  - if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.
- D30. The Project Arborist must provide written certification to the satisfaction of the Certifier that all tree protection measures and construction techniques in accordance with the '*Arboricultural Impact Assessment Tree Protection Specification Revision C*' prepared by Tree IQ and dated 14 September 2020 and relevant to this consent have been complied with.
- D31. All compliance certification documents required under condition D30 must be kept on site. The Project Arborist must visit the site, as needed, for ongoing monitoring/supervisory work.

## **Air Quality**

- D32. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D33. 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.

## **Imported Soil**

- D34. The Applicant must:
- (a) ensure that only Virgin Excavated Natural Material (VENM), Excavated Natural Material (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**

- D35. 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**

- D36. 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 Heritage and Unexpected Finds Protocol**

- D37. If the proposed works encounter intact sand deposits, then further archaeological investigations must be undertaken as requested by the La Perouse Local Aboriginal Land Council (LALC). Monitoring by a qualified archaeologist and a representative of the LALC during early excavation works must be conducted, and evidence of such monitoring must be provided to the Certifier for information.
- D38. In the event that surface disturbance identifies an Aboriginal Object, or skeletal remains, 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 Heritage NSW ACH 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 Heritage NSW ACH to develop and implement management strategies for all objects/sites. Works must only recommence following consultation with Heritage NSW ACH and with the written approval of the Planning Secretary.

## **Non-Aboriginal Heritage Unexpected Finds Protocol**

- D39. If any unexpected Relics are uncovered during the work, then all works must cease immediately in that area and Heritage NSW must be contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the approval of Heritage NSW.

- D40. Where feasible and appropriate any Relics uncovered by the works should be retained on site and displayed for public appreciation/interpretation

#### **Skeletal Remains**

- D41. If any skeletal remains suspected of being human are found during construction works, work must cease immediately and no further disturbance of the site must occur. The NSW Police and Heritage NSW must be notified and details of the remains and their precise location are to be provided. If such skeletal remains are potentially of Aboriginal origin, the Aboriginal Heritage and Unexpected Finds Protocol outlined in D37 and D38 should also be followed.

#### **Waste Storage, Processing and Hazardous Materials**

- D42. 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.
- D43. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D44. 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.
- D45. 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.
- D46. 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.

#### **Site Contamination**

- D47. Remediation of the site must be carried out in accordance with the Remedial Action Plan titled 'Sydney Grammar School c/-Jattca Property Solutions Remedial Action Plan' (Rev 0), prepared by JBS&G and dated 22 September 2020 and any variations to the Remedial Action Plan approved by an NSW EPA-accredited Site Auditor.
- D48. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- D49. 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.

#### **Existing Drainage Easement, Drainage Reserve or Stormwater Drainage System Benefiting Council**

- D50. No building or other structure in relation to this development, must be placed over an existing or proposed location of a stormwater system or within the zone of influence taken from the invert of any pipeline.
- D51. All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes must be constructed outside of the zone of influence of the Council's pipeline as required in condition B9.
- D52. The Applicant must locate all stormwater drainage systems without causing any damage to the public stormwater drainage system including, but not limited to, obstructing, disconnecting, removing or rendering the drainage system inoperable.
- D53. In the event of a Council drainage pipeline is damaged during construction, all work in the vicinity of the area must cease and the Certifier and Council must be contacted immediately for advice.
- D54. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.
- D55. The Applicant must meet all costs associated with such works.

### **Independent Environmental Audit**

- D56. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- D57. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D58. 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.
- D59. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition D58 of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- D60. Independent Audit Reports and the Applicant'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 (2020), unless otherwise agreed by the Planning Secretary.
- D61. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), 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.

### **Heritage Interpretation Strategy**

- D62. Within four months of commencement of construction (or within another period agreed to by the Planning Secretary), the Applicant must prepare a Heritage Interpretation Strategy, to the satisfaction of the Certifier. The Strategy must:
- (a) be prepared by a suitably qualified heritage consultant in consultation with Council;
  - (b) incorporate additional consultation with the Registered Aboriginal Parties,;
  - (c) incorporate heritage interpretation measures into the design of the development to record the former use of the site as a market garden, its continued use as a sports field and Aboriginal cultural values/heritage associated with the site / Paddington / Rushcutters Bay area; and
  - (d) be submitted to the Planning Secretary for information.

### **Sydney Trains**

- D63. The Applicant must not, at any construction stage, block rail related use of Alma Street and associated easement, to ensure continuous provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.
- D64. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- D65. The Applicant must ensure that at all times during construction work, they have a representative (which has been notified to Sydney Trains in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - (b) acts as the authorised representative of the Applicant; and

- (c) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

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

### **Notification of Occupation**

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

### **External Walls and Cladding**

- E2. Prior to the issue of any relevant occupation certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **Post-construction Dilapidation Report – Public Infrastructure**

- E4. Prior to the issue of any occupation certificate or at the completion of construction (whichever occurs earlier), the Applicant must engage a suitably qualified and experienced engineer and/or building surveyor to prepare a post-construction dilapidation report. This report must:
- (a) ascertain whether the construction created any structural damage to public infrastructure;
  - (b) be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to public infrastructure, the Certifier must:
    - (i) compare the post-construction dilapidation report with the pre-construction dilapidation reports required by the conditions of this consent; and
    - (ii) have written confirmation from the relevant public infrastructure authority that there is no adverse structural damage to their infrastructure and roads.
  - (c) to be forwarded to Council and the Planning Secretary for information.

### **Repair of Public Infrastructure**

- E5. Unless the Applicant and the applicable public infrastructure 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; or
  - (c) alternatively pay compensation for the damage as agreed with the owner.

**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 of this consent.*

### **Post-construction Condition Survey – Residential Properties**

- E6. Prior to the issue of any occupation certificate or at the completion of construction (whichever occur earlier), the Applicant must engage a suitably qualified and experienced engineer and/or building surveyor to prepare a Post-construction Condition Survey report. This report must:
- (a) ascertain whether the construction created any structural or cosmetic damage to Residential Properties surveyed in relation to conditions C6 to C8;
  - (b) document the results of the post-construction surveys and compare it with the Pre-construction Condition Report;
  - (c) be provided to the owner and occupant of the relevant structures surveyed, no later than four months following the completion of construction activities.
  - (d) be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to a residential property, the Certifier must:

- (i) compare this report with the pre-construction Condition Survey Reports required by conditions of this consent;
  - (ii) have written confirmation from the owner/occupiers that there is no adverse damage to residential property; and
  - (iii) where relevant include a schedule of property condition impacts and proposed rectifications/resolution.
- (e) be forwarded to Council and the Planning Secretary for information including the comments from the Certifier.
- E7. Where Post Construction Condition surveys determine that damage to the identified property occurred as a result of the development, the Applicant must carry out rectification at its expense and to the reasonable requirements of the owner of the structure within six (6) months of the completion of construction activities, unless another timeframe is agreed with the owner and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the owner.

#### **Repair – Heritage Significant Properties**

- E8. Before conducting at-property treatment at any heritage item or any building of heritage significance, the advice of a suitably qualified and experienced built heritage specialist must be obtained and implemented to ensure such work does not have an adverse impact on the heritage significance of the item.

#### **Utilities and Services**

- E9. Prior to the issue of the occupation certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

#### **Works as Executed Plans**

- E10. Prior to the issue of any relevant occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.
- E11. The plans must demonstrate that all buildings are built above or to provide protection from inundation to the Probable Maximum Flood Levels and comply with the requirements of condition B26.

#### **Stormwater Completion Deed of Agreement and Positive Covenant**

- E12. Prior to the issue of any relevant occupation certificate, the Applicant must enter into a Deed of Agreement with the City of Sydney and obtain registration of Title of a Positive Covenant for any proposed connections to the City of Sydney's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the Applicant, in accordance with the City's Fees and Charges.

#### **Green Travel Plan**

- E13. Prior to the commencement of operation, a Green Travel Plan (GTP), must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and TfNSW. The final plan must be endorsed by TfNSW;
  - (b) be consistent with the *Green Travel Plan* prepared by PTC dated 7 October 2020;
  - (c) consider the requirements of the WDCP;
  - (d) include objectives and modes share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - (e) include specific tools and actions to help achieve the objectives and mode share targets, including, but not limited to:

- (i) a Parking Management Strategy to reduce instances of private vehicles utilising the parking spaces for uses other than visiting the Weigall Sports Complex; and
- (ii) a comprehensive communications strategy identifying how the communicative elements of the GTP and Travel Access Guide (TAG) will be conveyed to students, including for new students;
- (f) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP;
- (g) nominate a party or parties responsible for delivery and implementation of each element of the GTP throughout various stages of the development lifecycle, including for its ongoing implementation, monitoring and review, for a period of at least 5 years following the issue of the occupation certificate;
- (h) provide bicycle maintenance equipment in the bicycle parking facility;
- (i) provide charging equipment for e-bikes in the bicycle storage area to enable and encourage their charging;
- (j) provide funding and resourcing for those actions, including any ongoing actions required to influence travel demand, and determining an appropriate process for that to occur; and
- (k) include details regarding the methodology and monitoring/review program (for a period of at least 5-years following the issue of the occupation certificate) to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

#### **Operational Transport and Access Management Plan (OTAMP)**

- E14. Prior to the commencement of operation, an OTAMP must be prepared by a suitably qualified person, in consultation with Council and TNSW and submitted to the satisfaction of the Planning Secretary. The OTAMP must address the following:
- (a) detailed pedestrian analysis including the identification of safe route options to identify the need for management measures such as staggered start and finish times to ensure students and staff are able to access and leave the site in a safe and efficient manner;
  - (b) detailed schedule for the proposed staggered SGS bus operation to ensure the existing two bus bays on Neild Avenue are not overloaded and remain sufficient for the purposes of the operation of the development;
  - (c) traffic management/staff guidance to manage the interim pick-up/drop-off easement within the White City Redevelopment site and the transition into later stages;
  - (d) the location of all car parking spaces and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
  - (e) operating hours of the car park at Building 2 and general operating hours of the site as identified in the *Operational Management Plan, Weigall Sports Complex* Revision D, prepared by Sydney Grammar School 20 July 2021;
  - (f) the location and operational management procedures of the pick-up/ drop-off parking facility adjacent to Building 1 and the revised pick-up/ drop-off arrangements for SGS Edgecliff campus on Alma Street, including staff management/traffic controller arrangements;
  - (g) the location and operational management procedures for the pick-up/drop-off of students by buses and coaches for excursions and sporting activities during the hours of bus lane operations along Neild Avenue, including staff management/traffic controller arrangements;
  - (h) weekend operations and guidance to separate vehicles performing pick-up/drop-off and vehicles attempting to park, as different areas are provided for these two actions;

- (i) coordination between the two car parks within the site, during peak event times (when car parks at full capacity);
- (j) delivery and services vehicle and management arrangements;
- (k) management of approved access arrangements;
- (l) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing pick-up/ drop-off parking;
- (m) access arrangements and management associated with the proposed use of the sporting facilities by community members; and
- (n) a monitoring and review program.

### **Mechanical Ventilation**

E15. Prior to the issue of any relevant occupation certificate, 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.

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

E16. Prior to the issue of any relevant occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Noise Report have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise Report.

### **Car Parking, Service Vehicles and Bicycle Parking Arrangements**

E17. Prior to the issue of any relevant occupation certificate, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:

- (a) the car-parking, service vehicle areas, bicycle parking facilities comply with condition B15 and condition B16;
- (b) appropriate pedestrian and cyclist advisory signs are provided;
- (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
- (d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
- (e) end-of-trip facilities for staff are provided.

### **Fire Safety Certification**

E18. Prior to the issue of any relevant occupation certificate, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

### **Structural Inspection Certificate**

E19. Prior to the issue of any relevant occupation certificate of the relevant parts of the buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:

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

## **Stormwater Operation and Maintenance Plan**

- E20. Prior to the issue of any relevant occupation certificate, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the SOMP. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

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

- E21. 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**

- E22. Prior to the issue of any relevant occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development:
- (a) complies with the requirements of condition C28;
  - (b) achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers;
  - (c) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network; and
  - (d) implements the lighting management and mitigation measures contained within the document titled *SGS Weigall Sports Complex – Lighting Design SEARs Report* prepared by Steensen Varming dated 02/07/2020 and as updated by the RtS and SRtS.

## **Signage**

- E23. All signage approved by this development consent must be installed in accordance with the design/specifications as shown on the architectural drawings listed at condition A2.
- E24. The Applicant must consult with the owner of the White City Redevelopment site and install 'stop' / 'give way' signage and remove redundant signage at the Alma Street site entrance prior to the issue of the occupation certificate for Building 2.
- E25. Prior to the issue of the relevant occupation certificate, way-finding signage and signage identifying the location of staff car parking must be installed.
- E26. Prior to the issue of the relevant occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

## **Operational Waste Management Plan**

- E27. Prior to the issue of any relevant occupation certificate, the Applicant must prepare an Operational Waste Management Plan (OWMP) for the development and submit it to the Certifier. The OWMP must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
  - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (Department of Environment, Climate Change and Water, 2009);
  - (c) detail the materials to be reused or recycled, either on or off site; and

- (d) include the Management and Mitigation Measures included in the document titled 'Sydney Grammar School Weigall Sports Complex Operational Waste Management Plan' prepared by Waste Audit & Consultancy Services (Aust) Pty Ltd and dated September 2020.

### **Site Contamination**

- E28. Prior to the issue of any occupation certificate, 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.

### **Landscaping**

- E29. Prior to the issue of any relevant occupation certificate, the Applicant must demonstrate to the satisfaction of the Certifier that landscaping on the site has been in accordance with landscape plan(s) listed in condition A2 and updated by condition B17.
- E30. Prior to the issue of any relevant occupation certificate, the Applicant must prepare an Operational Landscape Management Plan (OLMP) to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must:
  - (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
  - (b) be consistent with the Applicant's Management and Mitigation Measures at Section 3 in the SRtS.
- E31. The Applicant must not commence operation until the OLMP is submitted to the Certifier.

### **Operational Flood Emergency Management Plan**

- E32. Prior to the issue of the occupation certificate for Building 1 and Building 2 or the commencement of operation of the premises (whichever occurs first), an Operational Flood Emergency Management Plan must be submitted to the Certifier that:
  - (a) is prepared by a suitably qualified and experienced person(s);
  - (b) addresses the provisions of the *Floodplain Risk Management Guidelines* (EESG);
  - (c) includes details of:
    - (i) the flood emergency responses for the operational phase of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
  - (d) awareness training for employees and contractors, and visitors.

### **Operational Management Plan**

- E33. Prior to the issue of the occupation certificate for Building 1 and Building 2 or the commencement of operation of the premises (whichever occurs first), the Applicant must submit an Operational Management Plan (OMP) for the use of the site, to the satisfaction of the Planning Secretary. The plan must:
  - (a) be consistent with *Operational Management Plan, Weigall Sports Complex* Revision D, prepared by Sydney Grammar School 20 July 2021;
  - (b) include all detailed operational hours of the site, for various activities, consistent with the EIS, RtS and the SRtS;
  - (c) include details of the facilities that will be made available to the community users, including as a minimum at least one swimming pool and some of the multi-use courts;

- (d) include details of the community usage profile within the site, including specific arrangements which permit all residents of the properties listed below to access the proposed facilities (including at least one swimming pool and some of the multi-use courts) for a minimum of 8 hours per week. This may include the Applicant facilitating, at its own cost, the establishment of an incorporated association including such residents.
  - (i) 27,39,31,33 Lawson Street and 2 Vialoux Street
  - (ii) 8 Vialoux Street
  - (iii) 12-16 and 18-28 Neild Avenue;
- (e) include details of the expected total number of weekend users and the anticipated activities;
- (f) include details of general use of the site on school days and before and after school activities;
- (g) include the details of the use and operations of Weigall Sports Complex during normal operations, consistent with section 1.1.3 of *Appendix H – Traffic Advice* prepared by PTC dated 15 June 2021;
- (h) specify the maximum number of events per year at the Weigall Sports Ground that will involve the use of Building 1 and / or Building 2 consistent with section 1.1.3 of *Appendix H – Traffic Advice* prepared by PTC dated 15 June ;
- (i) confirm that community users would not use the Building 2 car park or any pick-up/drop-off facility within the site and the measures proposed to implement those restrictions; and
- (j) include a copy of the OTAMP.

#### **Adjustment to Public Utilities**

E34. Prior to the issue of any relevant occupation certificate, adjustments to any public utilities necessitated by the development must be completed in accordance with the requirements of the relevant public authority at no cost to Council.

#### **Development Contributions**

E35. Prior to the issue of any occupation certificate (not including demolition), a Section 7.12 levy totalling \$544,000 (as indexed), must be paid to Council in accordance with Section 7.12 of the EP&A Act and Woollahra Section 94A Development Contributions Plan 2011. Prior to payment Council can provide the value of the indexed levy.

#### **Roadworks and Access**

E36. Prior to the issue of the occupation certificate of any relevant construction stage where roadworks is proposed, the Applicant must provide evidence to the satisfaction of the Certifier that:

- (a) all external roadworks and pedestrian infrastructure required by condition B28 have been completed; and
- (b) all necessary approvals from the public authorities have been obtained.

#### **Local Area Traffic Management Plan (LATM)**

E37. Prior to the issue of the occupation certificate for Building 1 and/or commencement of operation of the site (whichever occurs first), the Applicant must prepare and implement an LATM, which must:

- (a) be prepared by a suitably qualified traffic consultant in consultation with local schools, community and Council's Engineering Department;
- (b) include measures to manage traffic on the surrounding streets, as a result of this development; and
- (c) include traffic calming measures in the locality such as the roadworks (or alternatives, as agreed) required by this development consent.

## **Fencing**

- E38. Prior to the issue of any relevant occupation certificate, the Applicant must demonstrate that no proposed fencing impedes on the natural floodway or alters the natural floodway so as to concentrate flood waters on to the neighbouring properties.
- E39. Prior to the issue of any relevant occupation certificate, the Applicant must replace the southern boundary fence, as specified in condition B17.

## **Heritage Interpretation Strategy**

- E40. Prior to the issue of the occupation certificate for Building 1 and/or commencement of operation of the site (whichever occurs first), the Applicant must demonstrate to the satisfaction of the Certifier that the design related heritage interpretation measures, in the Heritage Interpretation Strategy in condition D62, have been incorporated into the site.

## **Swimming Pool**

- E41. Prior to the issue of the occupation certificate for Building 1, the Applicant must provide satisfactory evidence to the Certifier to demonstrate that the swimming pools have been constructed in accordance with the relevant legislation and comply with section 120 of the POEO Act, which prohibits the pollution of waters.

## PART F POST OCCUPATION

### Hours of operation

- F1. Unless otherwise agreed by the Planning Secretary, the hours of operation for the development are restricted to:
- (a) SGS users may use the new Weigall Sports Complex between:
    - (i) Monday to Friday: 6am – 7pm (training not to commence prior to 6:30am); and
    - (ii) Saturday: 7am – 3pm.
  - (b) community users may use the facilities between:
    - (i) Monday to Friday: 7pm to 10pm;
    - (ii) Saturday: 3pm to 10pm; and
    - (iii) Sunday: 7am to 6pm.
  - (c) the SGS users may use the drop-off / pick-up facilities within the site between:
    - (i) Monday to Friday: 6am – 7pm; and
    - (ii) Saturday / Sunday: 6am – 3pm.
- F2. Unless otherwise agreed by the Planning Secretary the hours of operation for the car park building (Building 2) within the site are restricted to:
- (a) 7pm on weekdays; and
  - (b) 10pm during event days (maximum two per school term) only for the lower ground car park.
- F3. Unless otherwise agreed by the Planning Secretary, the loading and unloading facilities are restricted to Monday to Friday: 6am – 5pm.

### Capacity, Usage and events

- F4. The maximum capacity within the sports complex (Building 1) on the weekends should be generally in accordance with the projections provided in section 1.1.3 of the *Appendix H – Traffic Advice* prepared by PTC dated 15 June 2021, and is restricted to:
- (a) summer: total of 386, including 209 students; and
  - (b) winter: total of 321, including 182 students.
- F5. The on-site drop-off/pick-up facilities and the car spaces within the site including the car park within Building 2, must not be used by the community organisations (anyone outside of SGS users).
- F6. Community use within the site must be restricted to organisations only, with prior agreement with SGS.
- F7. The community usage profile within the site must be in accordance with Table 1 of the *Operational Management Plan, Weigall Sports Complex Revision D*, prepared by Sydney Grammar School 20 July 2021, and any updates to those plans, including updates required under Condition E33.
- F8. Events are only permitted within the site in accordance with the attendee numbers and arrangements set out in section 1.1.3 of the *Appendix H – Traffic Advice* prepared by PTC dated 15 June 2021.

### Operation of Plant and Equipment

- F9. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

### Warm Water Systems and Cooling Systems

- F10. 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**

F11. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of three years following the completion of construction.

## **Operational Noise Limits**

- F12. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the report titled '*Sydney Grammar School Weigall Sports Complex Noise Impact Assessment Revision 5*' prepared by White Noise Acoustics and dated 12 September 2021. If exceedances continue to occur with all reasonable noise mitigation measures in place, the Applicant must submit revised operating hours (at Condition F1, F2 and F3) to reduce noise impacts to the satisfaction of the Planning Secretary.
- F13. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data are collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the report titled '*Sydney Grammar School Weigall Sports Complex Noise Impact Assessment Revision 5*' prepared by White Noise Acoustics and dated 12 September 2021. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant must implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

## **Unobstructed Driveways and Parking Areas**

F14. 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**

F15. 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 C29, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

## **Outdoor Lighting**

F16. Notwithstanding condition E22, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide reasonable mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

## **Landscaping**

F17. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E30 for the duration of occupation of the development.

## **Discharge Limits**

F18. The operation of the pool must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

## **Heritage Interpretation Strategy**

F19. Within 6 months of commencement of operation, the Applicant must implement the relevant recommendations of the most recent version of the Heritage Interpretation Strategy approved under condition D62.

### **Green Travel Plan**

F20. The Green Travel Plan required by condition E13 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **Operational Management Plan**

F21. The following operational management plans (and any updates to those plans), must be implemented and adhered to at all times by the Applicant following the issue of the relevant occupation certificate:

- (a) Operational Management Plan (condition E33);
- (b) Operational Landscape Management Plan (condition E30);
- (c) Operational Flood Emergency Management Plan (condition E32);
- (d) Green Travel Plan (condition E13) as updated from time to time;
- (e) Operational Transport Access Management Plan (condition E14);
- (f) Stormwater Operation and Maintenance Plan (condition E20); and
- (g) Operational Waste Management Plan (condition E27).

### **Signage**

F22. All signage illumination must be designed to prevent any light spill and direct all illumination away from adjoining / nearby residential properties.

F23. All signage illumination must only operate between 8am and 10pm on any day.

## 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.

### Payments to Council

AN3. Payments must be made by:

- a) cash deposit with Council,
- b) credit card payment with Council, or
- c) bank cheque made payable to Woollahra Municipal Council.

AN4. The payment of a security may be made by a bank guarantee where:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable],
- c) the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent,
- d) the bank guarantee is lodged with the Council prior to the issue of the Construction Certificate, and
- e) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

AN5. To ensure that the value the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2011 sets out the formula and index to be used in adjusting the levy.

AN6. Please contact Council's Customer Service Team on ph 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the *Act* and could void any such certificate (eg Construction Certificate, Subdivision Certificate, or Occupation Certificate).

AN7. Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 3.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- a) the reasons given,
- b) whether any prejudice will be caused to the community deriving benefit from the public facilities,
- c) whether any prejudice will be caused to the efficacy and operation of the Plan, and
- d) whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

- AN8. Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:
- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution,
  - b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable],
  - c) the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent,
  - d) the bank guarantee is lodged with the Council prior to the issue of the Construction Certificate, and
  - e) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.
- AN9. Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 3.13 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

#### **Legal Notices**

AN10. Any advice or notice to the consent authority must be served on the Planning Secretary.

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

AN11. 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**

AN12. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN13. 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 Occupancy Licence**

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

#### **SafeWork Requirements**

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

#### **Hoarding Requirements**

AN16. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

#### **Handling of Asbestos**

AN17. 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**

AN18. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

## APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal 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 A26 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.