


# Development consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I approve the development referred to in schedule 1, subject to the conditions in schedule 2.

These conditions are required to:

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



David Gainsford  
**Executive Director**  
**Priority Projects Assessments**

Sydney 18<sup>th</sup> December 2015

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### SCHEDULE 1

<b>Application No.:</b>	SSD 6952
<b>Applicant:</b>	Wenona School Limited
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	255-265 Miller Street and 6 Elliott Street, North Sydney
<b>Approved Development:</b>	<p>Redevelopment of the Wenona School Campus involving:</p> <ul style="list-style-type: none"><li>• demolition of the existing childcare centre at 263 Miller Street, existing office building at 265 Miller Street, and existing pedestrian link over Elliott Street;</li><li>• construction of a new six storey (three storeys above Miller Street) education establishment building containing swimming pools, teaching spaces and staff areas;</li><li>• construction of a new pedestrian overpass crossing Elliott Street;</li><li>• minor alterations and additions to the existing Miller Street Campus building at 255 Miller Street, including new connections, change rooms, plant and a new lift;</li><li>• retention and relocation of existing sandstone pillars and gateposts;</li><li>• installation of new substation on Miller Street frontage; and</li><li>• associated landscaping and planting.</li></ul>

## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Consent holder or person with the benefit of the development consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	North Sydney Council
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> .
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Evening	The period from 6pm to 10pm
EIS	<i>State Significant Development Environmental Impact Statement Project Archimedes Wenona School, North Sydney</i> prepared by JBA Urban Planning Consultants dated July 2015
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Feasible	Feasible relates to engineering considerations and what is practical to build
Minister	Minister for Planning, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage
Response To Submission (RtS)	<i>Wenona School Project Archimedes SDD 6925 Response to Submissions Report</i> prepared by JBA Urban Planning Consultants dated 23 October 2015
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
Site	Land referred to in Schedule 1
Secretary	Secretary of Department of Planning and Environment
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate)
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Zone of Influence	The horizontal distance from the edge of the excavation site or any construction zone (including on-site haulage routes) to twice the maximum excavation depth.

## SCHEDULE 2

### A. ADMINISTRATIVE CONDITIONS

#### Development Description

- A1. Except as amended by the conditions of this approval, development approval is granted only to carrying out the development as described in Schedule 1.

#### Terms of Consent

- A2. The applicant shall carry out the project in accordance with the conditions of consent and generally in accordance with the:
- a) State Significant Development Application SSD 6952;
  - b) Environmental Impact Statement, except where amended by the Response to Submissions;
  - c) The following drawings, except for:
    - i) any modifications which are Exempt or Complying Development; and
    - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Tonkin Zulaikha Greer Architects			
Drawing No.		Name of Plan	Date
A-0010		GENERAL DEMOLITION	16.07.15
A-0011		NO.255 MILLER STREET LG 2 DEMOLITION PLAN	16.07.15
A-0012		NO.255 MILLER STREET LG 1 DEMOLITION PLAN	16.07.15
A-0013		NO.255 MILLER STREET LG 1 MEZ DEMOLITION PLAN	16.07.15
A-0014		NO.255 MILLER STREET G.F DEMOLITION PLAN	16.07.15
A-0015		NO.255 MILLER STREET LEVEL 1 DEMOLITION PLAN	16.07.15
A-0016		NO.255 MILLER STREET LEVEL 2 DEMOLITION PLAN	16.07.15
A-1001		SITE PLAN	16.07.15
A-1002		LOWER GROUND 3 PLAN	16.07.15
A-1003		LOWER GROUND 2 PLAN	16.07.15
A-1004		LOWER GROUND 2 MEZ PLAN	16.07.15
A-1005		LOWER GROUND 1 PLAN	16.07.15
A-1006		GROUND FLOOR PLAN	16.07.15
A-1007		LEVEL 1 PLAN	16.07.15
A-1008		LEVEL 2 PLAN	16.07.15
A-1009		ROOF PLAN	16.07.15
A-2001		ELEVATION MILLER STREET	16.07.15
A-2002		ELEVATION ELLIOTT STREET	16.07.15
A-2003		ELEVATION NORTH	16.07.15
A-3000		SECTION A-A	16.07.15
A-3001		SECTION B-B, C-C	16.07.15
A-3002		SECTION C-C	16.07.15
A-5002		MATERIALS SCHEDULE	16.07.15
Landscape Plans prepared by 360°			
Sheet	Issue	Name of Plan	Date
2	B	Lower Ground Mez Public Domain Make-Good Works	26.05.15
3	A	Lower Ground Plan	01.05.15
4	A	Ground Floor Plan	01.05.15
5	A	Level 1 Plan	01.05.15
6	A	Level 2 Plan	01.05.15
7	A	Planting Schedule & Palette	01.05.15
1	A	Tree Location Plan & Tree Schedule	16.10.15

- A3. If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.
- A4. The applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
- a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; and
  - b) the implementation of any actions or measures contained in these documents.

#### **Limits on Consent**

- A5. This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.

#### **Prescribed Conditions**

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

#### **Dispute Resolution**

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

#### **Long Service Levy**

- A8. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

#### **Legal notices**

- A9. Any advice or notice to the consent authority shall be served on the Secretary.

#### **Obligation to Minimise Harm to the Environment**

- A10. In addition to meeting the specific performance criteria established under this consent, the applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

#### **Building Code of Australia compliance**

- A11. All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- a) complying with the deemed to satisfy provisions, or
  - b) formulating an alternative solution which:
    - i) complies with the performance requirements, or
    - ii) is shown to be at least equivalent to the deemed to satisfy provisions, or
    - iii) a combination of a) and b).

## **B. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **Ecologically Sustainable Development**

- B1. The project shall incorporate all design, operation and construction measures as identified in the Wenona Girls School Sustainability Development Application Report as prepared by Aecom dated 5 June 2015. Details are to be submitted to the Certifying Authority, prior to the issue of a Construction Certificate.

### **Sandstone Pillars and Gateposts**

- B2. A detailed plan prepared by a suitably qualified person showing where all existing sandstone pillars and gateposts on the site to be retained would be relocated within the Wenona school campus in accordance with the recommendations in Statement of Heritage Impact Report by NBRSPartners, dated 17 June 2015 shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

### **Construction Environmental Management Plan**

B3.

- a) Prior to the issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters, where relevant:
  - i) hours of work;
  - ii) 24 hour contact details of site manager;
  - iii) traffic management, in consultation with Council;
  - iv) construction noise and vibration management plan (NVMP), prepared by a suitably qualified person, which addresses the relevant provisions of Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites, and the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). The NVMP shall include the specific mitigation measures recommended in the Construction and Operational Noise report dated July 2014, prepared by Wilkinson Murray;
  - v) management of dust and odour to protect the amenity of the neighbourhood;
  - vi) erosion and sediment control;
  - vii) procedures for encountering groundwater during construction works including contact with NSW Office of Water;
  - viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
  - ix) stormwater control and discharge;
  - x) waste storage and recycling control;
  - xi) construction material storage;
  - xii) litter control;
  - xiii) unexpected finds protocol; and
  - xiv) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- c) The applicant shall submit a copy of the CEMP to Council, prior to commencement of work.

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

B4.

- a) Prior to the issue of a Construction Certificate, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the Certifying Authority. The Plan must be prepared in consultation with Council and RMS, and where required, the approval of the Council's traffic committee obtained.
- b) The Plan shall address, but not be limited to, the following matters:
  - i) ingress and egress of vehicles to the Subject Site;
  - ii) loading and unloading, including construction zones;
  - iii) predicted traffic volumes, types and routes;
  - iv) pedestrian and traffic management methods;
  - v) pedestrian access for the school students and staff;
  - vi) potential impacts on general traffic, cyclists, pedestrians, bus facilities and bus services operating on roads in the vicinity of the site from construction vehicles during the construction period and measures to mitigate impacts;
  - vii) Traffic Control Plans in accordance with the RTA publication "Traffic and Control Worksite" manual for each of the main stages of the development.
  - viii) a plan view of the entire site and frontage roadways indicating:
    - dedicated construction site entrances and exits controlled by certified traffic controllers, to safely manage pedestrians and construction related vehicles in the frontage roadways;
    - turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
    - the location(s) of proposed work zones;
    - location of any proposed crane and concrete pump and truck standing areas on and off the site;
    - a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
    - material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
    - an on-site parking area for employees, tradespersons and construction vehicles as far as possible. Any alternative construction staff parking area to be fully identified with supporting documents from affected property owner(s).
- c) The applicant shall submit a copy of the final Plan to Council, prior to the commencement of work.

### **Stormwater Management**

- B5. Prior to the issue of a Construction Certificate, details of the proposed stormwater disposal and drainage from the development is to be designed in accordance with Council's Stormwater Management Code and submitted to the Certifying Authority. All

approved details for the disposal of stormwater and drainage are to be implemented in the development.

### **Reflectivity**

- B6. The building materials used on the facades of the building shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **Outdoor Lighting**

- B7. All outdoor lighting within the site shall comply with, where relevant, AS1158.3.1-2005 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

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

- B8. The proposed buildings must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia, DDA Access to Premises Standards (including DDA Access Code) unless where there is an appropriate alternate solution as determined by a suitable qualified access consultant. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any Construction Certificate drawings.

### **Structural Details**

- B9. Prior to the issue of a Construction Certificate, the applicant shall submit to the satisfaction of the certifying authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the BCA; and
  - b) the development consent.

### **Mechanical Ventilation**

- B10. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666.1 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **Storage and Handling of Waste**

- B11. The building plans and specifications accompanying the Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:
- a) all internal walls of the storage area are to be finished to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
  - b) include provision for the separation and storage in appropriate categories of material suitable for recycling; and

- c) include provision for separate storage and collection of organic/food waste.

### **Utility Services**

B12. Prior to the issue of a Construction Certificate the applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.

### **Pre-construction Dilapidation Report**

B13. The applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works. A copy of the report is to be forwarded to the Council.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of the Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

## **C. PRIOR TO COMMENCEMENT OF WORKS**

### **Notice of Commencement of Works**

C1. The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of building work on the Subject Site.

### **Waste Management Plan During Construction**

C2.

- a) Prior to the commencement of any works on the Subject Site, a Construction Waste Management Plan, prepared by a suitably qualified person in consultation with the Council, shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
  - i. recycling of demolition materials including concrete; and
  - ii. removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The applicant shall submit a copy of the Plan to the Department and to Council, prior to commencement of work.
- d) The applicant must notify the Roads and Maritime Services Traffic Management Centre (TMC) of the truck routes(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.



### **Sydney Water Quick Check**

- C3. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Plans will need to be appropriately stamped by the Sydney Water Quick Check agent.

Note: for further assistance please telephone 13 20 92 or refer to Sydney Water's website [www.sydneywater.com.au](http://www.sydneywater.com.au) for Quick Check agent details.

### **Erosion and Sedimentation Control**

- C4. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to commencement of above ground works involving vegetation removal or soil disturbance.

## **D. DURING CONSTRUCTION**

### **Hours of Work**

- D1. The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) Between 7 am and 6 pm, Mondays to Fridays inclusive.
  - b) Between 8 am and 1 pm, Saturdays.
  - c) No work on Sundays and public holidays.
  - d) Works may be undertaken outside these hours where:
    - i) the delivery of materials is required outside these hours by the Police or other authorities;
    - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
    - iii) a variation is approved, in advance, in writing, by the Secretary or her nominee.

### **Erosion and Sediment Control**

- D2. All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### **Disposal of Seepage and Stormwater**

- D3. Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Environment Protection Authority in accordance with the New South Wales Protection of the Environment Operations Act.

### **Approved Plans to be On-Site**

- D4. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

## **Site Notice**

D5.

- a) A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
- b) The notice(s) is to satisfy all but not be limited to, the following requirements:
  - i) Minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;
  - ii) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - iii) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - iv) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

## **Protection of Trees**

D6.

- a) No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.
- b) All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of Council.
- c) All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction in accordance with Arboriculture Impact Report by Landscape Matrix Pty Ltd, dated 9 June 2015.
- d) The removal works are to be undertaken by a qualified arborist recognised within the Australian Qualification Framework, with a minimum 5 years of continual experience within the industry of operational amenity arboriculture, and covered by appropriate and current types of insurance to undertake such works and in accordance with Work Cover NSW 2007.

## **Construction Noise Management**

D7.

- a) The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan, approved as part of the CEMP.
- b) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be

added to the measured construction noise level when comparing the measured noise with the construction noise management levels.

- c) The applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan.
  - i) 8 am to 12.30 pm, Monday to Friday;
  - ii) 1.30 pm to 5 pm Monday to Friday; and
  - iii) 9 am to 12 pm, Saturday.
- d) Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- e) Any noise generated during the 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 Subject Site.

### **Vibration Criteria**

- D8. Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
  - a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration – Effects of Vibration on Structures; and
  - b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
- D9. These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP.
- D10. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

### **Work Cover Requirements**

- D11. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

### **Contamination**

- D12. All material in the building which contains asbestos is to be removed in accordance with the guidelines of the WorkCover Authority and the requirements of the Environment Protection Authority.
- D13. Any subsurface soils excavated during redevelopment of the site shall be classified in accordance with the 'Waste Classification Guidelines: Part 1 Classifying Waste NSW DECC, 2009 prior to off-site disposal.

### **Demolition**

- D14. All demolition is to be carried out in accordance with the requirements of the Australian Standard AS2601-2001.

## **Hoarding/Fencing Requirements**

D15. The following hoarding requirements shall be complied with:

- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
- b) the construction site manager shall be responsible for the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

## **Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics**

D16. If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

## **Discovery of Aboriginal Heritage**

D17. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The applicant must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

# **E. PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

## **Car Parking Agreement**

E1. Prior to the issue of an Occupation Certificate for the new school building, the applicant shall provide evidence of the formal agreement allocating a minimum of 11 additional car parking spaces for the exclusive use of Wenona School to the satisfaction of the Certifying Authority. A copy of the agreement shall be submitted to the Department and Council.

## **Green Transport Plan**

E2. Prior to the occupation of any facilities constructed under this approval, the applicant must prepare a green transport plan and identify all measures and incentives that would be provided to staff to promote sustainable transport modes, including subsidies and incentives to promote carpooling, car sharing and measures to support the use of public transport. The green transport plan must identify mode share targets and proposed travel strategies that target a reduction in private vehicle trips. The green transport plan must be submitted to the Secretary prior to commencement of operations of any facilities constructed under this approval.

## **Landscaping**

E3. The landscaping of the site is to be carried out in accordance with the approved Landscape Concept Plans and Tree Location Plan as per Condition A2 prior to the issuing of the relevant Occupation Certificate.

## **Privacy**

- E4. The proposed design and installation of internal planters at Level 1 of the setback zone to replicate the current green outlook shall be undertaken in consultation with the adjoining residents at No. 267 Miller Street (Regency Park Apartments) prior to the issuing of the relevant Occupation Certificate.
- E5. The details of the 'fritted' glazing treatment to the light well in the northern wall of the new building shall be finalised in consultation with the adjoining residents at No. 267 Miller Street (Regency Park Apartments) prior to the issuing of the relevant Occupation Certificate.

## **Occupation Certificate**

- E6. An interim Occupation Certificate must be obtained from the Certifying Authority prior to commencement of occupation or use of the whole or part of the new building. A copy of the certificate shall be submitted to the Department and Council.

## **Mechanical Ventilation**

- E7. Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the Certifying Authority, prior to the issue of the relevant Occupation Certificate, that the installation and performance of the mechanical systems complies with:
  - a) the Building Code of Australia;
  - b) Australian Standard AS1668 and other relevant codes;
  - c) the development consent and any relevant modifications; and
  - d) any dispensation granted by the Fire and Rescue NSW.

## **Road Damage**

- E8. The cost of repairing any damage caused to Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development, is to be met in full by the applicant prior to the issue of the final Occupation Certificate.

## **Sydney Water Compliance**

- E9. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Certifying Authority prior to issue of the final Occupation Certificate.

## **Post-construction Dilapidation Report**

- E10. Prior to the issue of the final Occupation Certificate, the applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

- a) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
  - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
  - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- b) A copy of this report is to be forwarded to Council.

### **Fire Safety Certification**

E11. Prior to the issue of the relevant Occupation Certificate, a Fire Safety Certificate shall 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 be prominently displayed in the building.

### **Structural Inspection Certificate**

E12. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to 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.
- b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **Utility Providers**

E13. Prior to the issue of the relevant Occupation Certificate written advice shall 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 provision of adequate services.

### **Drainage Plan**

E14. Prior to the issuing of the final Occupation Certificate for the development, the applicant shall submit to Council and the Certifying Authority a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Certifying Authority.

### **Waste Management**

E15. Prior to the issue of the final Occupation Certificate, a detailed Waste Management Plan for operation of the site shall be submitted to the Certifying Authority.

## **F. POST OCCUPATION**

### **Outdoor Learning Area**

- F1. The Outdoor Learning Area shall be used in conjunction with the use of the school and shall not be utilised as a separate function area outside normal school hours.

### **External Lighting**

- F2. External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

### **Loading/Unloading**

- F3. All loading and unloading, including deliveries to and from the site in connection with the use must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

### **Ecologically Sustainable Development**

- F4. The ESD principles and design measures outlined within the EA shall be implemented during school operations.

### **Annual Fire Safety Certificate**

- F5. An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

### **Noise Control – General**

- F6. The use of the premise shall not cause nuisance, or an offensive noise as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

### **Noise Control – Plant and Machinery**

- F7. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- Transmission of “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
  - A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.
  - Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the rating background noise level between the hours of 12.00 midnight and 7.00am.

## **ADVISORY NOTES**

### **Appeals**

AN1. The applicant has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

### **Use and Intensification**

AN2. This consent does not grant approval for any intensification of use of the school swimming pools (existing and proposed) by any external user groups beyond current arrangements.

### **Other Approvals and Permits**

AN3. The applicant shall apply to the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

### **Responsibility for other consents / agreements**

AN4. The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### **Temporary Structures**

AN5.

- a) An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

### **Disability Discrimination Act**

AN6. This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

### **Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

AN7.

- a) The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.



- b) This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### **Asbestos Removal**

AN8. All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

### **Site contamination issues during construction**

AN9. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.