

Modification of Development Consent

Section 96 (1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Director
Modification Assessments

Sydney 12 JULY 2017

SCHEDULE 1

Development consent:	SSD 7372 granted by the Executive Director, Priority Project Assessments on 21 February 2017.
For the following:	<p>Adaptive re-use of existing school buildings and facilities at the former Kings School for the establishment of a new primary school, including:</p> <ul style="list-style-type: none">• demolition of various internal building elements and ground floor slabs of Buildings E, F and H;• refurbishment of existing buildings, including:<ul style="list-style-type: none">○ Building A to accommodate administration and office space;○ Building B to accommodate a library and classrooms;○ Building C to accommodate staff areas, canteen, classrooms and common learning areas; and○ Building D to accommodate classrooms and practical activities spaces;• construction of new school hall and covered outdoor learning area;• a bus pick-up and drop-off area on Marist Place;• a student pick-up and drop-off area on Marist Place and Market Street;• reconfiguration of existing car parking areas off O'Connell Street and Marist Place;• site remediation works including removal of underground storage tanks; and• removal of trees and new landscaping to accommodate passive and active recreational uses.
Applicant:	NSW Department of Education.
Consent Authority:	Minister for Planning.
The Land:	3 Marist Place and 24A O'Connell Street, Parramatta (Lot 1 DP 1112822 and Lot 6 DP 1182647).
Modification:	SSD 7372 MOD 1: extension of construction hours.

SCHEDULE 2

The consent (SSD 7372) is modified as follows:

- (a) Schedule 2 Part A – Administrative Constructions, Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

Development in Accordance with Plans and Documents

A1. The Applicant shall carry out the development in accordance with the conditions of consent and generally in accordance with the:

- a) *Environmental Impact Statement, O'Connell Street Primary School, Old Kings School Site – 24A O'Connell Street, Parramatta* prepared by JBA Urban Planning Consultants Pty Ltd, dated June 2016;
- b) *Response to Submissions and Amended Proposal*, prepared by JBA Urban Planning Consultants Pty Ltd, dated 12 October 2016 and accompanying attachments;
- c) *Revised Response to Submissions*, prepared by JBA Urban Planning Consultants Pty Ltd, submitted on 12 January 2017 and accompanying attachments and addendums; **and**
- d) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) as otherwise provided by the conditions of this consent; **and**
- e) **Section 96(1A) modification application (SSD 7232 MOD 1) prepared by JBA Urban Planning Consultants Pty Ltd, dated 19 May 2017.**

Architectural Drawings prepared by <i>Tonkin Zulaikha Greer Architects</i>			
Dwg No.	Rev	Name of Plan	Date
PA-003	A	AREA CIRCULATION PLANS	06/05/16
PA-004	A	HERITAGE SIGNIFICANCE	06/05/16
PA-005	A	REPAIR AND CONSERVATION SCOPE	06/05/16
PA-100	D	SITE PLAN	12/10/16
PA-101	B	DEMOLITION DETAILED SITE PLAN: CENTER SCHOOL ZONE	31/05/16
PA-102	A	DEMOLITION DETAILED SITE PLAN: WESTERN CAR PARK	06/05/16
PA-103	B	DEMOLITION DETAILED SITE PLAN: EASTERN CAR PARK	31/05/16
PA-104	C	DETAILED SITE PLAN: CENTER SCHOOL ZONE	16/09/16
PA-105	C	DETAILED SITE PLAN: WESTERN CAR PARK	16/09/16
PA-106	C	DETAILED SITE PLAN: EASTERN CAR PARK	16/09/16
PA-107	C	SITE ELEVATIONS: NORTH + SOUTH	16/09/16
PA-108	C	SITE ELEVATIONS: EAST + WEST	16/09/16
PA-109	C	SITE SECTIONS	16/09/16
PA-201	B	BUILDING A+B GROUND FLOOR DEMOLITION/CONSERVATION PLAN	31/05/16
PA-202	B	BUILDING A+B FIRST FLOOR DEMOLITION/CONSERVATION PLAN	31/05/16
PA-203	C	BUILDING A+B SECOND FLOOR DEMOLITION/CONSERVATION PLAN	08/08/16
PA-204	C	BUILDING A+B THIRD FLOOR DEMOLITION/CONSERVATION PLAN	08/08/16
PA-205	C	BUILDING A+B ROOF DEMOLITION/CONSERVATION PLAN	08/08/16
PA-206	C	BUILDING A+B GROUND FLOOR PLAN	16/09/16
PA-207	B	BUILDING A+B FIRST FLOOR PLAN	31/05/16

PA-208	C	BUILDING A+B SECOND FLOOR PLAN	08/08/16
PA-209	C	BUILDING A+B THIRD FLOOR PLAN	08/08/16
PA-210	C	BUILDING A+B ROOF PLAN	08/08/16
PA-301	B	BUILDING C GROUND FLOOR DEMOLITION/CONSERVATION PLAN	31/05/16
PA-302	B	BUILDING C FIRST FLOOR DEMOLITION/CONSERVATION PLAN	31/05/16
PA-303	C	BUILDING C SECOND FLOOR DEMOLITION/CONSERVATION PLAN	08/08/16
PA-304	C	BUILDING C ROOF DEMOLITION/CONSERVATION PLAN	08/08/16
PA-305	C	BUILDING C GROUND FLOOR PLAN	16/09/16
PA-306	B	BUILDING C FIRST FLOOR PLAN	31/05/16
PA-307	C	BUILDING C SECOND FLOOR PLAN	08/08/16
PA-308	C	BUILDING C ROOF PLAN	08/08/16
PA-401	B	BUILDING D GROUND FLOOR DEMOLITION/CONSERVATION PLAN	31/05/16
PA-402	C	BUILDING D FIRST FLOOR DEMOLITION/CONSERVATION PLAN	08/08/16
PA-403	C	BUILDING D SECOND FLOOR DEMOLITION/CONSERVATION PLAN	08/08/16
PA-404	C	BUILDING D ROOF DEMOLITION/CONSERVATION PLAN	08/08/16
PA-405	C	BUILDING D GROUND FLOOR PLAN	16/09/16
PA-406	B	BUILDING D FIRST FLOOR PLAN	31/05/16
PA-407	B	BUILDING D SECOND FLOOR	31/05/16
PA-408	C	BUILDING D ROOF PLAN	08/08/16
PA-501	B	NEW HALL GROUND FLOOR PLAN	31/05/16
PA-502	C	NEW HALL ROOF PLAN	08/08/16
PA-701	B	MATERIALS SCHEDULE	31/05/16

Landscape Drawings prepared by Spackman Mossop and Michaels

Dwg No.	Rev	Name of Plan	Date
L.002	D	KEY PLAN	15/04/16
L.101	D	FINISHES PLAN 1 OF 4	15/04/16
L.102	D	FINISHES PLAN 2 OF 4	15/04/16
L.103	D	FINISHES PLAN 3 OF 4	15/04/16
L.104	D	FINISHES PLAN 4 OF 4	15/04/16
L.CD.310	B	LANDSCAPE PLANTING DETAILS	15/04/16
L.CD.320	B	LANDSCAPE HARDWORKS DETAILS – SHEET 1	15/04/16
L.CD.321	B	LANDSCAPE HARDWORKS DETAILS – SHEET 2	15/04/16
L.CD.330	B	LANDSCAPE FURNITURE DETAILS – SHEET 1	15/04/16
L.411	B	EXISTING TREE SCHEDULE 1 OF 3	15/04/16
L.412	B	EXISTING TREE SCHEDULE 2 OF 3	15/04/16
L.413	B	EXISTING TREE SCHEDULE 3 OF 3	15/04/16
L.420	B	INDICATIVE PLANT LIST	15/04/16

Landscape Drawings prepared by Wood & Grieve Engineers Ltd

Dwg No.	Rev	Name of Plan	Date
C-002	B	GENERAL NOTES	27/04/16
C-011	A	EXISTING CONDITIONS	27/04/16
C-101	B	GENERAL ARRANGEMENT PLAN	27/04/16
C-131	B	STORMWATER DRAINAGE PLAN – SHEET 1	27/04/16
C-132	B	STORMWATER DRAINAGE PLAN – SHEET 2	27/04/16
C-133	B	STORMWATER DRAINAGE PLAN – SHEET 3	27/04/16
C-135	B	STORMWATER DRAINAGE – INFORMATION TABLES	27/04/16

C-137	B	STORMWATER CATCHMENT PLAN	27/04/16
C-138	B	ON-SITE DETENTION TANK DETAILS	27/04/16

- (b) Schedule 2 Part C – During Construction, Condition C1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

Hours of Work

- C1. The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- between 7 am and 6 pm, Mondays to Fridays inclusive;
 - between 7:30 am and 3:30 pm, Saturdays;
 - no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- the delivery of materials is required outside these hours by the Police or other authorities **RMS**; or
- it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
- variation is approved in advance in writing by the Secretary or her nominee; **or**
- works are carried out during the following hours ('the extended construction hours'), subject to the requirements of Condition C1A:**
 - between 6 pm and 10 pm, Mondays to Fridays**
 - between 3:30 pm and 5 pm, Saturdays**
 - between 8 am and 5 pm, Sundays**

- (c) Schedule 2 Part C – During Construction, Condition C1A is added by the insertion of the **bold and underlined** words / numbers as follows:

Extended Construction Hours

C1A During the extended construction hours outlined in condition C1(iv), the following requirements must be met:

- No deliveries of materials to the site or collection of materials from the site are to be made.**
- Construction works between the hours of 6 pm and 8 pm, Mondays to Fridays shall be limited to low-noise power and battery hand-held tools only and shall exclude the use of the following tools:**
 - angle grinders;**
 - hammer drills;**
 - jackhammers;**
 - circular saws;**
 - demo saws; and**
 - any other tool the generates a noise level equal to, or louder than, any of the above listed tools.**
- Construction works between the hours of 8 pm and 10 pm, Mondays to Fridays shall be limited to no-noise generating tools or equipment and be:**
 - undertaken internally, within the fully completed external façade of the building with all external windows and doors fully installed and closed during works; and**
 - limited to internal fitout works only, such as the installation of ceilings and partition walls, finishes and services.**
- All workers during the extended hours are to be appraised of the following requirements and the builder is to ensure the following practices are adhered to:**
 - access to the site during the extended hours is restricted to site personnel only;**

- ii) workers are not to loiter or take breaks in any external areas of the site after 6pm; and
 - iii) workers entering or exiting the site or within any external areas after 6pm, are to take care not to speak in raised voices, talk on mobile phones, use any radio including car radio, cause noise disturbance through the transportation of tools or any other activity.
 - e) All building construction work, including all plant and equipment operating contemporaneously, shall be subject to the following maximum noise levels:
 - i) During mass or services at St Patricks Cathedral: 55dB(A) L_{Aeq} (15 min), measured at the closest external facade of the Cathedral;
 - ii) During performances at the Riverside Theatre: 60dBA L_{Aeq} (15 min) as measured at the closest external facade of the Theatre; and
 - iii) If any non-compliance is detected with i) and ii) above, the Applicant shall take immediate action to ensure compliance.
 - f) All construction works shall be carried out in accordance with the requirements of condition B23 and the recommendations of the Acoustic Assessment of Construction Noise and Vibration for Planning Modification report prepared by Acoustic Studio and dated 19 May 2017 (as amended by this condition).
- (d) Schedule 2 Part C – During Construction, Condition C1B is added by the insertion of the **bold and underlined** words / numbers as follows:

C1B If investigation of complaint(s), through appropriate noise testing, establishes that offensive noise has occurred or works have been carried out during the extended construction hours outlined in condition C1(iv) in breach of conditions of approval, and the complaint is justified, then the Department may require by notice to the applicant, owner and developer, that the construction hours be restricted or revert to the approved hours in the original consent.

End of modification
(SSD 7372 MOD 1)