

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 grant consent to the development application 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

2017

SCHEDULE 1

Application No.:	SSD 7372
Applicant:	NSW Department of Education
Consent Authority:	Minister for Planning
Land:	3 Marist Place and 24A O'Connell Street, Parramatta (Lot 1 DP 1112822 and Lot 6 DP 1182647)
Development:	<p>Adaptive re-use of existing 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.

Summary of Modifications

SSD 7327	Approved by the Executive Director, Priority Projects Assessments on 21 February 2017
SSD 7372 MOD 1	Approved by the Director Modification Assessments on 12 July 2017, for the extension of construction hours.
SSD 7372 MOD 2	Approved by Director, Modification Assessments on 18 January 2018, for: <ul style="list-style-type: none"> • amendment of Building B including: <ul style="list-style-type: none"> ○ expansion of the rooftop plant and installation of plant ○ provision of a 1.5 m high copper coloured, louvred rooftop plant enclosure • installation of solar panels to the roof of the New Hall building
SSD 7372 MOD 3	Approved by the Director, Social and Other Infrastructure Assessments on 6 November 2017, for: <ul style="list-style-type: none"> • erection of 18 light posts and 15 bollards • removal of existing lighting infrastructure.
SSD 7372 MOD 4	Approved by the Director, Social and Other Infrastructure Assessments on 20 December 2017, for: <ul style="list-style-type: none"> • modification for the timing of post determination approval requirements • amendments to conditions D1 (Contamination), D3 (Boundary Fencing), D4 and E16 (Student Drop-off) and E17 (Pedestrian Crossing)
SSD 7372 MOD 5	Approved by the Director, Social and Infrastructure Assessments on 5 July 2019, for: <ul style="list-style-type: none"> • installation of a shade structure directly north of the existing Building D, works including: <ul style="list-style-type: none"> ○ preparation, excavation and construction of pile footings; ○ installation of five steel posts, with four concrete foot pilings and one steel post to be attached to the existing concrete wall; and ○ installation of one rectangular shade cloth.

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, as defined under Schedule 1 of this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2 of this consent
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	City of Parramatta Council
Certification of Crown Building works	Certification under s109R of the <i>Environmental Planning and Assessment Act 1979</i>
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> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	The Department of Planning and Environment
Evening	The period from 6 pm to 10 pm
Environmental Impact Statement (EIS)	<i>State Significant Development, Environmental Impact Statement, O'Connell Street Primary School, Old Kings School Site – 24A O'Connell Street, Parramatta</i> , prepared by JBA Urban Planning Consultants Pty Ltd, dated June 2016.
EPA	Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Feasible relates to engineering considerations and what is practical to build
Minister	Minister for Planning, or nominee
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
OEH	Office of Environment and Heritage, or its successor
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
Response to Submissions (RtS)	<i>Response to Submissions and Amended Proposal</i> , prepared by JBA Urban Planning Consultants Pty Ltd, dated October 2016 and accompanying attachments
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period
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
Subject Site	3 Marist Place and 24A O'Connell Street, Parramatta (Lot 1 DP 1112822 and Lot 6 DP 1182647)

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Development Description

A1. Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Condition A2.

Development in Accordance with Plans and Documents

- A2. 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;
 - d) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) as otherwise provided by the conditions of this consent.
 - e) *Section 96(1A) modification application (SSD 7232 MOD 1)* prepared by JBA Urban Planning Consultants Pty Ltd, dated 19 May 2017;
 - f) *Section 96(1A) modification application (SSD 7232 MOD 3)* prepared by Ethos Urban, dated 17 August 2017;
 - g) *Section 96(1A) modification application (SSD 7372 MOD 4)* prepared by Ethos Urban, dated 9 November 2017;
 - h) *Section 96(1A) modification application (SSD 7232 MOD 2)* prepared by JBA Urban Planning Consultants Pty Ltd, dated 11 July 2017, *Response to Submissions* prepared by Ethos Urban, dated 17 August 2017 and *Supplementary Response to Submissions* dated 23 November 2017; and
 - i) *Section 4.55(1A) modification application (SSD 7372 MOD 5)* prepared by Ethos Urban, dated 15 January 2019, and *Response to Submissions* prepared by Ethos Urban, dated 17 April 2019.

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	F	SITE PLAN	17/11/2017
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	E	SITE ELEVATIONS: NORTH + SOUTH	17/11/2017
PA-108	E	SITE ELEVATIONS: EAST + WEST	17/11/2017
PA-109	E	SITE SECTIONS	17/11/2017

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	E	BUILDING A+B ROOF PLAN	17/11/2017
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	D	NEW HALL ROOF PLAN	15/06/2017
PA-701	B	MATERIALS SCHEDULE	31/05/16
Landscape Drawings prepared by <i>Spackman Mossop and Michaels</i>			
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 <i>Wood & Grieve Engineers Ltd</i>			
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
E-002	0	ELECTRICAL SERVICES SITE PLAN LIGHTING AND POWER	19/01/17
E-505	0	ELECTRICAL SERVICES DETAILS	19/01/17
Pedestrian Crossing Plans prepared by <i>ptc consultants</i>			
Dwg No.	Rev	Name of Plan	Date
PTC- 400	2	COVER SHEET AND GENERAL NOTES	08/11/17
PTC – 401	2	WORKS PLAN 1	08/11/17
PTC – 402	2	WORKS PLAN 2	08/11/17
PTC – 403	2	WORKS PLAN 3	08/11/17
PTC – 411	2	LINE MARKING AND SIGNAGE PLAN 1	08/11/17
PTC – 412a	2	LINE MARKING AND SIGNAGE PLAN 2a	08/11/17
PTC – 412b	2	LINE MARKING AND SIGNAGE PLAN 2b	08/11/17
PTC – 413a	2	LINE MARKING AND SIGNAGE PLAN 3a	08/11/17
PTC – 413b	2	LINE MARKING AND SIGNAGE PLAN 3b	08/11/17
PTC – 422	2	SET OUT PLAN A	08/11/17
PTC – 423	2	LONG & TYPICAL SECTION SITE PLAN	08/11/17
PTC – 432	2	LONG SECTIONS	08/11/17
PTC – 433	2	TYPICAL SECTIONS	08/11/17
PTC – 441	2	SWEPT PATH ANALYSIS HEAVY RIGID VEHICLE	08/11/17
PTC – 501	2	TYPICAL DETAILS	08/11/17
Drawings prepared by <i>NORTHROP</i>			
Dwg No.	Rev	Name of Plan	Date
S00	B	STRUCTURAL DRAWING COVERSHEET AND DRAWING LIST	23/11/18
S01	A	STRUCTURAL DRAWING SEPCIFICATION NOTES	22/11/18
S02	D	STRUCTURAL DRAWING FRAMING PLAN	15/03/19
S03	D	STRUCTURAL DRAWING FRAMING ELEVATIONS	15/03/19
S04	A	STRUCTURAL DRAWING TYPICAL DETAILS	22/11/18
S05	D	STRUCTURAL DRAWING LOCATION PLAN	22/05/19

Inconsistency between documents

- 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.

Development Expenses

- A4. It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

Lapsing of approval

- A5. This consent will lapse five years from the date of consent unless the works associated with the development 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 Helpline on 131 441.

Legal Notices

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

Rooftop Platform and Plant

- A10. All rooftop platform and plant located on the roof of Building B, recently installed without approval, shall be removed within six months of the date of the approval of modification application SSD 7372 MOD 2.

PART B PRIOR TO COMMENCEMENT OF WORKS

Notice of Commencement of Works

- B1. The Certifying Authority, Council and the Department shall be given written notice, at least 48 hours prior to the commencement of each stage of works on the Subject Site.

Certified Plans

- B2. Plans certified in accordance with section 109R of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to commencement of each stage of the construction works and shall include details as required by any of the following conditions.

Heritage

- B3. Prior to the commencement of any work, an appropriately qualified and experienced Heritage Architect and Historical Archaeologist with experience in excavation of State significant archaeology is to be appointed for the project to monitor construction works and ensure no significant internal or external fabric is damaged or removed without their prior approval.
- B4. Prior to the commencement of any work, all construction personnel including subcontractors shall be inducted and informed by the nominated Historical Archaeologist as to the obligations and requirements relating to historical archaeological sites and relics in accordance with the guidelines issued by the Heritage Council of NSW.

Historical Archaeology

- B5.
- a) An **Archaeological Management Plan (The Plan)** shall be prepared prior to the commencement of works. The Plan shall be applied to guide the management of historical archaeology before, during and following the site works. This document shall consider recommendations from all Archaeological Assessments and Conservation Management Plans for the Old Kings School site; a research design and methodology to archaeologically investigate and manage the resource during the proposed development. The research design shall include advice on test excavation, monitoring, removal and salvage excavation as well as protection and avoidance throughout the duration of the project. The Plan shall be prepared in consultation with the OEH, Heritage Division.
 - b) **The Plan prepared in accordance with B5a) above, must be amended and updated accordingly to reflect any modifications to the approved development and submitted to the Certifying Authority prior to the commencement of those modified works.**
- B6. Test excavation should be undertaken to confirm the presence of local and state significant archaeological evidence (the level at which such evidence exists and its integrity) prior to confirming the final footing design for the new covered sports court north of Building C. Where state significant relics are identified, footing options for the new building should be amended to avoid harm to these remains and they should be retained in situ unharmed as expressed in the approved Archaeological Management Plan for the site.
- B7. All affected historical archaeological deposits of Local significance are to be subject to professional archaeological excavation, recording and removal before construction works commence which will impact those 'relics'. A Research Design including an Archaeological

Excavation Methodology must be prepared in accordance with Heritage Council guidelines, in consultation with the Heritage Division, OEH.

Ecologically Sustainable Development

- B8. The Applicant shall submit details of all design elements to the Certifying Authority demonstrating that all new buildings incorporate ecologically sustainable development initiatives equivalent to the benchmarks outlined under The Green Star – Education v1 rating tool.

Reflectivity

- B9. The building materials used on the facades of the buildings 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 statement demonstrating compliance with these requirements or where compliance cannot be met a report that demonstrates that the exceedance would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers is to be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground works.

Outdoor Lighting

- B10. All outdoor lighting within the Subject Site shall comply with AS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements* and AS 4282-1997 *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.

Bicycle Parking and End-of-Trip Facilities

- B11. Plans demonstrating compliance with the following requirements for bicycle parking and end-of-trip facilities shall be submitted to the satisfaction of the Certifying Authority:
- a) the provision of a minimum 40 bicycle parking spaces, including an appropriate number designated for staff-only usage;
 - b) the layout, design and security of bicycle facilities shall comply with the minimum requirements of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance; and
 - c) the provision of end-of-trip facilities for staff in accordance with the Green Star Education v1 rating tool.

Access for People with Disabilities

- B12. 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 any work, 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 certified plans.

Erosion and Sedimentation Control

- B13. Soil erosion and sediment control measures shall be designed in accordance with *Managing Urban Stormwater – Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works.

Pre-Construction Dilapidation Reports

- B14. Prior to the commencement of any work, 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 within the site, 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 falls 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 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.

Car Parking and Service Vehicle Layout

- B15. Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of relevant above ground works:
- a) all vehicles should enter and leave the Subject Site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave in a forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing;
 - b) the layout of the proposed car parking areas that form part of this consent (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS/NZS 2890.1:2004 *Parking facilities Part 1: Off-street car parking*, AS/NZS 2890.6:2009 *Parking facilities – Off-street parking for people with disabilities* and AS/NZS 2890.2-2002 *Parking facilities – Off-street commercial vehicle facilities* for heavy vehicle usage;
 - c) all demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping;
 - d) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
 - e) all works/ regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority; and
 - f) the swept path of the longest vehicle entering and exiting the Subject Site in association with the new work, as well as manoeuvrability through the Subject Site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- B16. Plans indicating line marking and signage, of public roads and footways shall be submitted to the relevant roads authority for approval where required.

Structural Details

- B17. Prior to the commencement of building works, 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

- B18. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the BCA and shall comply with the AS 1668.2-2012 *The use of airconditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings–Microbial control* 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 commencement of building works.

Stormwater and Drainage Works Design

- B19. Final drainage design plans of the stormwater drainage management system are to be prepared by a suitably qualified engineer generally in accordance with the stormwater drainage drawings prepared by Wood & Grieve Engineers Ltd (as listed under Condition A2). The drainage design plans are to be submitted to the Certifying Authority prior to the commencement of works.

Storage and Handling of Waste

- B20. The building plans and specifications accompanying the relevant plans submitted to the Certifying Authority prior to the commencement of any building works 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. Requirements of these storage areas shall:
- a) ensure all internal walls of the storage area are rendered 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.

Road Design and Traffic Facilities

- B21. All roads and traffic facilities shall be designed to meet the requirements of Council or RMS (whichever is applicable). The necessary permits and approvals from the relevant road authority shall be obtained prior to the commencement of road or pavement construction works.

Construction Environmental Management Plan

- B22.
- a) Prior to the commencement of works on the Subject Site, a **Construction Environmental Management Plan** (CEMP) shall be submitted to the satisfaction of the Certifying Authority. The CEMP 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 and Transport for NSW (CBD Coordination Office);
 - iv) construction noise and vibration management, prepared by a suitable qualified person;
 - v) management of dust and odour to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;

- vii) stormwater control and discharge;
 - viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - ix) procedures for encountering groundwater during construction works;
 - x) external lighting in compliance with AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*;
 - xi) an unexpected finds protocol;
 - xii) 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; and
 - xiii) waste storage, recycling and litter control.
- 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 the Department and Council, prior to commencement of work; and
 - d) The CEMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Noise and Vibration Management Plan

B23.

- a) Prior to the commencement of works on the Subject Site, a **Construction Noise and Vibration Management Plan** (CNVMP) shall be submitted to the satisfaction of the Certifying Authority. The CNVMP shall address, but not be limited to, the following matters where relevant:
 - i) be prepared by a suitably qualified expert;
 - ii) be prepared in consultation with Council and all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
 - iii) describe the measures that would be implemented to ensure:
 - i. best management practice is being employed;
 - ii. compliance with the relevant conditions of this consent;
 - iv) describe the proposed noise and vibration management measures in detail;
 - v) include strategies that have been developed to address impacts to noise sensitive receivers where noise levels exceed the construction noise management level, for managing high noise generating works;
 - vi) describe the consultation undertaken to develop the strategies in e) above;
 - vii) evaluates and reports on the effectiveness of the noise and vibration management measures; and
 - viii) include a complaints management system that would be implemented for the duration of the project.
- b) The Applicant shall submit a copy of the CNVMP to the Department and Council, prior to commencement of work; and
- c) The CNVMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Traffic and Access Management Plan

B24.

- a) Prior to the commencement of works on the Subject Site, a **Construction Traffic and Access Management Plan** (CTAMP) shall be submitted to the satisfaction of the

Certifying Authority. The CTAMP shall address, but not be limited to, the following matters where relevant:

- i) be prepared by a suitably qualified expert;
 - ii) be prepared in consultation with Council, Transport for NSW (CBD Coordination Office) and the Applicant(s) of adjoining construction sites including, but not limited to, the Western Sydney Stadium (SSD 7534) and residential flat building (DA/799/2014);
 - iii) identification of construction traffic routes including any known road closures and consideration of alternate routes and construction traffic volumes (including heavy vehicle/spoil haulage) on these routes;
 - iv) details of construction vehicle movements including parking, dedicated vehicle turning areas, and ingress and egress points;
 - v) discussion of construction impacts that could result in disruption of traffic, public transport, pedestrian and cycle access, access to public land, property access, including details of oversize load movements, and the nature and duration of those impacts;
 - vi) discussion of potential cumulative construction impacts on the surrounding road network as a result of the simultaneous construction of adjoining developments;
 - vii) details of management measures to minimise traffic impacts, including temporary road work traffic control measures and measures to minimise peak period congestion;
 - viii) details of measures to maintain or provide alternative safe and accessible routes for pedestrians throughout the duration of construction;
 - ix) details of measures to maintain connectivity for cyclists, with particular emphasis on providing adequate access between key existing cycle routes for commuter cyclists;
 - x) details of methods to be used to communicate proposed future traffic changes to affected road users, pedestrians and cyclists;
 - xi) an adaptive response plan which sets out a process for response to any traffic, construction or other incident; and
 - xii) mechanisms for the monitoring, review and amendment of the Construction Traffic and Access Management Plan.
- b) The Applicant shall submit a copy of the CTAMP to the Department and Council, prior to commencement of work; and
 - c) The CTAMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Waste Management Plan

B25.

- a) Prior to the commencement of works on the Subject Site, a **Construction Waste Management Plan** (CWMP) shall be submitted to the satisfaction of the Certifying Authority. The CWMP 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 must notify the RMS Traffic Management Centre of the truck route(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;
- d) The Applicant shall submit a copy of the CWMP to the Department and Council, prior to commencement of work; and

- e) The CWMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Utility Services

- B26. Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and telecommunication carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the building structure.
 - B27. Prior to the commencement of above ground works 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 provisions of adequate services.
-

PART C DURING CONSTRUCTION

Hours of Work

C1. 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 7:30 am and 3:30 pm, Saturdays;
- c) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

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

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

- a) No deliveries of materials to the site or collection of materials from the site are to be made;
- b) 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:
 - i) angle grinders;
 - ii) hammer drills;
 - iii) jackhammers;
 - iv) circular saws;
 - v) demo saws; and
 - vi) any other tool that generates a noise level equal to, or louder than, any of the above listed tools.
- c) 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:
 - i) undertaken internally, within the fully completed external façade of the building with all external windows and doors fully installed and closed during works; and
 - ii) limited to internal fitout works only, such as the installation of ceilings and partition walls, finishes and services.
- d) 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:
 - i) 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 service at St Patricks Cathedral: 55dB(A) L_{Aeq} (15 min), measured at the closest external façade of the Cathedral;
 - ii) During performances at the Riverside Theatre: 60 dBA L_{Aeq} (15 min) as measured at the closest external façade 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 proposed 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).

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 consideration 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.

Construction Noise Management

- C2. 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.
- C3. 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*, 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C4. The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved by the Secretary:
 - a) 9 am to 12 pm, Monday to Friday;
 - b) 2 pm to 5 pm Monday to Friday; and
 - c) 9 am to 12 pm, Saturday.
- C5. 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.
- C6. 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

- C7. 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 4150-3 *Structural Vibration – Effects of vibration on structures*; and
 - b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472-1:2008 *Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting* (1 Hz to 80 Hz) for low probability of adverse comment.
- C8. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- C9. These limits apply unless otherwise outlined in the Construction Noise and Vibration Management Plan, required under Condition B24 and submitted to the satisfaction of the Certifying Authority.

Heritage Conservation

- C10. Significant building fabric and elements are to be protected during construction works to prevent damage or removal. Any damage to the heritage fabric shall be repaired under the direction of the nominated Heritage Architect.
- C11. Where possible, impacts should be avoided to sub-floor areas which contain State significant archaeological resources. These are to be protected and retained in situ within Buildings A, B and C1 during construction. If impacts must occur to deposits in these buildings, an approach based on test excavation of the deposits must be prepared which reduces design impacts of the project as expressed in the Archaeological Management Plan for the site.
- C12. Appropriate ground protection systems are to be in place to prevent damage to any unidentified sub surface archaeology resulting from the use of heavy machinery, particularly within the Marist Place carpark. This may include heavy duty matting or other suitable measures which are adequate for the weight and size of the machinery being used.
- C13. Vibration monitoring, performed by a suitably qualified vibration consultant, is to be performed on all heritage items in the vicinity of the proposed demolition. In the event that any damage to heritage items are identified, vibratory activities are to cease and alternative work methods are to be implemented.

Protection of Trees

- C14.
- 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 to protect root system, trunk and branches, during construction; and

- d) If access to the area within any protective barrier is required during the works, it shall be carried out under the supervision of a qualified arborist. Alternative tree protection measures shall be installed, as required. The removal of tree protection measures, following completion of the works, shall be carried out under the supervision of a qualified arborist and shall 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.

Waste

- C15. All waste generated by the project shall be assessed, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (DECCW, 2009).
- C16. The body of any vehicle or trailer used to transport waste or excavation spoil shall be covered before leaving the premises to prevent any spillage or escape of any dust, waste or spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site shall be removed before leaving the premises.

Erosion and Sediment Control

- C17. 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 have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

- C18. 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 the Environment Protection Authority in accordance with the *Protection of the Environment Operations Act 1997*.

Approved Plans to be On-site

- C19. 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.

Road Occupancy Licence

- C20. A Road Occupancy Licence must be obtained from the Transport Management Centre (RMS) for any works impacting on traffic flows of adjoining roads during construction activities.

Site Notice

- C21.
 - 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 site 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.

Work Cover Requirements

C22. 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.

Hoarding/Fencing Requirements

C23. The following hoarding requirements shall be complied with:

- a) no third party advertising is permitted to be displayed on the subject hoarding/ fencing;
- b) the construction site manager shall 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; and
- c) the applicant shall submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

No Obstruction of Public Way

C24. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under and circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

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

C25. If any unexpected archaeological relics, not already identified by previous assessments, are uncovered during the course of works, the Applicant shall:

- a) immediately cease all works in that area;
- b) contact the OEH Heritage Division to provide notification of the find; and
- c) enact upon the Unexpected Finds Protocol required under Condition B22 of this consent.

Depending on the significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area, to the satisfaction of the nominated Historical Archaeologist. Works may only recommence upon receiving written approval from the nominated Historical Archaeologist (appointment as required by condition B3).

Discovery of Aboriginal Heritage

C26. 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 archaeologists and OEH to develop and implement management strategies for all projects/sites.

Site contamination issues during construction

- C27. 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 Certifying Authority must be immediately notified and works must cease. The Certifying Authority will determine whether further investigation, or the need for remediation, is required before construction works can recommence.

Archaeological Management

C28.

- a) The final design location for the new lighting infrastructure should be placed to avoid harm to local and state significant archaeological remains identified in Figure 6 of the Old King's School Archaeological Management Plan (dated May 2017 version 4), prepared by Extent Heritage, and Old King's School Archaeological Management Plan Addendum 3, Figure 5, dated 29 September 2017 prepared by Extent Heritage.
- b) Where the final design is unable to satisfy condition C27a) above through demonstrated efforts to do so, and harm will occur from this project, archaeological mitigation must take place as per the mitigation procedures for archaeological sites outlined in the AMP for this project. This should include the provision of a final excavation report documenting the findings and an update to the AMP at the end of this process to clearly show the location of remaining archaeological resources at this site.
- c) All works associated with C27 a) & b) above must be undertaken in accordance with the Archaeological Management Plan prepared in accordance with Condition B5 of the development consent.

Protection of Frangipani Tree

- C29. Prior to works relating to the installation of the shade structure, an AQF Level 5 (as defined by the Australian Qualifications Framework) Arborist must be engaged. Once engaged the AQF Level 5 Arborist must supervise:
- a) the installation of Tree Trunk Protection as detailed in paragraph 13.3 of the Arborist Impact Assessment prepared by McArdle Arboricultural Consultancy,
 - b) the installation of the Tree Protection Zone (as detailed in Australian Standard AS 4970 2009 Protection of Trees on Development Sites)
 - c) any pruning of the tree required during the installation of the shade structure, and
 - d) all works being undertaken within four (4) metres of the Tree Protection Zone to ensure a clearance of 200mm from any significant roots or branches.
- C30. An AQF Level 5 Arborist must:
- a) undertake monthly inspections of the tree to check the health of the tree during construction
 - b) undertake monthly inspections after construction is completed to identify whether the tree is experiencing solar loss
 - c) implement and ensure compliance with the prohibitions listed in Appendix D of the Arborist Impact Assessment.
- C31. Any pruning of the Frangipani Tree adjacent to Building D must be undertaken by AQF Level 3 arborists and must be undertaken in accordance with Australian Standards AS 4743-2007 Pruning of Amenity Trees.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Site Contamination

D1.

- (a) Upon the completion of remedial works, the Applicant shall submit a **Site Audit Report and Section A Site Audit Statement** prepared by a NSW EPA accredited site auditor, and in accordance with the **NSW Contaminated Land Management – Guidelines for the NSW Site Auditor Scheme (3rd edition, 2017)** (for the relevant part of the site, or staged where relevant), prior to occupation of the land to which the site audit report and site audit statement relate. The site audit report and **Section A** site audit statement must verify that the land:
 - (i) is suitable for the uses proposed under this consent;
 - (ii) will be subject to any conditions required by the EPA accredited Site Auditor relating to long-term contamination management and is to be submitted to the Certifying Authority; and
 - (iii) the Secretary following the completion of remediation works or the relevant part of the site, or stage.
- (b) Any containment cells that are required under any long term contamination management plan must be registered on title within 12 months of the long term contamination management plan being approved and endorsed by the site auditor.
- (c) No occupation is to occur to areas of the site that have not been deemed suitable for occupation by the Site Audit Report and Section A Site Audit Statement.
- (d) Evidence demonstrating that the requirements of parts (a), (b) and (c) above have been satisfied, is to be submitted to the Secretary prior to the issue of the Occupation Certificate for the site.

Long Term Contamination Management Plan

- D2. The Applicant shall prepare a **Long Term Contamination Management Plan (LTCMP)** to the satisfaction of the Certifying Authority, prior to the commencement of school operations. The LTCMP shall be prepared by a suitably qualified contamination expert and in consultation with the EPA accredited site auditor required under Condition D1. The LTCMP is to be prepared to ensure that:
- a) users of the site are not exposed to potentially contaminated soils located beneath the constructed surfaces of the school; and
 - b) works that require disturbance of any surface coverings on the site are undertaken in a manner that protects the health of the workers and future users of the site.

Boundary Fencing

D3.

- a) The fencing shall be designed to prevent students from accessing the adjoining Parramatta River and to deter unauthorised access to the school grounds. The detailed design of the fencing including height, alignment and material shall be developed in consultation with the Heritage Council of NSW, Council and the Office of the Government Architect. Gates shall be incorporated as part of the design to allow the community use of the school oval outside of school hours and direct access across the oval to Western Sydney Stadium (subject to agreement between Council and the Department of Education, or representatives). The final design of the fencing is to be submitted to the Secretary for approval prior to installation.

- b) The boundary fence approved under Condition D3 a) above is to be completed within 4 months of the commencement of school operations. Prior to the commencement of school operations, temporary fencing must be installed on the site in accordance with the locational requirements of D3 a) above in addition to the following:

- i). not to be of a solid finish or profile in order to allow for passive surveillance;
- ii). be installed in a manner that can be reversible and not result in significant disturbance to the site at ground level; and
- iii). be wholly located within the boundaries of the subject site.

Interim Student Set-Down and Pick-Up and Pedestrian Crossing – Market Street and Marist Place

D4.

- (a) An interim set-down and pick up area and interim (non-signalised) pedestrian crossing is to be designed by the Applicant in consultation with Council and Roads and Maritime Services and implemented prior to commencement of school operations. This interim arrangement is to be consistent with the plans titled 'Works Plan 08/11/17 (Rev 2) - 2nd Option A' and must be implemented for the student set-down and pick-up area and pedestrian crossing until a permanent arrangement can be agreed with Council and RMS.
- (b) Prior to the commencement of use for the interim provisions in part (a) above, a Detailed Design Road Safety Audit (RSA) shall be undertaken of the proposed interim student set-down, pick-up and pedestrian crossing facilities and appropriate road safety measures shall be implemented based on the outcomes of the RSA.

D5. Deleted.

Green Travel Plan

- D6. The Applicant shall submit to the Department a copy of a final **Green Travel Plan**, prepared by suitably qualified person(s) in consultation with Council and Transport for NSW. The Green Travel Plan is to promote the use of active and sustainable transport modes by both staff and students.

Landscape Heritage

- D7. Tree No. 74 (*Ceratonia siliqua* Carob) identified in the *Aboricultural Impact Statement, O'Connell Street Primary School Parramatta*, prepared by TLC Tree Solutions and dated 8 June 2016, shall be replaced with an identical tree species in close proximity to the location of the existing tree.

Mechanical Ventilation

- D8. 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 final occupation of the new building, that the installation and performance of the mechanical systems complies with:
- a) The BCA;
 - b) AS 1668.2-2012 *The use of airconditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
 - c) The development consent and any relevant modifications; and
 - d) Any dispensation granted by the NSW Fire Brigade.

Road Damage

- D9. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to the final occupation of the new hospital building.

Compliance Certificate

- D10. 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 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 occupation of the building.

Post-construction Dilapidation Report

- D11. Prior to final occupation of buildings:
- a) 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 or infrastructure.
 - b) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, 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.
 - c) A copy of this report is to be forwarded to Council.

Fire Safety Certification

- D12. Prior to the final occupation of the school, 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 Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- D13. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifying Authority prior to the occupation of the relevant parts of any new or refurbished buildings. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall 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.

Signage

- D14. Way-finding signage and signage identifying car parks for staff and visitors shall be installed prior to occupation.
- D15. Bicycle way-finding signage shall be installed within the site to direct cyclists from footpaths to designated bicycle parking areas prior to occupation.

Stormwater Quality Management Plan

- D16. An **Operation and Maintenance Plan** (OMP) is to be prepared to ensure proposed stormwater quality measures remain effective. The OMP must contain the following:
 - a) maintenance schedule of all stormwater quality treatment devices;
 - b) record and reporting details;
 - c) maintenance costs and funding arrangements for the maintenance of all stormwater quality treatment devices;
 - d) vegetation species list associated with each type of vegetated stormwater treatment device;
 - e) waste management and disposal;
 - f) traffic control measures (if required);
 - g) relevant contact information;
 - h) renewal, decommissioning and replacement timelines and activities of all stormwater quality treatment devices; and
 - i) Work Health and Safety requirements.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation.

PART E POST OCCUPATION

Green Travel Plan

- E1. The **Green Travel Plan** required under Condition D6 of this consent must be updated and reviewed annually and implemented accordingly.

Unobstructed Driveways and Parking Areas

- E2. All driveways, footways and parking areas shall be unobstructed at all times. Driveways, footways and car spaces shall not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and shall be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Pedestrian Access

- E3. Pedestrian access to the Subject Site via O'Connell Street shall be prohibited. The existing main gates on O'Connell Street are to remain locked (except in the event of an emergency) and measures are to be introduced, including staff supervision, to restrict students and parents/guardians from accessing the site via the staff car parking area adjacent to O'Connell Street.

Pedestrian Route Assessment

- E4. The Applicant shall undertake a **Pedestrian Route Assessment** (PRA) within 12 months of the commencement of school operations. The PRA shall be conducted in consultation with Transport for NSW (CBD Coordination Office) and RMS. The PRA is required to detail whether the established pedestrian crossings and access routes to the Subject Site are providing safe and efficient access for students, and whether a sufficient number of bicycle parking spaces are provided. Once completed, details of the PRA including consultations undertaken, are to be submitted to the Department and Council.

Noise Control – Plant and Machinery

- E5.
- a) Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, shall not exceed 5 dB(A) above the background noise level when measured at the boundary of any sensitive receiver **and shall not exhibit tonal and/or annoying characteristics.**
 - b) **The rooftop plant approved under SSD 7372 MOD2 shall not be operated during the night period as defined in the New South Wales Industrial Noise Policy (i.e. between the hours of 10.00 pm and 7.00 am Monday to Saturday, and 10.00 pm and 8.00 am on Sundays and Public Holidays).**

Noise Control – School Hall

- E6. Noise associated with use of the school hall on the Subject Site shall not exceed the following noise criteria when measured at the boundary of any sensitive receiver:
- a) between 7 am to 12 am (midnight): L_{A10} from the premises is not to exceed the existing background noise level by more than 5dB(A), in any octave band from 31.5 Hz to 8 kHz, inclusive; and

- b) between 12 am (midnight) and 7 am: L_{A10} from the premises is not to exceed the existing background noise level, in any octave band from 31.5 Hz to 8 kHz, inclusive.

Noise Control – Grounds Maintenance

- E7. Grounds maintenance involving the use of power equipment, including lawn mowers and leaf blowers, shall be restricted to between 7:30 am and 6 pm, Mondays to Fridays inclusive and 8 am and 1 pm on Saturdays.

Loading and Unloading

- E8. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Subject Site at all times.

Public Way to be Unobstructed

- E9. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- E10. 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 a qualified practitioner demonstrating compliance in accordance with this condition.

Roof Cows

- E11. Roof cows are to be kept to a minimum quantity and size and shall match the colour of the roof to which they are fixed. Roof cows must not be installed to the roof of the southern wing of Building D due to the visibility of this roofline from the oval.

Historical Archaeology

- E12. A final excavation report shall be prepared within 12 months of the completion of archaeological works on site. It should include details of any artefacts recovered, where they are located, and details of their ongoing conservation and protection in perpetuity by the land owner. A copy of the final report shall be lodged with the Heritage Council of NSW and Council.
- E13. A detailed interpretation strategy outlining the historical development of the site from its early days as an experimental farm for the Colony, through its history as a school and then as a rehabilitation centre and its restoration as the office of the NSW Heritage Council is to be prepared. This interpretation strategy shall include relevant results from the historical and Aboriginal archaeological investigations on site. The interpretation strategy shall be implemented within 12 months of occupation of the school.

Parramatta Light Rail

- E14. The Applicant shall continue to consult with Transport for NSW to ensure the project is appropriately integrated with any future Parramatta Light Rail in proximity to the Subject Site.

Flood Warning System

- E15. The Applicant shall investigate the potential to link the school's public address system to any future Parramatta River flood warning system installed by Council.

Final Student Set-Down and Pick-Up – Market Street

- E16. The final location of the student set-down and pick-up area is to be determined in consultation and agreement with Council, and must be operational within 6 months of commencement of school operations. Details of consultations undertaken and the final location of the student set-down and pick-up area are to be submitted to the Department for information.

Final Pedestrian Crossing – Marist Place and Market Street

- E17. The Applicant shall investigate suitable pedestrian crossing options to ensure school students/pedestrians can safely cross both Marist Place and Market Street. Options are to be considered in consultation and agreement with Council and RMS and may include, but not be limited to, the establishment of a signalised pedestrian crossing or other suitable treatment. The crossing(s) is to be implemented within 6 months of commencement of school operations. Details of consultation undertaken and the final location and design of the crossing(s) is to be submitted to the Secretary.
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ADVISORY NOTES

Appeals

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (as amended).

Other Approvals and Permits

AN2. The Applicant shall apply to the relevant authority 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

AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Use of Mobile Cranes

AN4. The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with:

- a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - i) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - ii) At least four weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30 am without the prior approval of Council.

Temporary Structures

AN5.

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures) 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 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 BCA which references AS 1428.1 - Design for Access and Mobility. AS 1428 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* (EPBC Act) 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 matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the EP&A Act. 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 EPBC Act does not have application. The EPBC 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 and demolition 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".