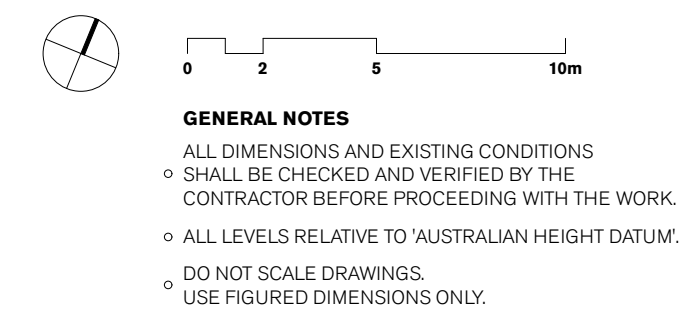




legend

- | | |
|-------|-----------------------|
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| PS501 | Library Unit |
| PS502 | Special Programs Unit |
| PS503 | Communal Hall Unit |
| PS504 | COLA |
| PS601 | Administration Unit |
| PS602 | Staff Unit |
| PS604 | Canteen |
| PS613 | OSH/C |
| PS605 | Storage Unit |
| | Pre-School Unit |
| | Wet Areas |
| | Circulation |
| | External Circulation |
| | Services |

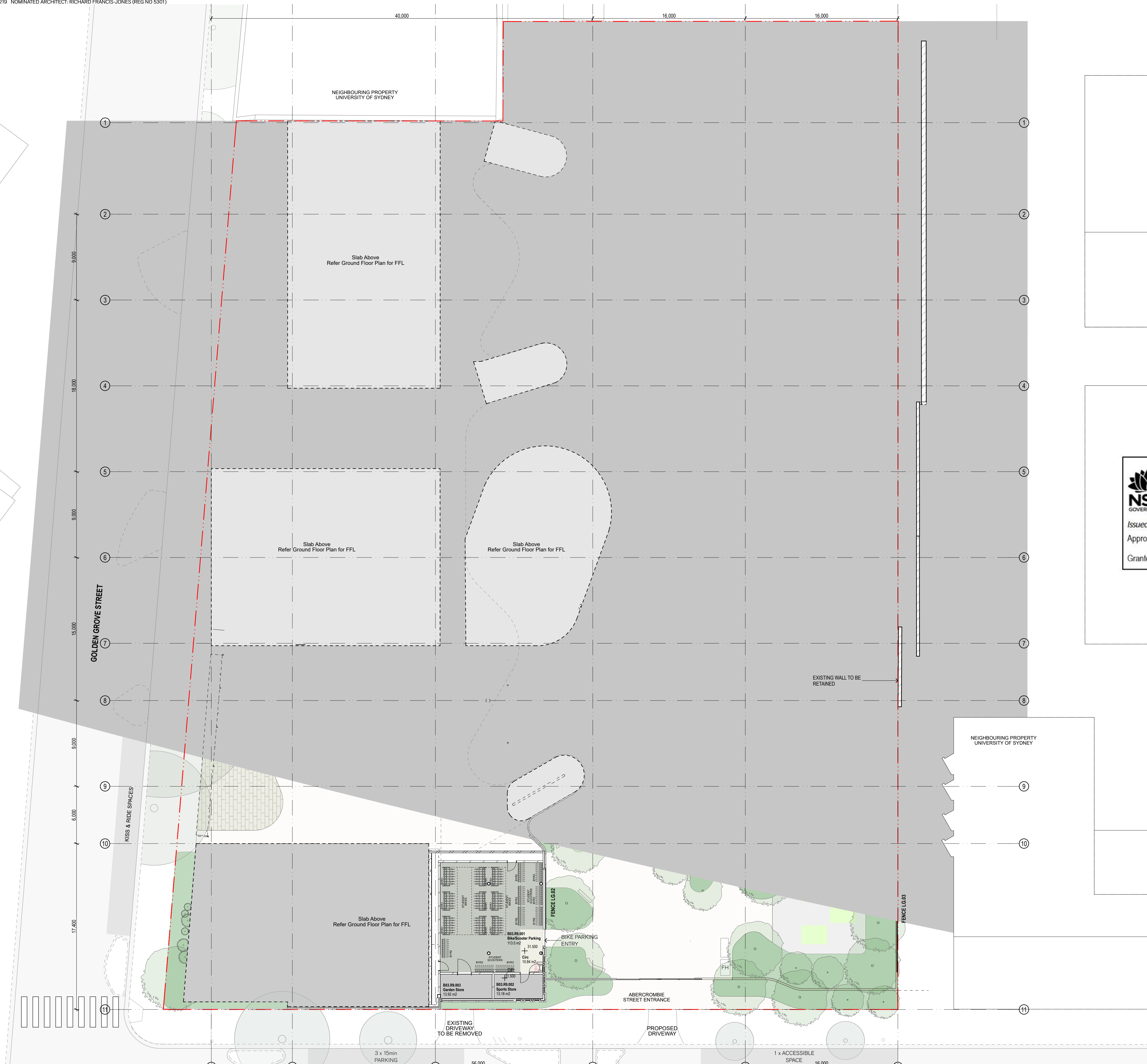


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04	20/8/20	SSDA - Response to Submissions	flmt Gene ral
03	28/4/20	SSDA Submission	CD
02	17/4/20	SSDA Submission	CD
01	9/4/20	For 70% Schematic Design	IL
A	1/4/20	For 70% Schematic Design	CD
rev	date	name	by chkr

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project
Darlington Public School
Golden Grove Street
Darlington NSW 2008

title
**General Arrangement Plans
Lower Ground Plan - S2**

scale	1:200 @ A1 - 1:400 @ A3	first issued	1/4/20
project code	sheet no.	revision	
DTPS	2050	04	



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- DO NOT SCALE DRAWINGS.
- USE FIGURED DIMENSIONS ONLY.

- Legend
- PS401 Homebase Unit
 - PS501 Library Unit
 - PS502 Special Programs Unit
 - PS503 Communal Hall Unit
 - PS504 COLA
 - PS601 Administration Unit
 - PS602 Staff Unit
 - PS604 Canteen
 - PS613 OSHC
 - PS605 Storage Unit
 - Pre-School Unit
 - Wet Areas
 - Circulation
 - External Circulation
 - Services

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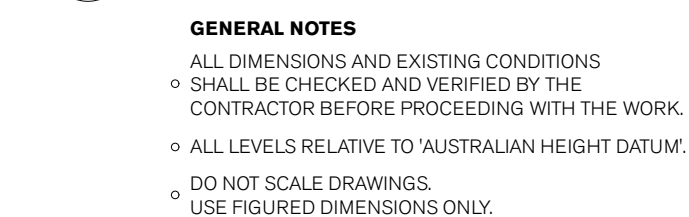
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01	9/4/20	For 70% Schematic Design	IL
A	1/4/20	For 70% Schematic Design	CD
rev	date	name	by chk

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project
Darlington Public School
Golden Grove Street
Darlington NSW 2008

title
General Arrangement Plans
Upper Ground Plan - S2

scale	1:200 @ A1 - 1:400 @ A3	first issued	1/4/20
project code	sheet no.	revision	
DTPS	2051		05



PS401	Homebase Unit
PS501	Library Unit
PS502	Special Programs Unit
PS503	Communal Hall Unit
PS504	COLA
PS601	Administration Unit
PS602	Staff Unit
PS604	Canteen
PS613	OSH/C
PS605	Storage Unit
	Pre-School Unit
	Wet Areas
	Circulation
	External Circulation
	Services



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04	20/8/20	SSDA - Response to Submissions	flmt Gene ral
03	28/4/20	SSDA Submission	CD
02	17/4/20	SSDA Submission	CD
01	9/4/20	For 70% Schematic Design	IL
A	1/4/20	For 70% Schematic Design	CD
rev	date	name	by chik

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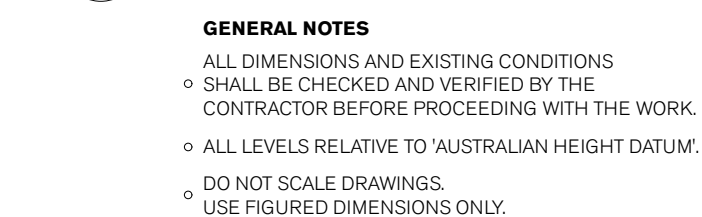
project
Darlington Public School
Golden Grove Street
Darlington NSW 2008

title
**General Arrangement Plans
Level 1 Plan - S2**

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project code	sheet no.	revision
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DTPS 2052 04



- | Legend | |
|---|-----------------------------|
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|  | PS501 Library Unit |
|  | PS502 Special Programs Unit |
|  | PS503 Communal Hall Unit |
|  | PS504 COLA |
|  | PS601 Administration Unit |
|  | PS602 Staff Unit |
|  | PS604 Canteen |
|  | PS613 OSHC |
|  | PS605 Storage Unit |
|  | Pre-School Unit |
|  | Wet Areas |
|  | Circulation |
|  | External Circulation |
|  | Services |



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02	17/4/20	SSDA Submission	CD	
01	9/4/20	For 70% Schematic Design	IL	
A	1/4/20	For 70% Schematic Design	CD	
rev	date	name	by	chk

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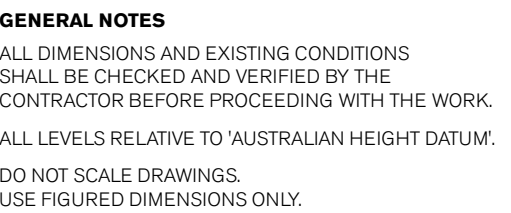
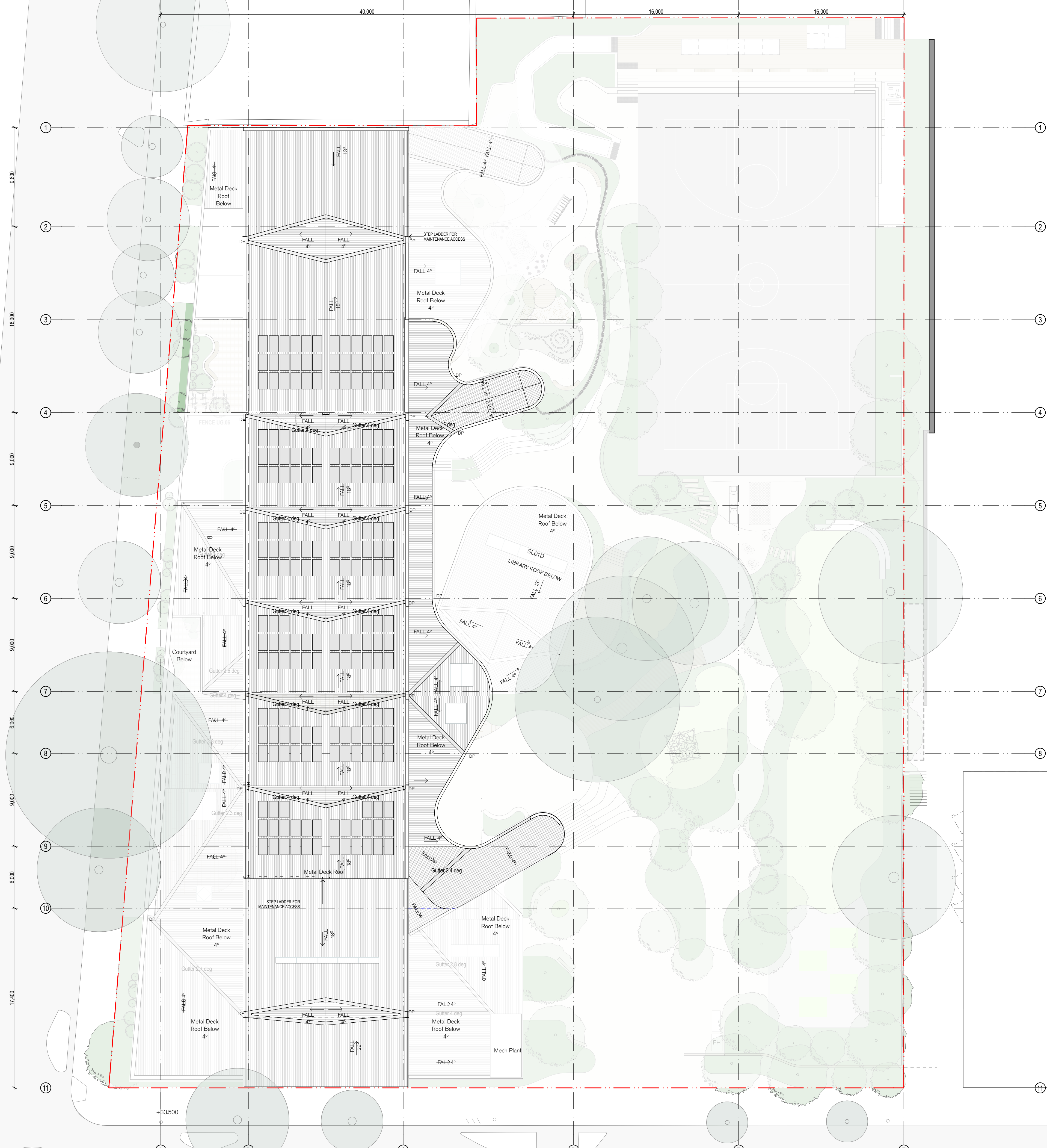
project
Darlington Public School
Golden Grove Street
Darlington NSW 2008

title
**General Arrangement Plans
Level 2 Plan - S2**

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project code	sheet no.	revision
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DTPS **2053** **04**



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PS501	Library Unit
PS502	Special Programs Unit
PS503	Communal Hall Unit
PS504	COLA
PS601	Administration Unit
PS602	Staff Unit
PS604	Canteen
PS613	OSHC
PS605	Storage Unit
	Pre-School Unit
	Wet Areas
	Circulation
	External Circulation
	Services



Granted on: 30 November 2020 Sheet no: 5 of 10

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03	28/4/20	SSDA Submission	CD
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01	9/4/20	For 70% Schematic Design	IL
A	1/4/20	For 70% Schematic Design	CD
rev	date	name	by chk

fjmt

General Arrangement Plans
Roof Plan - S2

scale	1:200 @ A1 - 1:400 @ A3	first issued	1/4/20
project code	sheet no.	revision	
DTPS	2054	04	

02

01

0

2

5

10m

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legend



DEMOLITION



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01	17/4/20	SSDA Submission	CD
rev	date	name	by chk

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project
Darlington Public School
Golden Grove Street
Darlington NSW 2008

title
Demolition Plan - SSDA
Demolition Plan - SSDA

scale	1:200 @ A1	first issued	17/4/20
project code	sheet no.	revision	
DTPS	2101		02

02510

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Legend

FT01

New dark-coloured face-brick with recessed aluminium glazing

FT02

New light coloured face-brick

FT03

Perforated Brickwork to match adjacent brick type

FT04

New face-brick to match FT02 with aluminium framed recessed glazing

FT05

metal mesh / perforated facade

FT06

New dark coloured face brick with aluminium framed glazing system

FT07

Metal mesh with blockwork wall behind

FT08

Aluminium framed glazing system with prefinished FC cladding

FT09

Aluminium framed glazing in recessed FT01 brickwork

FT10

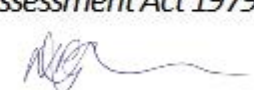
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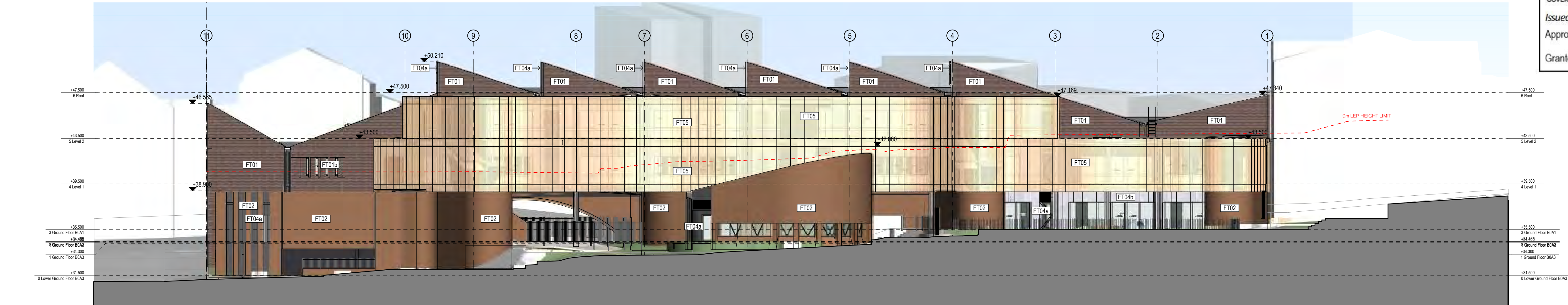


1 ELEVATION Golden Grove St Elevation 1:200
1:200

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2 ELEVATION Play Area Elevation 1:200
1:200



3 ELEVATION Abercrombie St Elevation 1:200
1:200

05	10/11/20	SSDA - Response to Submissions	CD
04	20/8/20	SSDA - Response to Submissions	Final General
03	28/4/20	SSDA Submission	CD
02	17/4/20	SSDA Submission	CD
01	9/4/20	For 70% Schematic Design	IL
A	1/4/20	For 70% Schematic Design	CD
rev	date	name	by chk

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project
Darlington Public School
Golden Grove Street
Darlington NSW 2008

title
Elevations - 1:200
Elevations - 1:200

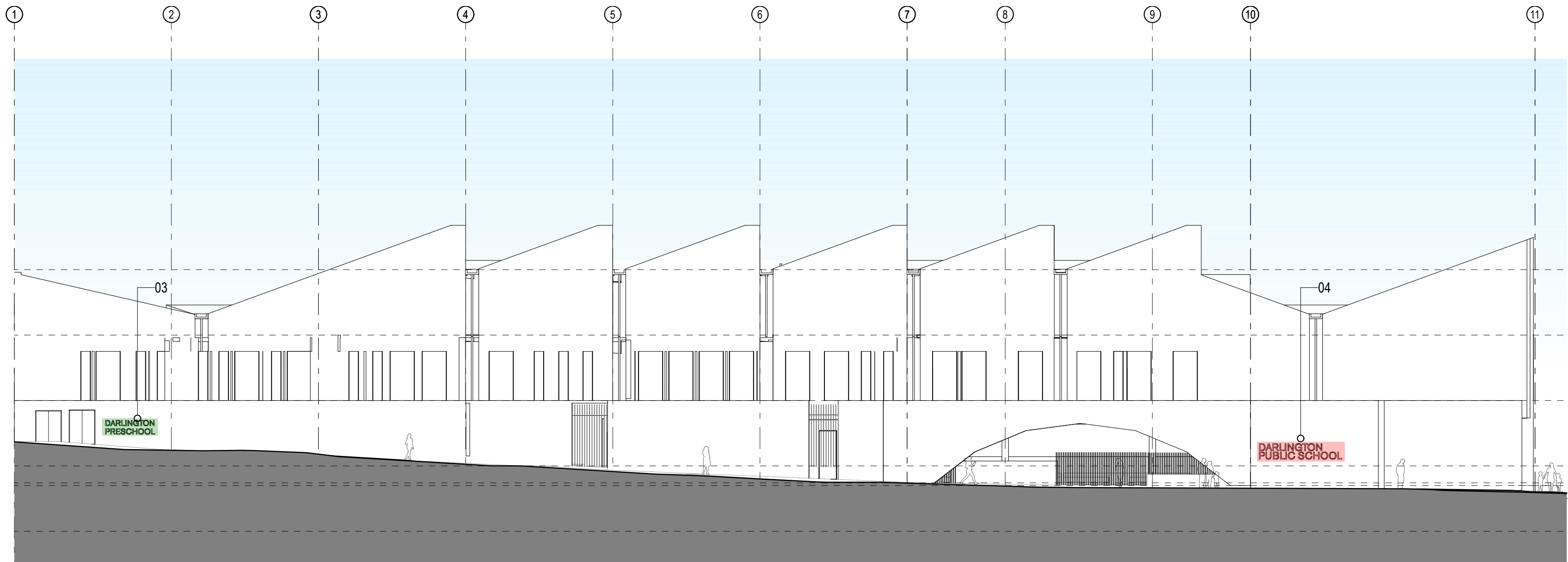
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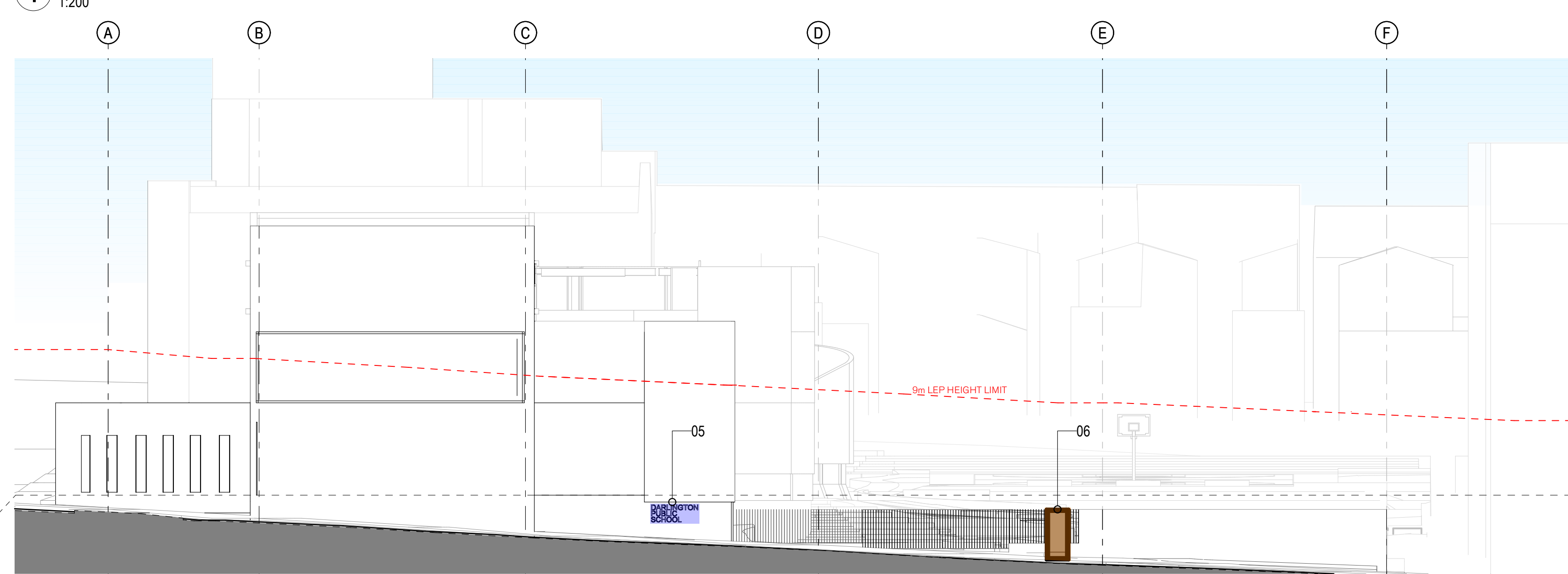
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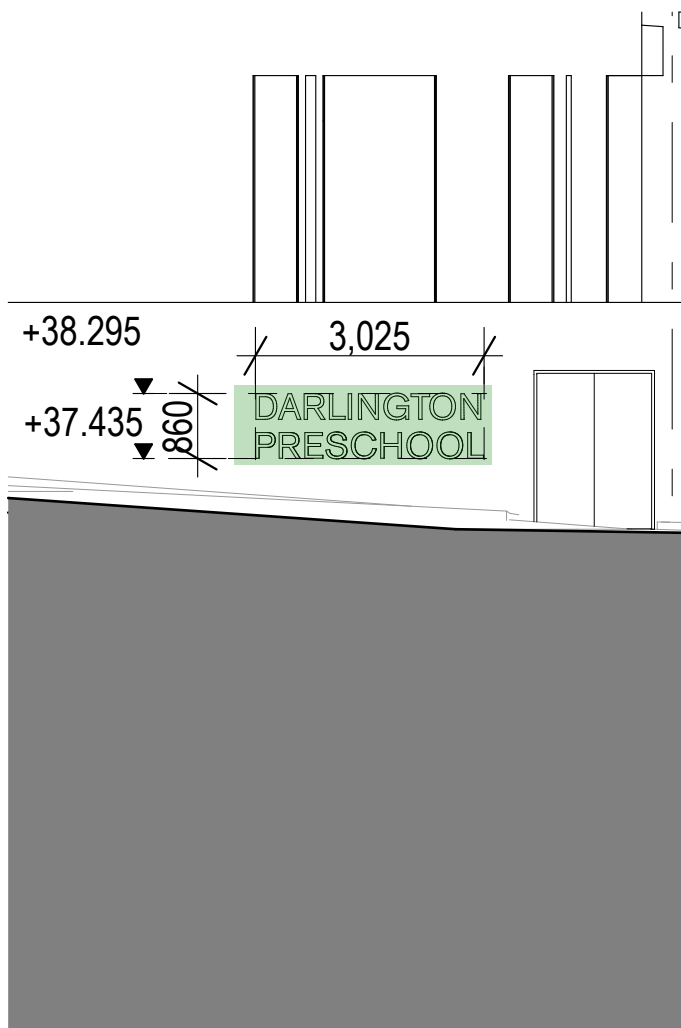
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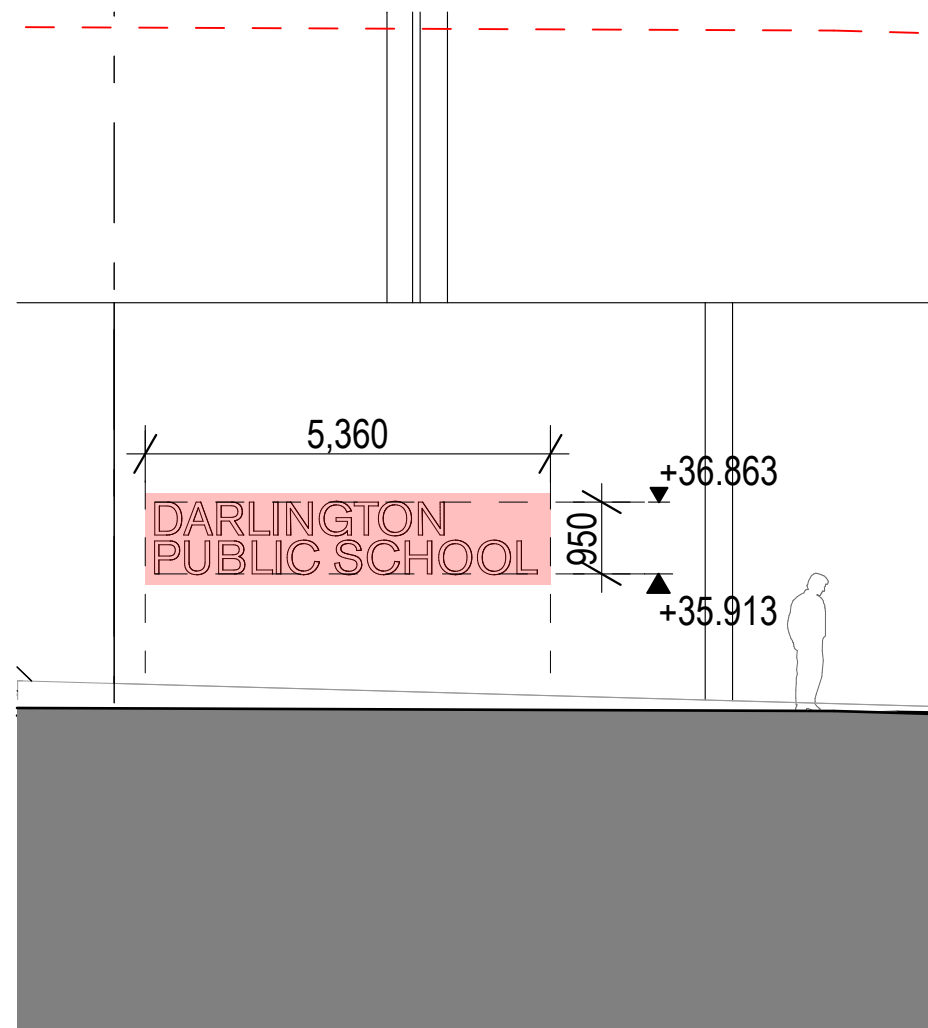
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1:200



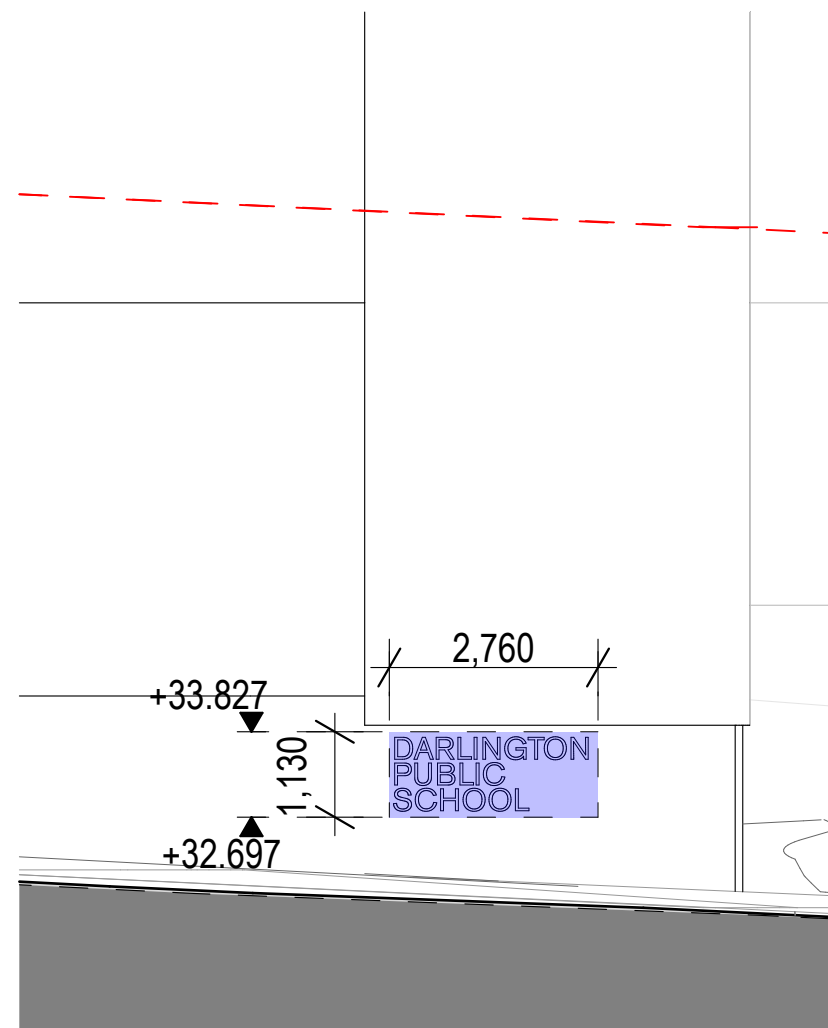
2 ELEVATION Abercrombie St Elevation
1:200



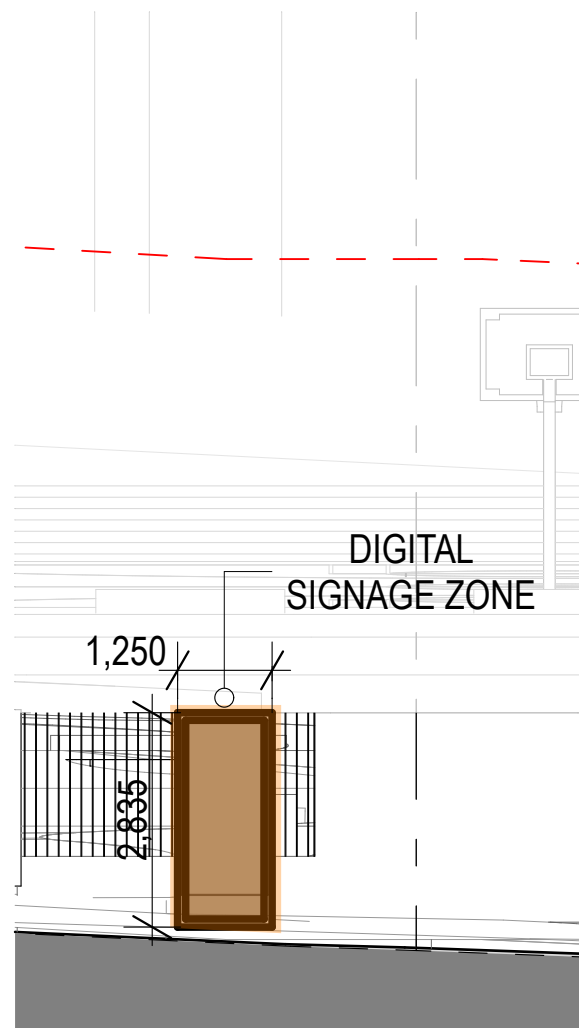
3 ELEVATION Darlington Preschool Signage Zone
1:100



4 ELEVATION Primary School Signage Zone 1
1:100



5 ELEVATION Primary School Zone 2
1:100



6 ELEVATION Abercrombie St Elevation 1:50
1:100



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01	17/4/20	SSDA Submission	CD
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project
Darlington Public School
Golden Grove Street
Darlington NSW 2008

title
Elevations - Signage
Elevations - Signage

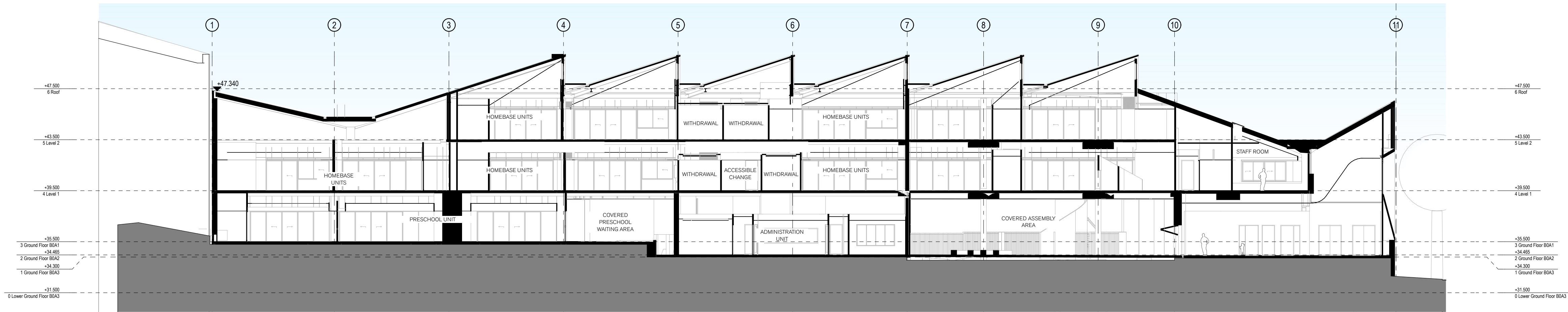
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DTPS	3300		02

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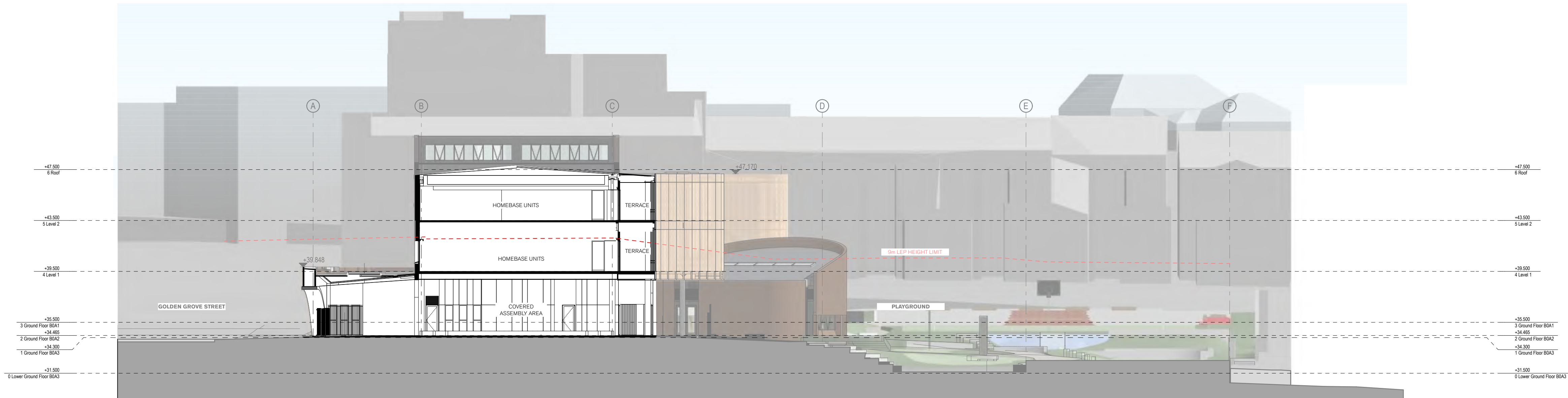


1 SECTION Long Section - Golden Grove St
1:200

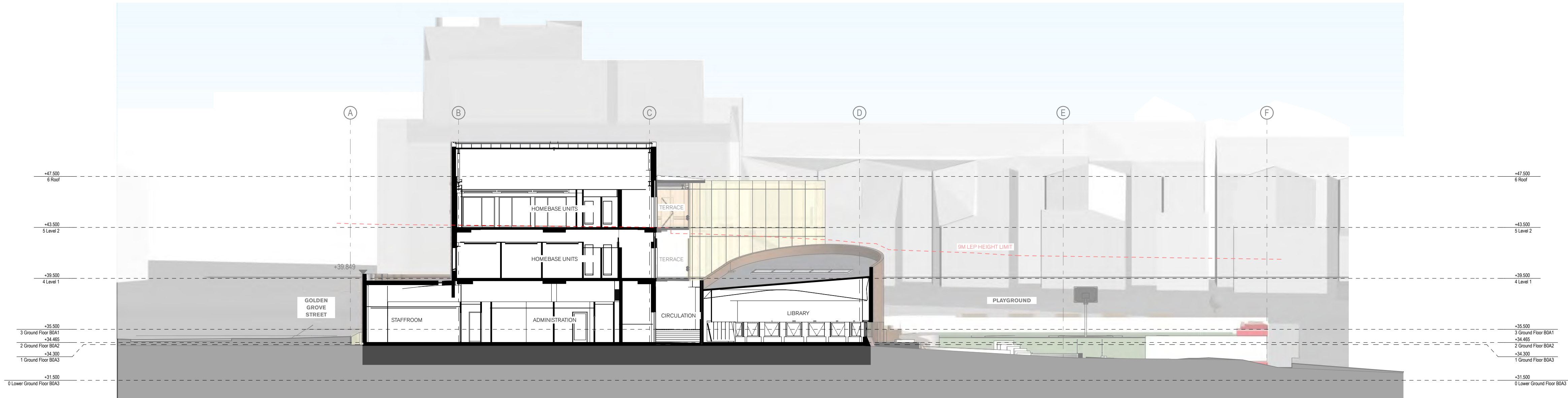
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2 ELEVATION Short Section through Entry Space
1:200



3 SECTION Short Section Through Admin and Library
1:200

04	20/8/20	SSDA - Response to Submissions	fjmt
03	28/4/20	SSDA Submission	General
02	17/4/20	SSDA Submission	CD
01	9/4/20	For 70% Schematic Design	IL
A	1/4/20	For 70% Schematic Design	CD
rev	date	name	by chk

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project
Darlington Public School
Golden Grove Street
Darlington NSW 2008

title
Sections - 1:200
Sections - 1:200

scale	1:200 @ A1	first issued	1/4/20
project code		sheet no.	revision
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GENERAL NOTES

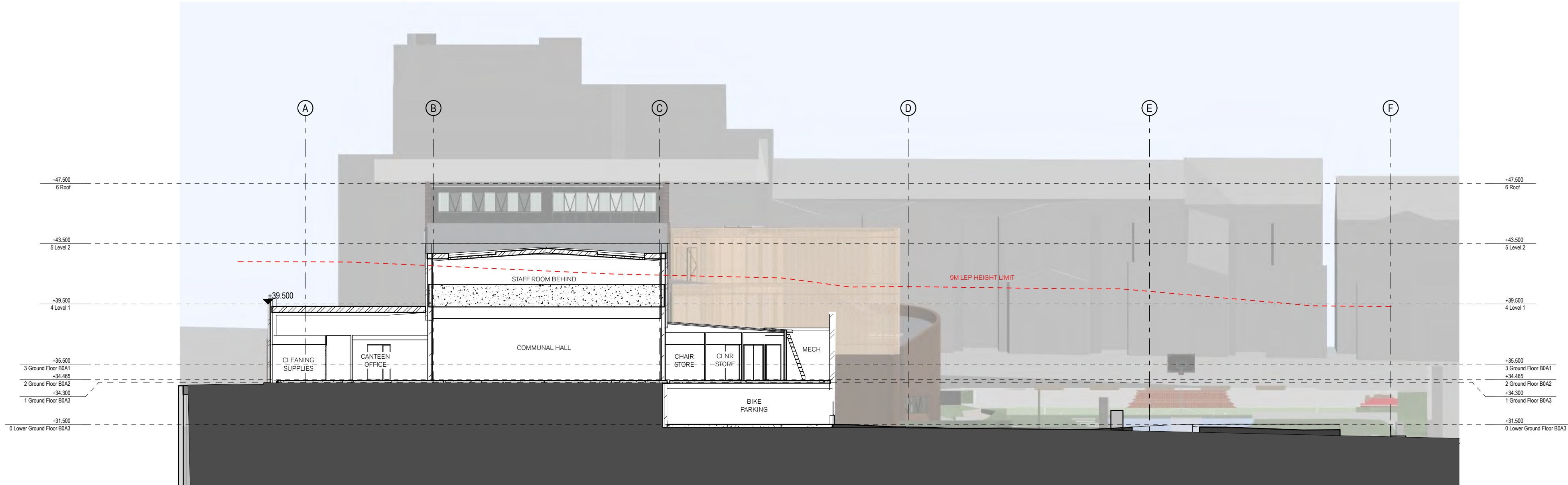
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legend



1 SECTION Section through Hall
1:200

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04	20/8/20	SSDA - Response to Submissions	fjmt General
03	28/4/20	SSDA Submission	CD
02	17/4/20	SSDA Submission For 70% Schematic Design	CD
01	9/4/20		IL
rev	date	name	by chk

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project

Darlington Public School

Golden Grove Street

Darlington NSW 2008

title

Sections - 1:200

Sections - 1:200

scale

1:200 @ A1

first issued

9/4/20

project code

DTPS

sheet no.

4201

revision

04



Darlington Public School Redevelopment

State Significant Development Assessment (SSD-9914)

November 2020



Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Darlington Public School Redevelopment

Cover image: Artist's Impression of the school (Source: Applicant's Response to Submissions 2020)

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Glossary

Abbreviation	Definition
CIV	Capital Investment Value
COLA	Covered outdoor learning area
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Heritage	Heritage NSW, Department of Premier and Cabinet
LoS	Level of Service
Minister	Minister for Planning and Public Spaces
OOSH	Out of School Hours
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
PCMP	Preliminary Construction Management Plan
SEPP	State Environmental Planning Policy
SHI	Statement of Heritage Impact
SLEP	Sydney Local Environmental Plan 2012
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
TIA	Transport Impact Assessment

Executive Summary

This report provides an assessment of a state significant development (SSD) application for the redevelopment and expansion of the Darlington Public School and the co-located Darlington Preschool (SSD 9414). The Applicant is the NSW Department of Education and the proposal is located within the City of Sydney local government area (LGA). The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

The proposal involves the demolition of most of the existing structures on site and the construction of new school facilities including teaching spaces (home base units), communal hall, special programs room, canteen, sports store, administrative spaces and a library. The new school would accommodate a maximum of 437 primary school students (an increase of 207 students). The preschool is proposed to maintain its existing capacity of 60 children.

The Department of Planning, Industry and Environment (the Department) considers the key issues raised by the proposal include traffic and parking, tree removal, and built form and heritage. The Department has considered these issues in its assessment, along with other issues including biodiversity, Aboriginal cultural heritage, utilities capacity, and contamination. The Department has considered the merits of the proposal in accordance with section 4.15(1) and the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), principles of ecologically sustainable development, and issues raised in submissions as well as the Applicant's response to these.

The Department considers that the proposed built form provides for a sensitive and appropriate response to the surrounding heritage items and conservation areas. The proposed building height is considered acceptable in the context of the site's immediate surroundings, which are generally of a similar or greater height.

The proposal would have only minor impacts on the performance of the local road network due to its location in a highly walkable area.

While it is considered that greater weight could have been given by the Applicant to tree retention in the proposed building layout and landscape planning, conditions of consent have been recommended to mitigate tree loss through further investigations to retain five additional trees, landscape plan amendments and minimum planting requirements.

The proposal has a capital investment value (CIV) of \$41.3 million and would generate 127 jobs during the construction phase and an additional 12 operational jobs. The proposal is SSD under section 4.36 EP&A Act as the development has a CIV in excess of \$20 million and is for the purpose of alterations or additions to an existing school under clause 15 Schedule 1 State Environmental Planning Policy (State and Regional Development) 2011.

The application was publicly exhibited on the Department's website between 16 June 2020 and 13 July 2020 (28 days). The Department received a total of 11 submissions, seven of those submissions being from public authorities and four submissions from the public. Of the four public submissions, one was an objection. An additional five submissions from public authorities were received in response to the Applicant's Response to Submissions.

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1 Introduction

This report provides an assessment of a State significant development (SSD) application for the redevelopment of Darlington Public School and Darlington Preschool, located on the corner of Golden Grove Street and Abercrombie Street in Darlington (the site) (SSD-9914).

The proposal seeks to expand the capacity of the existing school to accommodate a maximum of 437 primary school students (an increase of 207 students). The preschool is proposed to maintain its existing capacity of 60 children.

The proposal involves the demolition of most of the existing structures on site and the construction of new school facilities including teaching spaces (home base units), communal hall, special programs room, canteen, sports store, administrative spaces and a library.

The application has been lodged by NSW Department of Education (the Applicant). The site is located within the City of Sydney local government area (LGA).

1.1 Site description

The subject site is located on the north-eastern corner of the intersection of Golden Grove Street and Abercrombie Street in Darlington, approximately three kilometres (km) south-west of the Sydney central business district. The site location is shown in its regional context in **Figure 1** and its local context in **Figure 2**.

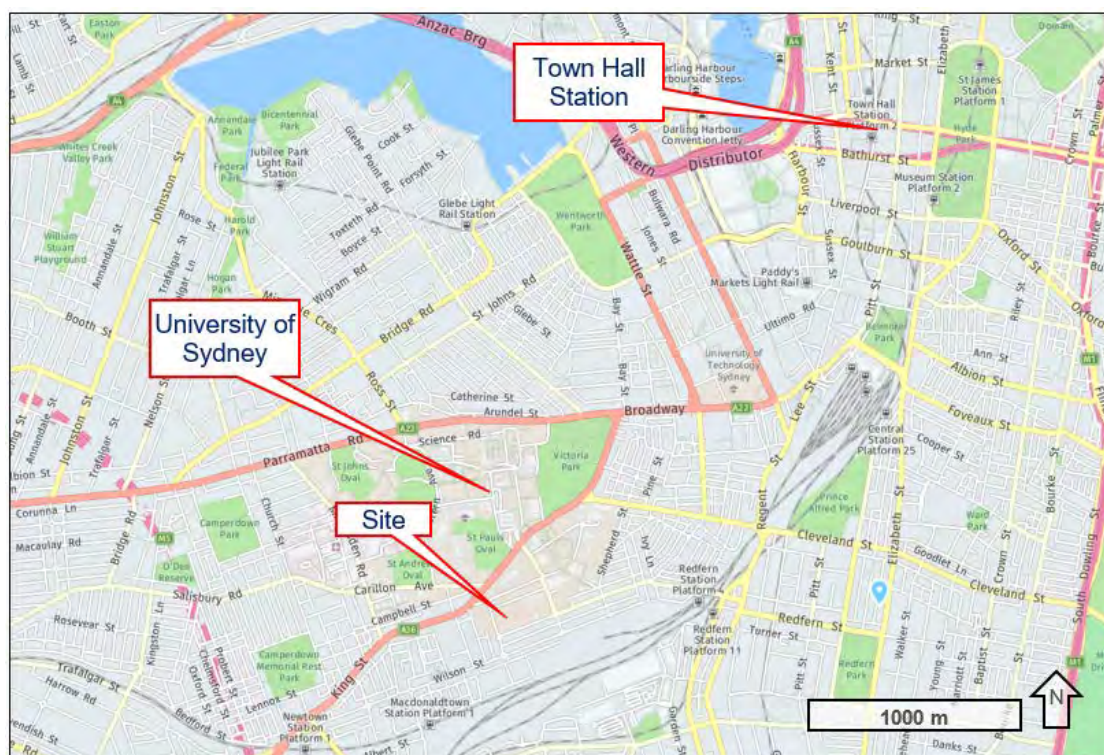


Figure 1 | Regional Context Map (Source: Nearnmap 2020)

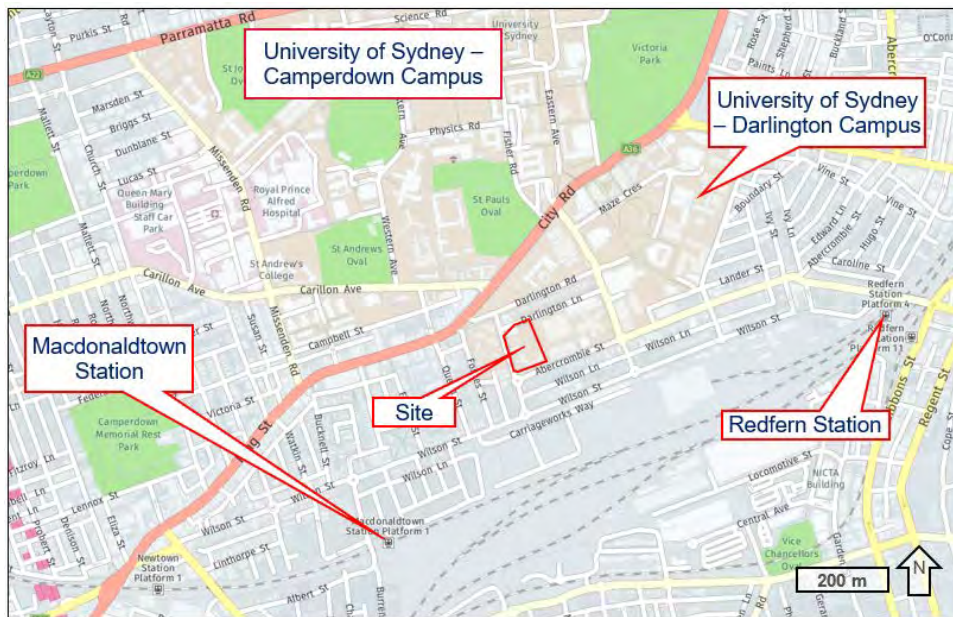


Figure 2 | Local Context Map (Source: Nearmap 2020)

It is situated on a roughly rectangular 7,253 square metre (sqm) allotment, bounded by Darlingford Lane to the north, Golden Grove Street to the west and Abercrombie Street to the south. The site is legally described as Lot 100 in DP 623500 and Lot 592 in DP 7523049.

The site comprises a series of one and two storey brick buildings arranged roughly in a U-shape, fronting Golden Grove Street and Abercrombie Street. The buildings were constructed in the 1970s and have a capacity of up to 230 school students (currently 183 enrolments) and 60 preschool students. The buildings are staggered along the street frontages, with free-standing brick walls continuing the street frontage definition along both primary frontages. A site plan is shown in **Figure 3** and an aerial photo of the site is shown in **Figure 4**.

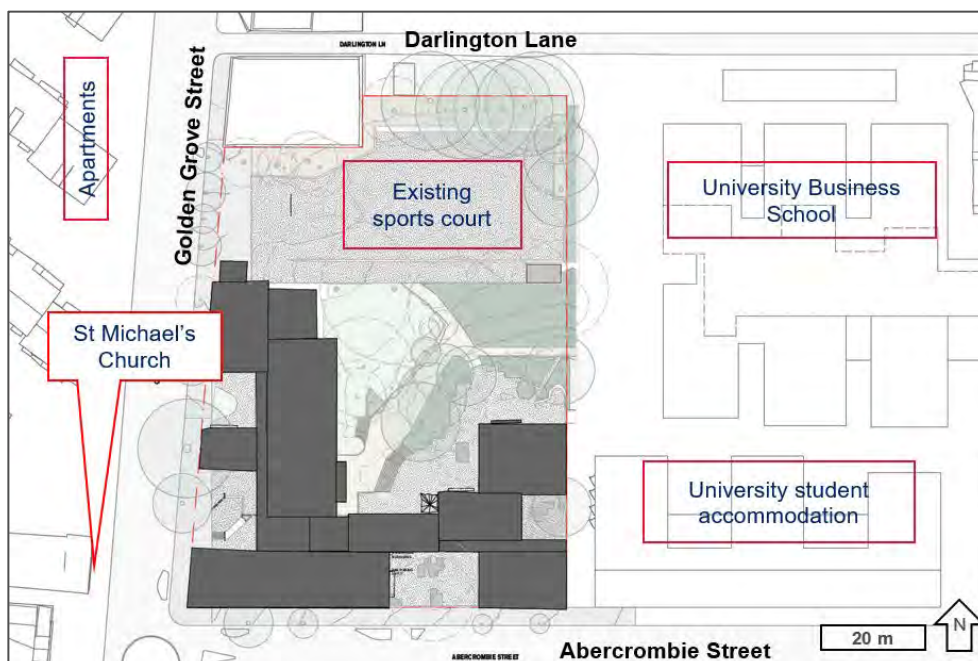


Figure 3 | Existing site layout (Source: Applicant's EIS 2020)



Figure 4 | Existing site conditions (Source: Nearmap 2020)

1.2 Surrounding development

To its north, the site adjoins the two-storey former IXL factory garage (a local heritage item under the Sydney Local Environmental Plan (SLEP) 2012) and University of Sydney service vehicle parking bays along Darlington Lane. Opposite Darlington Lane is University of Sydney-owned residential housing including a five-storey apartment building and two-storey terrace housing. The terrace housing is currently subject to a separate SSD application under assessment by the Department (SSD-7539). That application seeks to construct three-storey additions to the rear of the terraces and convert Darlington Lane into a one-way shared zone with a zebra crossing at its intersection with Golden Grove Street.

To the site's south, on the opposite side of Abercrombie Street, is a row of two-storey terraces located in the Golden Grove heritage conservation area identified in the SLEP. Further south is a major rail corridor and the Carriageworks creative space.

Adjoining the site along its eastern boundary is the recently constructed University of Sydney Business School, and student accommodation. Both buildings are three to five stories in height.

To the site's west, opposite Golden Grove Street, is St Michael's Church, an item of local heritage significance in the SLEP. Residential apartments ranging in height from two to four storeys are located to the north of the church. Further west is City Road/King Street, the main street of Newtown and a major transport corridor to the south of Sydney.

2 Project

The key components and features of the proposal are provided in **Table 1** and are shown in **Figure 5** to **Figure 12**.

Table 1 | Main Components of the Project

Aspect	Description
Project summary	The redevelopment of Darlington Public School to accommodate a maximum of 437 primary school students (an increase of 207 students), an associated preschool for up to 60 children (no increase on current capacity) and associated works including the consolidation of two lots.
Demolition	Demolition of Block A, Block B and the southern portion of Block C. The northern portion of Block C is intended to be demolished under a separate assessment pathway, prior to works commencing under this application (see Section 2.6 and Figure 6).
Built form	Construction of a part two, part three storey building comprising 19 school home bases and preschool facilities.
Heritage	The site itself does not contain any items of heritage significance under any Environmental Planning Instrument (EPI). However, it is located adjacent to the Golden Grove Conservation Area and adjacent/opposite the following local heritage items listed in the SLEP: • Former Jones IXL factory garage building. • St Michael's Church. • Terrace group of 19-23 Golden Grove Street, Newtown. • Terrace group 'University Terrace' of 124-131 Darlington Road, Darlington.
Site area	7,253sqm.
Gross Floor Area (GFA)	5,650sqm.
Uses	Primary school, Out of School Hours (OOSH) care, centre-based childcare facility (preschool) and community use of hall.
Vehicular access	• No vehicle access proposed for staff or parents. • Existing access on Golden Grove Street to be removed. • Realignment of the Abercrombie Street entrance and use for emergency access.
Pedestrian access	• Primary entrance from Golden Grove Street. • Secondary entrance from Abercrombie Street. • Dedicated separate preschool entrance from Golden Grove Street.
Car parking	No on site car parking is proposed. On street drop-off and pick-up spaces during peak morning and afternoon times are proposed as follows:

- Golden Grove Street:
 - o eight 'Kiss and Ride' spaces (parents remain in car).
 - o one accessible 15-minute space.
 - o three 15-minute spaces.
 - o one loading bay to serve the needs of service vehicles and/or excursion buses.
- Abercrombie Street:
 - o two 15-minute spaces.
 - o one accessible 15-minute space.

Bicycle parking	A dedicated storage area for up to 63 bicycles and 82 scooters.
Public domain and landscaping	Fencing, pathways, play spaces, assembly area and covered outdoor learning area (COLA), public domain improvements to Golden Grove Street and Abercrombie Street.
Vegetation removal	• Within the SSD project area, there are 31 existing trees. The proposal, as amended by the recommended conditions of consent, would involve: - o removal of 18 trees. - o retention of eight trees. - o possible retention of five trees (subject to further investigation in accordance with recommended conditions). • Removal of 0.16 hectares of previously planted PCT 1281 vegetation (Turpentine - Grey Ironbark open forest on shale). • Planting of 36 replacement trees.
Hours of operation	• School and preschool: 9am to 3pm. • OOSH care: 8am to 9am and 3pm to 5pm. • Community uses: 3pm to 8pm on school days and 6am to 10pm on non-school days (indicative only).
Signage	• Three mounted wall signs, including: - o one preschool identification sign to be located on the façade by the preschool entrance (not illuminated). - o one school identification sign located at the main entrance on Golden Grove Street (illuminated). - o one school identification sign located at the secondary entrance on Abercrombie Street (not illuminated). • One digital signage board to face Abercrombie Street.
Jobs	• 29 full time equivalent operational jobs (net increase of 12 staff). • 127 construction jobs.
CIV	\$41.3 million.

2.1 Project area

The project area encompasses the school site except for the north-west corner which is intended to be a sports court. The sports court is to be delivered under a separate assessment process (**Section 2.6**). The SSD project disturbance area is shown in **Figure 5**.



Figure 5 | Project area (Source: Applicant's EIS 2020)

2.2 Demolition

The proposal involves the demolition of most of the existing structures on site and the construction of new school facilities including teaching spaces (home base units), communal hall, special programs room, canteen, sports store, administrative spaces and a library.

The remaining structures on site would be demolished under a separate assessment process (see **Section 2.6**) prior to the SSD works.

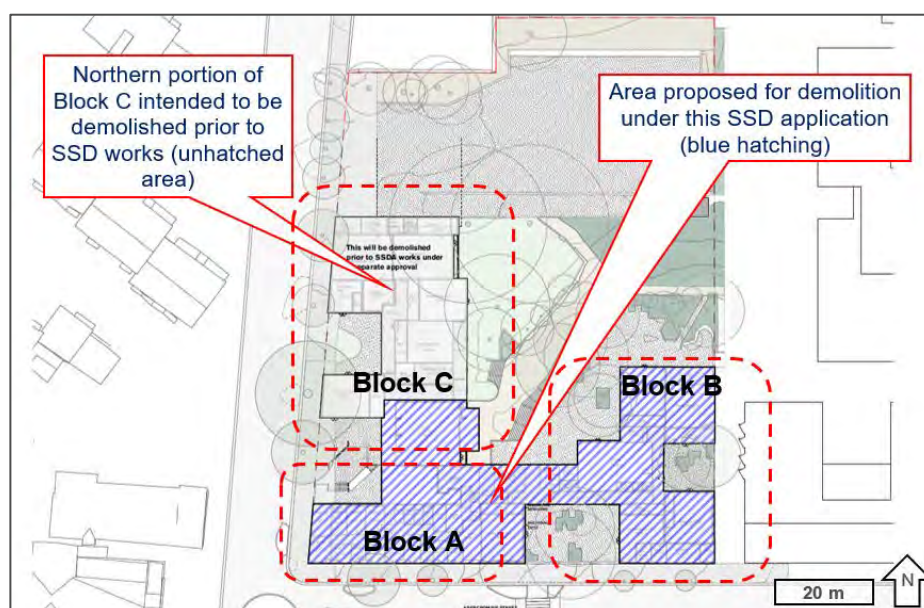


Figure 6 | Demolition plan (Source: Applicant's EIS 2020)

2.3 Physical layout and design

The proposed layout consists of a new part two, part three storey school building running along the length of the western boundary of the site (**Figure 7**).

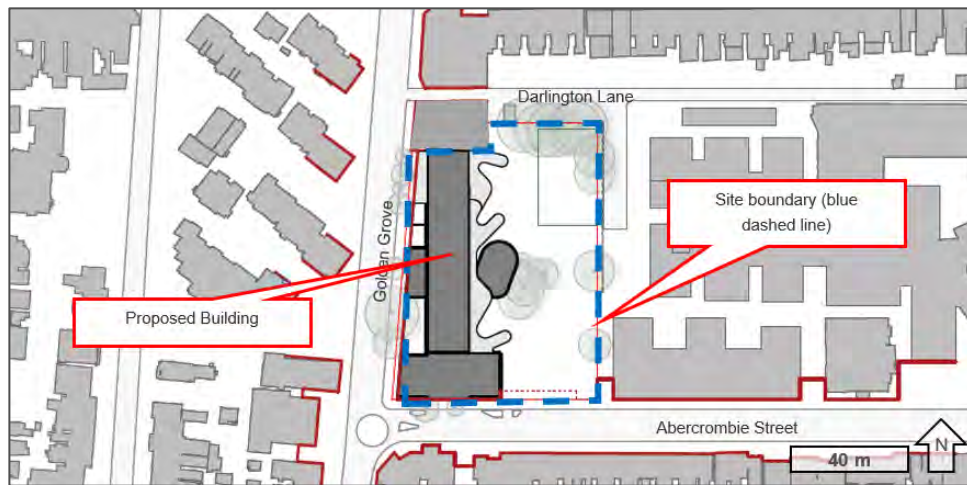


Figure 7 | Proposed layout (Base source: Applicant's EIS 2020)

At upper ground level, the building would comprise north, middle and south wings separated by site entrances and COLAs. The remainder of the site would be landscaped as outdoor play space (**Figure 8**). A sports court is intended for the north-east corner of the site, which is being pursued under a separate assessment process (**Section 2.6**).

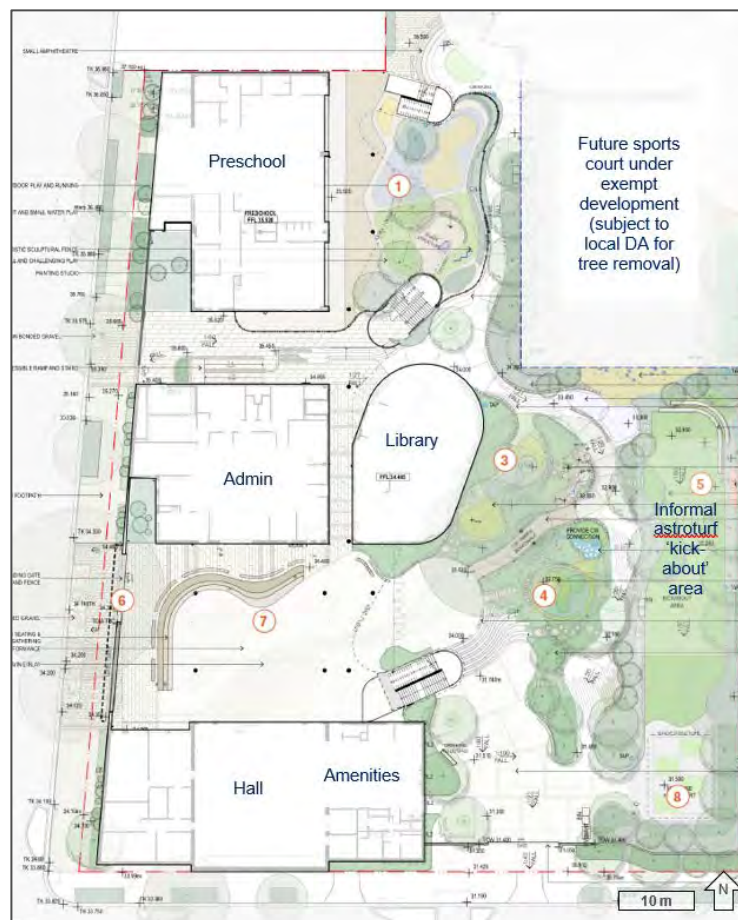


Figure 8 | Site Layout (Source: Applicant's EIS 2020)

The proposed building would accommodate 19 home bases and a preschool for up to 60 children. The preschool would be located in the northern wing on the upper ground level. On the same level, the school administration area, library and hall would be located in the middle and southern wings. The home bases would occupy all of level one.

The proposed upper ground floor and level one floor layouts are shown in **Figure 9**.

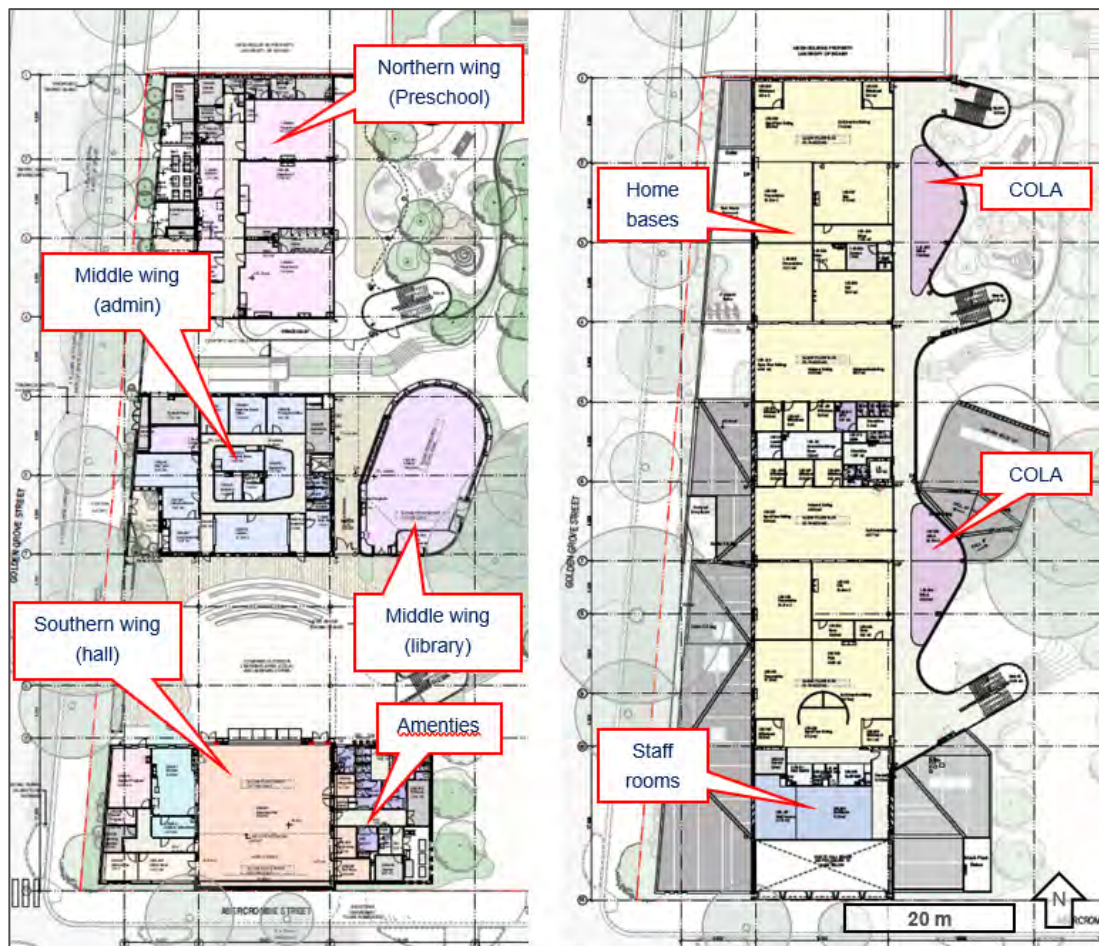


Figure 9 | Site layout Upper Ground Floor (left) and First Floor (right) (Source: Applicant's RtS 2020)

The two storey portions of the building would front the northern and southern boundaries along Golden Grove Street, while the three-storey portion would be set centrally along the Golden Grove Street frontage and setback from the lower levels. The Golden Grove/Abercrombie Street corner would be marked by a sawtooth form that extends to 14.64m above existing ground level to accommodate the hall. Artist's impressions are shown in **Figure 10**, **Figure 11** and **Figure 12**.



Figure 10 | Artist impression of proposal – main entrance on Golden Grove Street (Source: Applicant's RtS 2020)



Figure 11 | Artist impression of proposal – secondary entrance on Abercrombie Street (Source: Applicant's RtS 2020)



Figure 12 | Artist impression of proposal – aerial view (Source: Applicant’s RtS 2020)

2.4 Uses and activities

The existing primary uses of the site remain as an educational establishment and a centre-based childcare centre. In addition to standard school and preschool activities, the proposal includes OOSH care and community use of school facilities. The existing school hall is currently used by the community for activities including dance classes. These activities generally take place during the hours of 3pm to 8pm Wednesday to Friday, and 9am-5pm on Saturdays. These activities would continue in the new school hall.

2.5 Timing

Early works would be undertaken under a separate assessment process (**Section 2.6**) to facilitate the temporary relocation of the preschool into the north-eastern corner of the site and the subsequent demolition of the northern portion of Block C.

The proposed SSD works would be undertaken in two stages shown in **Figure 13** and **Figure 14**:

- Stage 1 – Upper Site Works: Construction of the north-western portion of the new school building. The school would continue to operate in the existing southern buildings along Abercrombie Street (Blocks A and B) (**Figure 13**).
- Stage 2 – Lower Site Works: Moving of students to the newly constructed north-western portion of the new school building. Construction of the southern portion of the site (**Figure 14**).

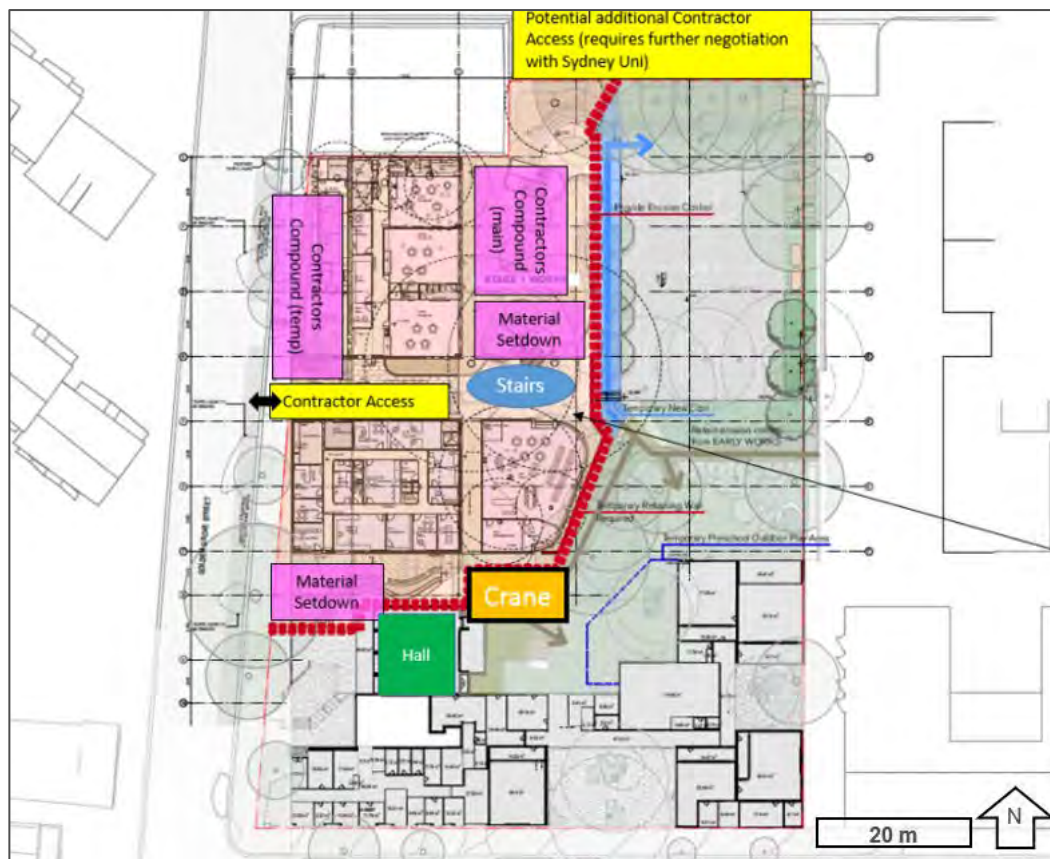


Figure 13 | Stage 1 Construction Plan (Source: Applicant's EIS 2020)



Figure 14 | Stage 2 Construction Plan (Source: Applicant's EIS 2020)

2.6 Related development

A local development consent (Council ref. D/2020/609) was granted on 9 November 2020 for the temporary re-location of the existing preschool (on site) and removal of 15 trees in the north-east corner of the site. The approximate location of these works on the school site is shown at **Figure 15**.

Subsequent works are intended to be undertaken under alternative assessment pathways including:

- construction of a new sports court and associated earthworks/landscaping (exempt development).
- demolition of the northern portion of Block C (**Figure 6**) (pathway not specified).
- minor internal alterations to facilitate occupation of the undemolished portions of the buildings during the remainder of the construction works (pathway not specified).



Figure 15 | Proposed location of temporary preschool (Source: Applicant's EIS 2020)

3 Strategic context

It is anticipated that there will be a 21% growth in student numbers by 2031. This means NSW schools will need to accommodate an extra 269,000 students, with 164,000 of these students in the public system. In response to the need for additional public education infrastructure as a result of increased demand, the NSW Department of Education is investing \$6.7 billion over the next four years to deliver new schools and upgrade existing schools.

Darlington Public School is within the Newtown Primary Cluster. Department of Education analysis has found the cluster is anticipated to grow by 350 students between 2021 and 2036, resulting in a shortfall of 13 teaching spaces across the cluster. Almost half of this growth will occur in the catchment of Darlington Public School. An enrolment of 415 students is forecast at Darlington Public School for the year 2036.

In this context, the Department considers that the proposal is appropriate for the site given it is consistent with the:

- Greater Sydney Region Plan and the Eastern City District Plan, as it provides new and expanded school facilities to meet the growing needs of the district.
- *NSW Future Transport Strategy 2056*, by delivering increased educational capacity in inner Sydney in a highly accessible location.
- *State Infrastructure Strategy 2018 – 2038 Building the Momentum*, as it would integrate school and community facilities and:
 - o deliver school infrastructure to keep pace with the growth in student numbers.
 - o provide modern, digitally enabled learning environments.
 - o upgrade existing learning spaces.

It would also provide direct investment in the area of \$41.3 million which would support 127 construction jobs and support 29 full time equivalent operational jobs (an increase of 12).

4 Statutory Context

4.1 State significance

The proposal is SSD under section 4.36 (development declared SSD) *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a CIV in excess of \$20 million and is for the purpose of alterations or additions to an existing school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

The Minister for Planning and Public Spaces (the Minister) is the consent authority under section 4.5 EP&A Act.

In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2020, the Executive Director, Infrastructure Assessments may determine this application as:

- the relevant Council has not made an objection.
- there are fewer than 50 public submissions in the nature of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

Pursuant to the Sydney Local Environmental Plan 2012 (SLEP), the site is located in the SP2 - Special Infrastructure zone. An Educational Establishment is permissible with consent in the zone.

Under clause 35(10) of the Education SEPP, development for the purposes of a centre-based childcare centre is permissible with consent within the boundaries of an existing school.

4.3 Other approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.

Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the proposal, and included suitable conditions in the recommended conditions of consent (**Appendix C**).

4.4 Mandatory Matters for Consideration

4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any EPI that is of relevance to the development. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the proposal and that have been considered in the assessment of the proposal.

The Department has undertaken a detailed assessment of the EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 2**.

Table 2 | Response to the objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal would ensure the proper management and development of suitably zoned land and promote the social welfare of the community. In addition, the proposal would provide increased employment opportunities close to public transport.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development (ESD) principles (Section 4.4.3).
(c) to promote the orderly and economic use and development of land,	The proposal would be an orderly and economic use and development of the land, as it is consistent with the site's land use zoning and historical use as an educational establishment.
(d) to promote the delivery and maintenance of affordable housing,	Not Applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal appropriately mitigates environmental impacts. A Biodiversity Development Assessment Report (BDAR) was submitted with the application. The Department's consideration is outlined in Section 6.2 .
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal would promote the sustainable management of built and cultural heritage (Section 6.4 and 6.5).
(g) to promote good design and amenity of the built environment,	Subject to conditions, the proposal promotes good design and amenity (Section 6).
(h) to promote the proper construction and maintenance of buildings, including the	The proposal would promote proper construction and maintenance of buildings

protection of the health and safety of their occupants,	subject to recommended conditions of consent.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5.1), and consulted Council and other public authorities and considered their responses (Sections 5.3 and 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners and displaying the proposal on the Department's website during the exhibition period.

4.4.3 Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The EIS included an ESD Statement that detailed how the principles of ESD would be incorporated into the development. The proposal will align with the Green Building Council of Australia's 'Green Star' framework by achieving an equivalency to 4-Star Green Star Rating, in accordance with the Educational Facilities Standards and Guidelines (EFSG).

The development proposes ESD initiatives and sustainability measures to meet the EFSG, including:

- a minimum 80% of the construction and demolition waste to be recycled.
- a 52 kilowatt solar system to be installed on site, the performance of which would be amplified by orientating the saw tooth roof design to the north to increase the efficiency of the solar panels.
- stormwater design to ensure post-development peak event discharge rates do not exceed pre-development rates and design development to explore the feasibility of all rainwater from the new upper site roofing being captured and re-used on site for irrigation.

In addition, the following measures are being investigated and would be implemented where possible:

- on site biodigesters, to create a compost stream for the landscape areas from compostable waste on site.
- material use for building adhesives, sealants, flooring and paint products to be selected to contain low or no volatile organic compounds, and all engineered wood products used in

exposed or concealed applications specified to contain low or no formaldehyde to avoid harmful emissions that can cause illness and discomfort for occupants.

- use of reused steel or steel that contains a post-consumer recycled content.
- sustainable timber to be specified for at least half of the timber products used on the proposal.
- recycled concrete to be specified using recycled aggregate or manufactured sand and reduced quantities of Portland cement to reduce environmental impacts of concrete production and embodied energy.
- use of low carbon concrete such as ground granulated blast furnace slag for any in-situ concrete on site to reduce embodied carbon.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision making process via an assessment of the environmental impacts of the proposed development. The proposed development is consistent with ESD principles as described in section 5.12 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

It is noted that the Applicant does not intend to seek formal certification of its 4-star rating by the Green Building Council of Australia. In order to ensure that ESD is appropriately incorporated into the proposed development, the Department has recommended a condition that the Applicant register for a minimum 4-star Green Star rating with the Green Building Council Australia, or an alternative certificate process agreed by the Planning Secretary, prior to the commencement of building works.

4.5 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are "to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values".

The impact of the proposal on biodiversity values has been assessed in the BDAR accompanying the EIS and considered in **Section 6.2**. The Department acknowledges the proposal would require the removal of 0.16ha of native vegetation. However, it is considered that the direct biodiversity impacts of the proposal can be appropriately offset through the retirement of two ecosystem credits as set out in the BDAR. The Department has recommended conditions to ensure this is achieved.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 16 June 2020 to 13 July 2020 (28 days). The application was exhibited on the Department's website and adjoining landholders and relevant state and local government authorities were notified in writing. Department representatives visited the site to provide an informed assessment of the development.

Following the exhibition of the EIS, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

The Department has considered the comments raised in the public authority submissions during the assessment of the application (**Section 5** and **6**). Recommended conditions in the instrument of consent at **Appendix C** reflect these comments.

5.2 Summary of submissions

The Department received a total of 11 submissions, comprising seven submissions from public authorities, including Council, and four submissions from the public. Of the four public submissions, one was an objection. A summary of the issues raised in the submissions is provided at **Section 5.3** and **Section 5.4**. Copies of the submissions may be viewed at **Appendix A**.

5.3 Public authority submissions

A summary of the issues raised in the public authority submissions is provided in **Table 3**.

Table 3 | Summary of public authority submissions

City of Sydney Council (Council)

Council stated that it did not wish to comment on the proposal. Council subsequently provided comments on the RtS and Supplementary RtS (SRtS), where it raised concerns around the extent of, and justification for, tree loss (**Section 5.5**).

Environment Protection Authority (EPA)

EPA provided recommendations to manage:

- noise impacts from construction, hazardous waste removal, operational waste collection and mechanical plant equipment.
- remediation of the site, in consideration of the contaminants of concern identified in the preliminary and detailed site investigations.
- removal of asbestos waste and the importation of fill.

Transport for New South Wales (TfNSW)

TfNSW provided recommendations including that:

- the number of bicycle parking spaces be increased.
- a Green Travel Plan (GTP) be prepared in consultation with TfNSW prior to occupation and be updated annually throughout the ongoing operation of the school.

- a detailed Construction and Traffic Management Plan be prepared and approved by Council prior to commencement of construction.
- a Traffic and Parking Management Plan be prepared to address drop-off/pick-up management, bus accessibility, safety and behaviour during drop-off/pick-up and pedestrian safety.
- the preparation of a Road Safety Audit for each stage of the development with road safety measures to be implemented based on its findings.
- the preparation of a detailed Signage and Line Marking Plan.

Sydney Water

Sydney Water advised that an existing water supply and wastewater main are available to service the proposed development. The requisite approvals would be required prior to commencement of works.

Environment, Energy Science Group, Department of Planning, Industry and Environment (EESG)

EESG requested that the proposed mitigation measures contained within the BDAR be revised to consider the possibility that microbats might be encountered within the roof structures of buildings proposed for demolition.

Heritage NSW, Department of Premier and Cabinet (Heritage NSW)

Heritage NSW noted the recommendations contained within the Historical Archaeological Assessment which, while referenced in the Heritage Impact Statement, were not reflected in its recommendations. Heritage NSW recommended conditions of consent relating to historical archaeology, as contained in the Historical Archaeological Assessment.

Ausgrid

No concerns were raised regarding electricity supply infrastructure.

5.4 Public submissions

The one public submission of objection raised concerns including the:

- proposal has not been well justified. No report has been provided to justify the claim in the EIS that the existing building has reached the end of its serviceable life and no consideration has been given to adaption of the existing building. Further, no consideration has been given to what will happen in 2036 when the proposed buildings are expected to reach capacity.
- overall plan for the school has been split into different development applications, reducing transparency as to cumulative impacts.
- high number of trees proposed for removal and the lack of:
 - o alignment with the Premier's priority of increasing the tree canopy in Greater Sydney.
 - o consideration of cumulative impacts on the Grey-headed Flying-fox of tree loss in the BDAR.
- increased overshadowing of the playground and insufficient bicycle parking spaces.

The other three public submissions recommended:

- photographic documentation of the existing school prior to demolition.
- provision of an Indigenous food garden.

- additional bicycle and scooter parking spaces.

5.5 Response to submissions and supplementary information

Following exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant respond to the submissions.

On 2 September 2020, the Applicant provided a Response to Submissions (RtS) (**Appendix A**). The RtS included an amended Design Report and Architectural Plans, an amended Remediation Action Plan (RAP) and Interim Site Audit Advice.

The RtS was made publicly available on the Department's website and was referred to the relevant public authorities. The Department received an additional five submissions from public authorities in response to the RtS.

A summary of the issues raised in the public authority submissions to the RtS is provided at **Table 4**.

Table 4 | Summary of public authority submissions to the RtS

Council
Council raised concerns around the extent of the proposed tree clearing and noted that it does not support tree removal to facilitate landscaping. Council recommended conditions to mitigate the tree loss and ensure appropriate conditions are in place to support new plantings which would attain a comparable size and canopy cover at maturity.
EPA
EPA noted the additional information and reiterated previously recommended conditions.
TfNSW
TfNSW reiterated its earlier recommended conditions regarding the preparation of a GTP and a Construction and Traffic Management Plan in consultation with TfNSW.
Heritage NSW
Heritage NSW reiterated its earlier recommendations regarding the inclusion of conditions of consent relating to historical archaeology.
EESG
EESG noted the information contained in the RtS and provided no further comment.

On 16 October 2020, the Applicant provided further information in relation to tree removal and retention in response to the Council comments and queries from the Department.

6 Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- traffic, parking and active transport.
- biodiversity, tree removal and landscaping.
- built form.
- heritage.

These issues are discussed in the following sections of this report. Other issues considered during assessment of the application are at **Section 6.5**.

6.1 Traffic, parking and active transport

6.1.1 Operational traffic

A Transport Impact Assessment (TIA) was submitted with the EIS. The TIA predicted new trips generated by the proposal based on a travel mode survey of the existing school population and an anticipated school population of 415 in 2036. As the preschool capacity is not proposed to change, it was not considered in the TIA.

The travel mode survey found over 70% of the existing school population either walk or bicycle/scooter to school. Based on these findings, the school's traffic generation was estimated to be 0.27 vehicle movements per student in the morning peak and 0.21 vehicle movements per student in the afternoon peak.

The traffic generation predicted for the proposal is provided in **Table 5**, which estimates the development would generate an additional 57 vehicle trips during the morning peak hour and 47 additional vehicle trips during the afternoon peak hour.

Table 5 | Traffic generation outcome

	Existing trips	Proposed trips	Increase
Morning	55	112	57
Afternoon	40	87	47

The TIA included a SIDRA analysis of the operation of nearby intersections likely to be impacted by the proposal, including King Street / Darlington Road and Golden Grove Street / Abercrombie Street. The location of the intersections is shown in **Figure 16**. The analysis found that, despite minor additional delays at the King St / Darlington Rd intersection, the existing Level of Service (LoS) of A (good operation) would remain unchanged post-development.

No additional delays were projected for the Golden Grove Street / Abercrombie Street intersection (**Table 6** and **Table 7**). As such, it was found that the existing road network can accommodate the anticipated additional traffic demand with no undue capacity issues. Therefore, no additional road/traffic upgrades were found to be necessary to accommodate the development.

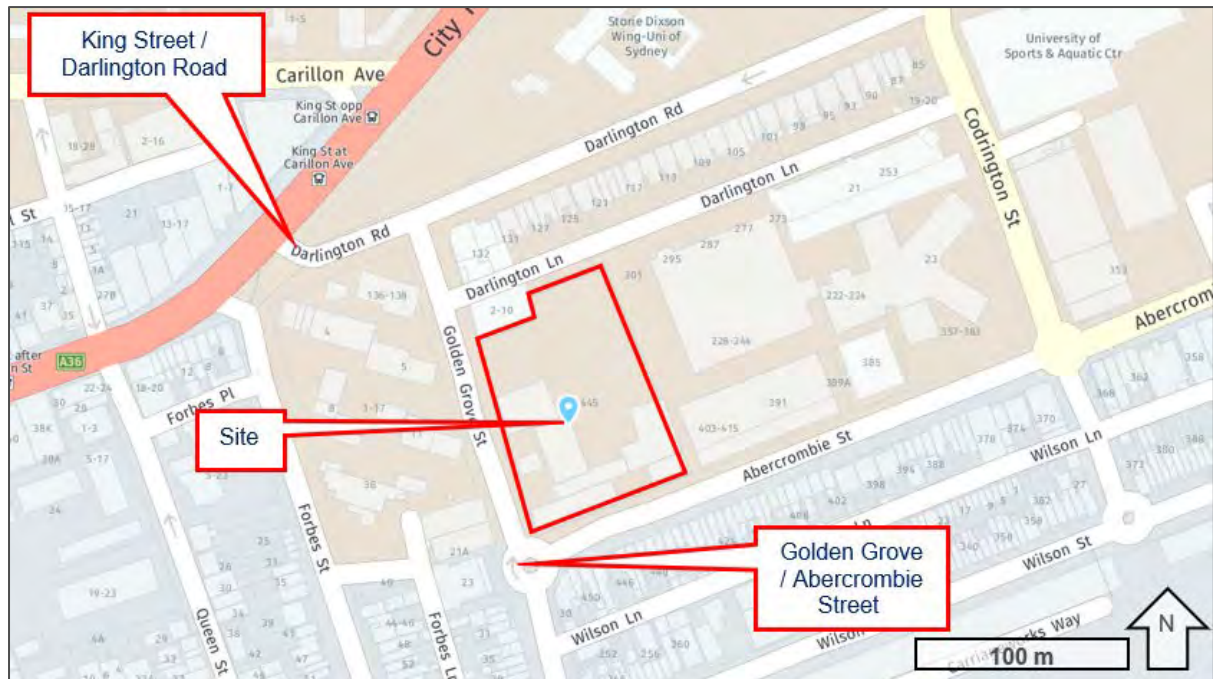


Figure 16 | Intersections analysed in SIDRA analysis (Base source: Nearmap 2020)

Table 6 | Existing Level of Service (LoS) and Average Vehicle Delay (AVD)

Intersection	LoS (AM)	AVD	LoS (PM)	AVD
King St / Darlington Rd	A	9.5s	A	11.5s
Golden Gr / Abercrombie St	A	8.6s	A	8.5s

Table 7 | Post-development Level of Service (LoS) and Average Vehicle Delay (AVD)

Intersection	LoS (AM)	AVD	LoS (PM)	AVD
King St / Darlington Rd	A	11.6s	A	13.0s
Golden Gr / Abercrombie St	A	8.6s	A	8.4s

The TIA included discussion of measures to continue to encourage sustainable travel to the school and minimise car-based trips. Measures included:

- suggested mode share targets including:
 - o walk - 45%.
 - o bicycle/scooter - 35%.
 - o car - 10%.
 - o bus - 10%.
- potential contextual incentive schemes for using active transport, including:
 - o event based measures such as a ride to work/school day, pedometer-based walking programs, a walk/bike buddy scheme.
 - o awareness raising measures.

- the monitoring and evaluation of targets.

Council raised no concerns about traffic impacts associated with the proposal. TfNSW did not raise any specific concerns regarding operational traffic. However, it did recommend that consideration be given to increasing the number of bicycle parking spaces and the finalisation of sustainable transport measures in consultation with TfNSW.

The Department has reviewed the information provided and comments made in the submissions. Based on the findings of the TIA, the Department considers that the additional traffic generated by the proposal would not have a significant impact on the operation of the road network and intersections surrounding the site.

The Department supports the implementation of sustainable transport measures and has recommended conditions requiring the preparation and implementation of a School Transport Plan that includes appropriate sustainable transport measures. Recommended conditions include a requirement for this to be done in consultation with TfNSW and include annual reviews of its effectiveness.

6.1.2 Construction traffic and parking

A Preliminary Construction Management Plan (PCMP) was submitted with the EIS. It proposes the following access arrangements for construction vehicles:

- Stage 1: access via Golden Grove Street.
- Stage 2: access via Abercrombie Street.

The construction vehicle entrances, shown in **Figure 17**, would be provided solely for the use of the contractors to avoid conflicts with the regular school vehicular traffic.

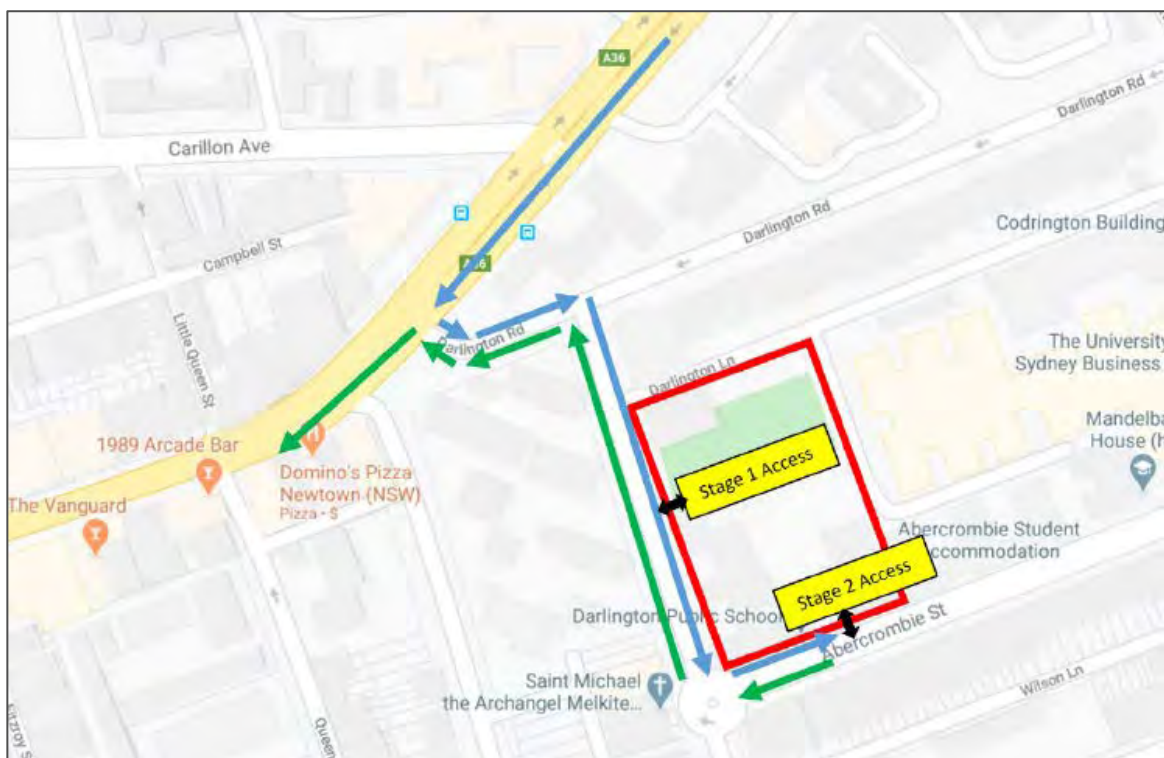


Figure 17 | Construction vehicle routes and entrances (source: Applicant's EIS 2020)

The PCMP confirmed that construction personnel would be encouraged to use public transport and no parking would be provided for their use. It is proposed to provide an on-site tool storage facility to make it easier for workers to travel to and from the site by public transport without carrying their tools. The PCMP also recommended that the contractor be required to schedule the main deliveries outside of the peak school drop-off and pick-up times.

The Department has reviewed the PCMP and is satisfied that construction traffic would be appropriately managed during construction. As advised by TfNSW, a condition has been recommended to require the preparation of a detailed Construction Traffic and Pedestrian Management Plan in consultation with TfNSW and Council, that would finalise the proposed arrangements prior to commencement of construction.

6.1.3 Operational car parking and drop-off/pick-up

The proposal would result in 29 full time equivalent operational jobs (a net increase of 12 staff), 437 school students and 60 preschool students.

There is a total of five drop-off/pick-up spaces on the streets adjoining the school, including two on the Abercrombie Street frontage and three on the Golden Grove Street frontage. The TIA notes the surveyed peak movements of 55 trips would indicate a 'service rate' of these spaces of 11 cars per hour per space. As the proposed expansion is expected to result in an addition of up to 57 vehicles per hour, application of the calculated service rate would indicate an additional requirement of five or six spaces, thus a potential total demand of 11 drop-off/pick-up spaces.

No on-site parking spaces are proposed, and all drop-off/pick-up is intended to occur using on-street spaces. On-street drop-off/pick-up spaces are shown in **Figure 18** and **Figure 19** and described below:

- Golden Grove Street:
 - o eight pick-up/drop-off spaces (parents remain in car).
 - o one accessible 15-minute space.
 - o three 15-minute spaces.
 - o one loading bay to serve the needs of service vehicles and excursion buses.
- Abercrombie Street:
 - o three 15-minute spaces.
 - o one accessible 15-minute space.

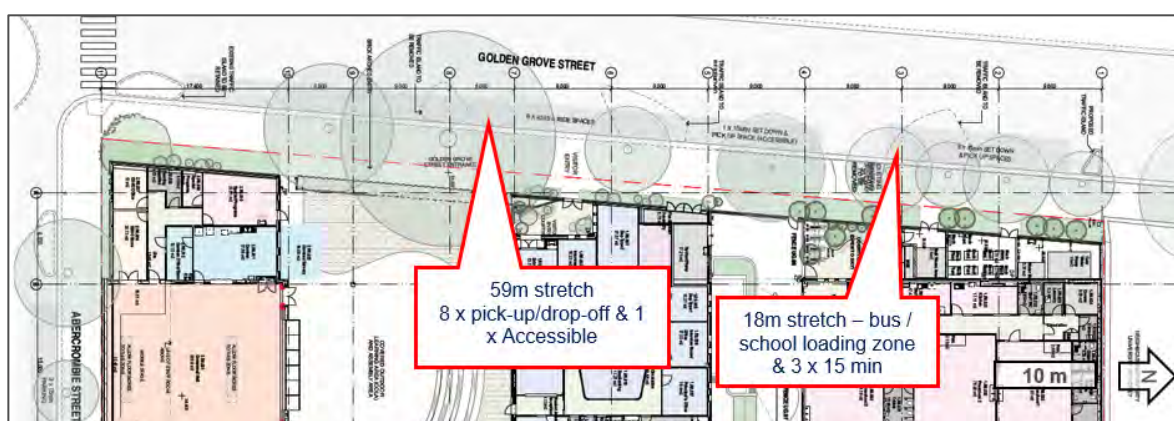


Figure 18 | Site layout showing parking details for Golden Grove Street (Source: Applicant's EIS 2020)

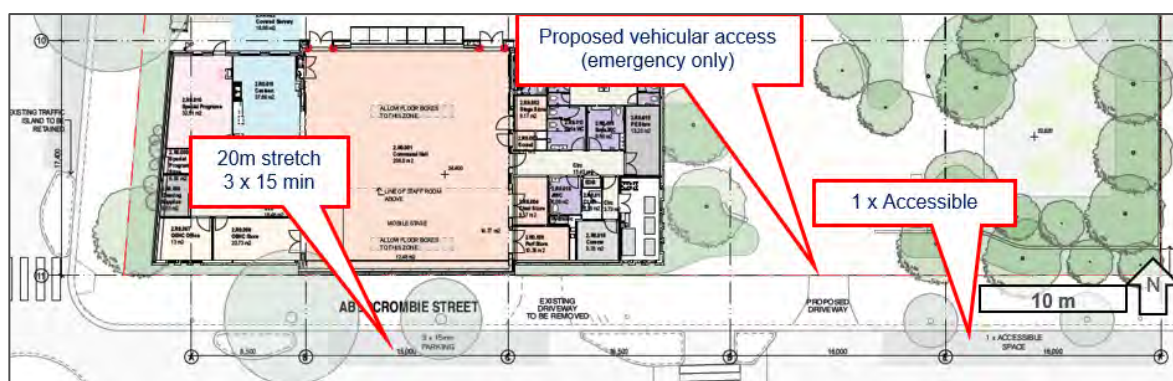


Figure 19 | Artist impression of proposal (Source: Applicant's EIS 2020)

Clause 7.9 (2) of the SLEP specifies the maximum number of car parking spaces for a building used for the purposes of a centre-based child care facility is one space plus one space for every 100sqm of the gross floor area of the building used for those purposes. As the SLEP sets a maximum number of spaces, and no on-site spaces are proposed, the application complies with these provisions. The City of Sydney Child Care Centres Development Control Plan 2005 does not contain any requirements for parking spaces.

In its response to the RtS, Council raised concerns relating to:

- the proposed increase in parking spaces, noting that these would serve to encourage driving and discourage green travel initiatives.
- the proposed 15-minute accessible parking, noting this is inconsistent with road rules which allow people with a mobility parking permit to park for two hours in a 15-minute space.

The Department considers that the proposed car parking provisions would adequately and practicably service the needs of the school. The Department notes that any changes to parking restrictions or on street infrastructure is subject to Council approval. The Department has recommended a condition that the proposed changes be finalised in consultation with Council and be submitted to Council's Traffic Committee and Area Planning Manager for approval. It is considered that the above-mentioned issues raised by Council can be resolved at this time.

6.1.4 Active transport

If the existing rates of active transport are maintained after the proposed redevelopment, the following additional bicycle and walking trips would be generated:

- bicycle/scooter: 50 additional students (to total 122).
- walking: 74 additional students (to total 185).

Amended plans provided with the RtS increased the proposed number of bicycle and scooter spaces from 67 to 145 (63 bicycle spaces and 82 scooter spaces). The new bicycle parking facilities proposed on site would be sufficient to accommodate the above increase.

The TIA considers there are excellent footpath and cycle facilities available in the surrounding road network. The additional trips, either in the form of pedestrians or bicycles/scooters, would be readily accommodated by the existing road traffic/crossing devices surrounding the site.

The main pedestrian entrance is proposed to be located on Golden Grove Street, in a similar location to the existing entrance. A covered forecourt would provide a zone for waiting / gathering as well as a spill out zone for the school hall. The main entrance to the preschool would be located a short

distance further north of the main school entrance. A second entrance is proposed off Abercrombie Street. The proposed entrances are shown in **Figure 20**.

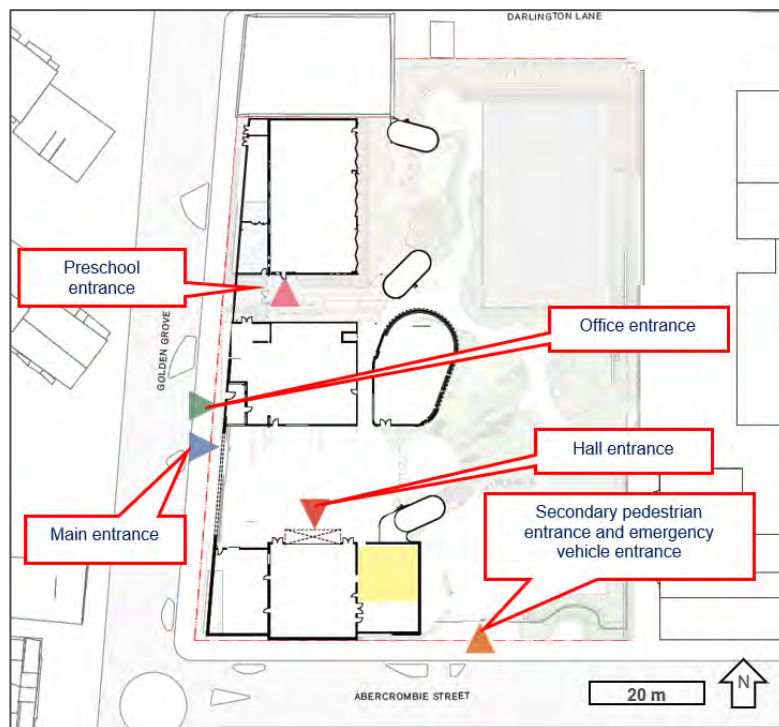


Figure 20 | Location of pedestrian entrances (source: Applicant's EIS 2020)

No issues were raised regarding pedestrian safety or access during the exhibition period. In its response to the RtS, TfNSW did not raise any concerns with the amended bicycle and scooter storage facilities.

The Department is satisfied that appropriate arrangements are proposed to facilitate active travel to the school.

6.1.5 Public transport

The site is located within 200m of a bus stop on City Road which is served by several bus routes past the adjoining university. Redfern and Macdonaldtown railway stations are located 980m and 800m from the site, respectively.

As the proposal is for a primary school and preschool to cater to the local population, it is not anticipated the above services would be regularly used by students. Regardless, the Department considers that the site is well served by public transport and that there is capacity to accommodate increased demand as a result of the proposed development.

6.2 Biodiversity, tree removal and landscaping

6.2.1 Biodiversity

A Biodiversity Development Assessment Report (BDAR) was submitted with the EIS which assessed the potential impacts of the proposal on biodiversity. The BDAR was prepared in accordance with the requirements of the BC Act.

Having regard to flora, the BDAR identified that the proposal would result in the removal of 0.16 ha of planted vegetation native to NSW as shown in **Figure 21**. As the vegetation has been planted, it does

not clearly conform to any Plant Community Type (PCT). Therefore, the BDAR determined a 'best-fit' PCT of PCT 1281 Turpentine – Grey Ironbark open forest on shale in the Lower Blue Mountains, Sydney Basin Bioregion. This PCT, while native to NSW, is not Indigenous to the local area.

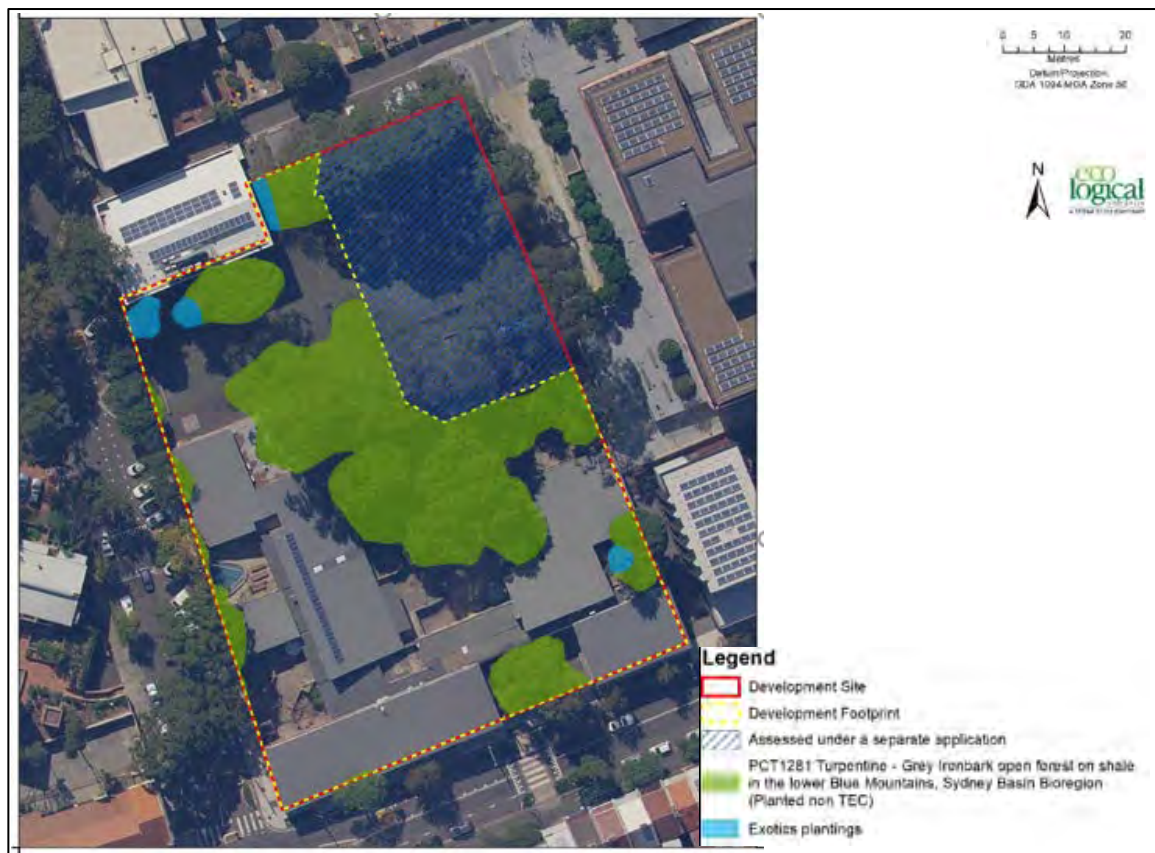


Figure 21 | Native vegetation extent (shaded in green) (Base source: Applicant's EIS 2020)

The vegetation was assigned a vegetation integrity score of 17.1 based on condition scores for composition, structure, and function. A total of two ecosystem credits would be required to offset the impacts to the vegetation.

Two threatened flora species listed under the BC Act and *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act), the Wallangarra White Gum and Narrow-leaved Black Peppermint, were recorded at the site. However, these species occur in a restricted geographic area in the NSW Northern Tableland which does not include the site. Therefore, they do not represent the listed entities under the BC Act. Both species were assessed in the BDAR as unlikely to be significantly impacted upon by the proposal.

Regarding fauna, one matter of national environmental significance was identified as having potential to be adversely affected by the proposed works. The Grey-headed Flying-fox (*Pteropus poliocephalus*) is listed as vulnerable under the EPBC Act and is likely to use some of the development site for foraging. Assessment of the Commonwealth Significant Impact Criteria was undertaken and it was concluded that the project would not have a significant impact on this species.

In its submission to the EIS, EESG accepted the findings and recommendation of the BDAR. However, it requested that mitigation measures be revised to consider the possibility that microbats might be encountered in existing structures as well as trees. It recommended measures be implemented during the demolition of structures as well as tree clearing, including pre-clearing

surveys, daily surveys, staged clearing, and the presence of a trained ecological or licensed microbat wildlife handler during clearing events.

In response to these concerns, the Applicant included a supplementary letter from its Ecologist in its RtS which included additional mitigation measures relating to microbats. EESG accepted these additional measures and recommended a condition of consent ensuring they are adopted during demolition.

The Department acknowledges the proposal would result in direct impacts to 0.16ha of planted native vegetation. However, it is satisfied that the direct biodiversity impacts of the proposal would be appropriately offset through the retirement of two ecosystem credits as set out in the BDAR. The Department is also satisfied that mitigation measures in the BDAR and RtS would appropriately manage the risks associated with encountering microbats during clearing and demolition. The Department has recommended conditions requiring the retirement of two ecosystem credits prior to the commencement of vegetation removal and mitigation measures be implemented in accordance with the BDAR and RtS.

6.2.2 Tree removal and landscaping

The site contains 31 trees within the SSD project area and 23 trees outside the SSD project area in the north-east corner of the site (**Section 2.1** and **Figure 22**). A separate local development consent was granted by Council on 9 November 2020 for the removal of 15 of the 23 trees outside of the SSD project area (**Section 2.6**). 12 street trees located along the frontage of the site are proposed for retention.

Initially, the SSD application sought permission to remove 29 of the 31 trees within the SSD project area. No justification was provided in the EIS or the accompanying arborist report for their removal. The extent of the proposed tree removal to accommodate playground areas was noted in the Statement of Heritage Impact, which found that this would have a visual impact on the surrounding heritage streets.

One public submission raised concerns regarding the extent and impact of the proposed tree removal, noting that this was not in accordance with the Premier's priority of increasing the tree canopy across Greater Sydney. Following exhibition, the Department requested the Applicant to provide justification for tree removal, particularly for the 19 trees to be removed that were not within the proposed building footprint. The Department also requested the Applicant to consider opportunities to maximise retention of existing trees.

The Applicant's RtS did not include additional justification for the proposed tree removal or include the retention of additional trees on site. On 8 September 2020, the Department requested the Applicant provide additional information including justification for proposed tree removal and consider opportunities to retain additional trees.

The Applicant provided additional information on 22 September 2020, which was considered by the Department and referred to Council. It was considered by both the Department and Council that the justification lacked sufficient detail to warrant the removal of many of the trees, particularly those located outside the proposed building footprint. Council further stated that:

- medium and high retention value trees within the future landscaped area should be retained.
- the Arboricultural Report provided with the EIS does not constitute an Arboricultural Impact Assessment.

A further request for additional information was issued on 2 October 2020, requesting:

- a complete Arboricultural Impact Assessment Report prepared by a qualified AQF Level 5 Arborist.
- amended landscaped plans which retain as many trees as possible and consider tree retention in the determination of finished ground levels.

A meeting was held on 8 October 2020 with the Applicant and Council staff to discuss concerns around the extent of the tree loss and options for greater retention. On 16 October, the Applicant provided additional information including:

- a tree retention study, which provided additional details to justify the removal of each tree.
- amended landscape plans which altered the proposed removal/retention status of eight trees:
 - o tree 12 (River She-Oak) and trees 13-15 (Tallowwoods) changed from 'retain if possible, subject to further assessment' to 'retain'.
 - o trees 17 and 19 (Illawarra Flame Tree and Bangalow Palm respectively) changed from 'remove' to 'retain'.
 - o trees 10 and 11 (River She-Oaks) changed from 'remove' to 'retain if possible, subject to further assessment'.
- amended tree removal and retention plan to reflect the above changes (**Figure 22**).

Overall, as a result of these changes the revised proposal includes:

- removal of 21 trees.
- retention of eight trees.
- retention of two trees, subject to further assessment.

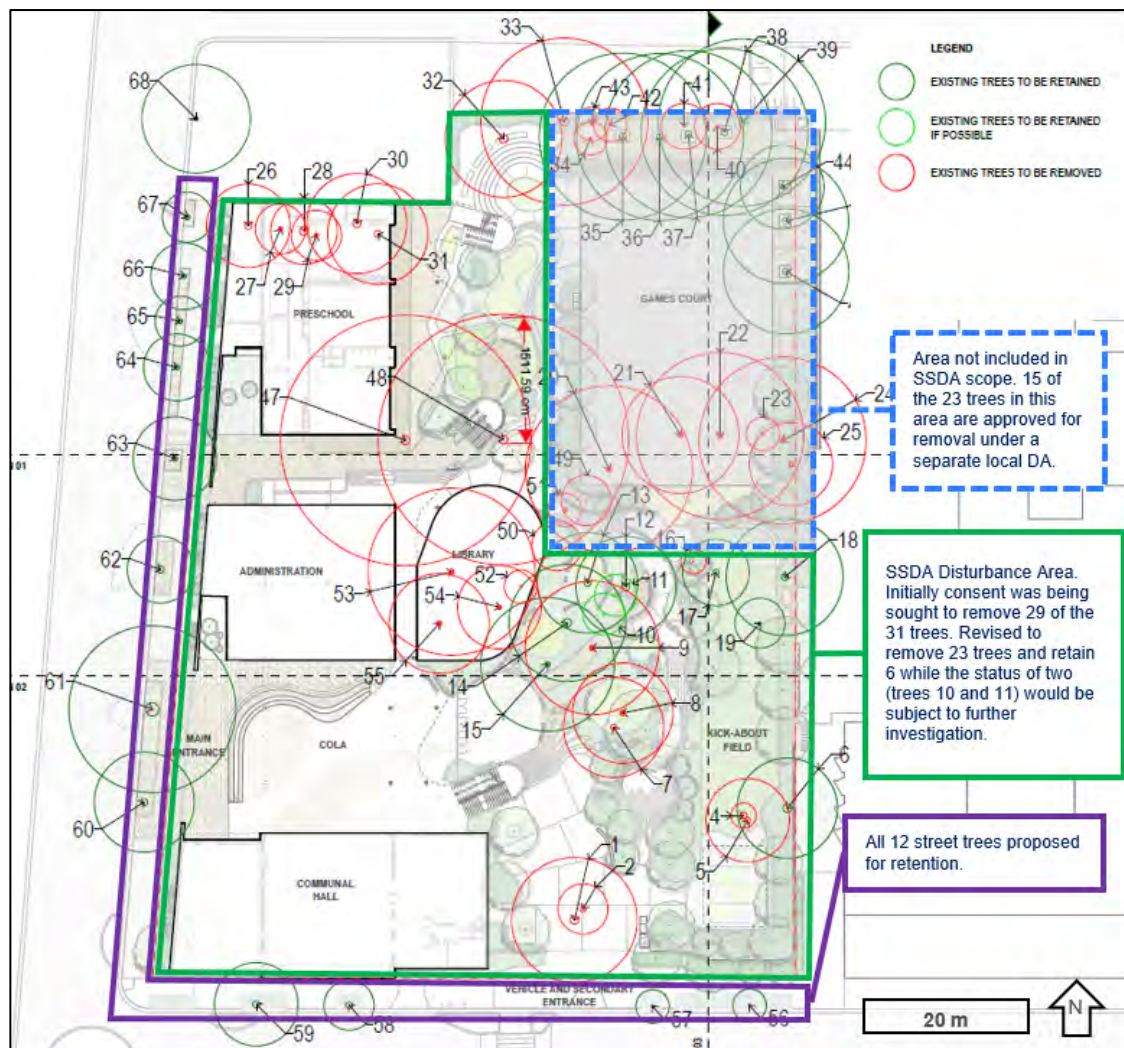


Figure 22 | Tree removal and retention plan (Source: Applicant's response to RFI #2, 2020)

Council reviewed the additional information and stated that it was disappointed with the extent of tree removal still proposed. Council recommended conditions of consent to require:

- the preparation of an Arboricultural Impact Assessment Report in accordance with S 4970-2009 Protection of Trees on Development Sites (AS4970).
- the undertaking of exploratory root investigations, using non-destructive methods, where structures or a level change (excavation, demolition) is proposed within the tree protection zone of trees to be 'retained' or 'retained subject to further assessment'.
- amended landscape plans to ensure appropriate replacement plantings.
- appropriate protection of retained trees.
- the transplantation of tree 4 (Cabbage-tree Palm) within the site.
- amendments to the Remediation Action Plan to provide an appropriate soil depth to support the growth of large trees.

The Department has assessed the additional information and Council's comments. It is considered that, in developing site layout options, insufficient weight has been given to tree retention. It is noted that, in discussing the masterplan options, the design report makes no reference to tree retention or loss. This has resulted in a site layout which requires the removal of the vast majority of significant trees to accommodate the built form, including a Sydney blue gum, a Spotted gum and a Tallowwood

(all 21m in height) and a Willow gum of 16m. No trees over 20m are proposed for retention. The proposed arrangement of buildings means the existing sports court is required to be reoriented, requiring the removal of a further 15 trees in the north-west corner of the site (subject to local development consent), including five healthy eucalyptus trees over 20m in height. It should be noted that in this corner seven large eucalypts are proposed for retention.

Given the extensive tree clearing required to accommodate the built form and resultant reorientation of the sports court, the Department considers that further removal of trees to accommodate landscaping objectives should be minimised.

The Department considers that the landscape plan amendments made by the Applicant in response to the Department's second request for further information are minor. The two additional trees proposed for retention do not address concerns about canopy loss due their small size. Further, several additional trees could be retained with some additional minor amendments to the proposed landscaping treatment.

The Applicant's justification for removal of trees within the proposed landscape areas and the Department's consideration of this justification is provided at **Table 8**.

Table 8 | Tree removal justification (landscaped area only) and Department consideration

Tree No.	Species	Height	Removal justification	Department's consideration
1	Broad leaved paperbark (<i>Melaleuca quinquenervia</i>)	14m	Proposed for removal Changes to existing levels to meet overland flow requirements due to existing flooding on site and provision of a new accessible pedestrian entry, and vehicular entry including emergency vehicle access.	The Applicant has provided limited information to explain and justify the Applicant's statements in relation to the need to remove the trees. However, the Department accepts that the site is constrained and that levels would need to be changed to accommodate overland flow, equitable access and a functional emergency access into the school. On this basis, the Department accepts the need to remove these two trees.
2				
4	Cabbage tree palm (<i>Livistona australis</i>)	15m	Proposed for removal Changes to existing levels to create a level astroturf 'kick about' zone. Retention would mean that a raised planter bed would be required and result in a loss of play space. Trees could be retained if required.	Existing and proposed levels shown on the plans indicate that the levels could be adapted to accommodate the trees without the need for a raised planter.
5	Swamp mahogany (<i>Eucalyptus robusta</i>)	14m		The trees are conveniently located at the far southern end of the proposed kickabout area and would have negligible impact on the use of the space. In addition, there is space for the expansion of the kickabout area to the west, should additional play space be required as a result of tree retention. In consideration of the minor change in levels and the tree locations, the Department has recommended a condition requiring these trees be retained subject to further investigations.

Tree No.	Species	Height	Removal justification	Department's consideration
7	Coastal banksia (<i>Banksia integrifolia</i>)	8m	Proposed for removal Changes to levels to create new accessible entry path, as well as grading to deliver the overland flow path, result in 2m difference in height between the adjacent COLA and the existing soil level for these trees. A retaining wall to retain 2m of soil would be required and the trees would be approximately 2m below the COLA level and 1m below the eastern foot path level.	The Department accepts that the lower existing position of the trees as compared to trees 9, 10 and 11 make retention of the trees challenging while providing accessible access and usable play space.
8	Swamp mahogany (<i>Eucalyptus robusta</i>)	8m	Proposed for removal Tree is located in a new accessible path / raised boardwalk. The length of the path is critical as it delivers the compliant grades for wheelchair access. Moving the boardwalk is undesirable as it would either be too close to the nature play area, creating a low narrow and unusable space or create an overly circuitous connection. Pine needles from the tree can cause a slip hazard on the boardwalk. Use of non-slip material will not resolve this as the needles build up on the boardwalk's surface.	The Department accepts that the trees are required to be removed and notes that their removal would provide greater space for changes to the proposed landscaping to retain tree 9, 10 and 11.
9	River She Oak (<i>Casuarina cunninghamiana</i>)	8m	Proposed for removal Tree is located in a new accessible path / raised boardwalk. The length of the path is critical as it delivers the compliant grades for wheelchair access. Moving the boardwalk is undesirable as it would either be too close to the nature play area, creating a low narrow and unusable space or create an overly circuitous connection. Pine needles from the tree can cause a slip hazard on the boardwalk. Use of non-slip material will not resolve this as the needles build up on the boardwalk's surface.	The Department notes that shifting the boardwalk slightly to the south east, or adjusting its contours, would allow the retention of the tree. Tree 12 (proposed for retention) and trees 10 and 11 (proposed for retention subject to further investigation) are also River She Oaks, the canopies of which would overhang the boardwalk. Therefore, pine needles would need to be swept off the boardwalk regularly, regardless of the retention of tree 9. However, this is considered a reasonable part of the maintenance of the grounds. Further, River She Oaks have been acknowledged in the arborist report as an important feature of the Blackwattle Creek riparian zone which originally ran through the site. In consideration of the significance of this species to the local area, and the tree's location in a proposed garden area, conditions have been recommended to require the retention of this tree subject to further investigations.
10		9m		

Tree No.	Species	Height	Removal justification	Department's consideration
11	River She Oak (<i>Casuarina cunninghamiana</i>)	9m	Proposed for retention subject to further investigation Located on the edge of a brick retaining wall and pavement which are to be removed in the design.	Tree 12 (proposed for retention) is also a River She Oak, located next to the same retaining wall. Sandstone steps and boulders are proposed to be utilised to maintain existing levels of tree 12. It is considered that a similar approach could be adopted for trees 10 and 11. The Department has recommended conditions that these trees be retained subject to investigations to confirm the measures required to retain the trees.
16	Firewheel tree	5m	Proposed for removal The level of the proposed adjacent footpath is 1m higher than the existing levels at the base of the tree. Retention of this tree would require construction of a 1m retaining wall to support the footpath and keep the existing levels. A balustrade would be required for safety, given the extent of the drop.	The small size of this tree does not warrant amendments to the landscape plans and the Applicant has demonstrated that removal of the tree is necessary.
48	Sydney Blue Gum	21m	Proposed for removal The existing tree is approximately 600mm above the design level. The design level allows for an equitable accessible connection from the preschool to the playground. Due to the occurrence of limb shedding, the students are not allowed in the play grounds on windy days. The central stair cannot be relocated to avoid this tree. Moving the stair 9 to 10m north would result in non-compliant egress distances.	The tree's proximity to the proposed fire stairs, and the limited options to relocate the stairs, necessitate the removal of this tree. It is considered that the removal of this tree has been adequately justified.

Tree No.	Species	Height	Removal justification	Department's consideration
			The stair cannot be moved south of the library as it would impede access to the library and sight lines from the COLA, and result in non-compliant egress distances.	
32	Mulberry (<i>Morus nigra</i>)	6m	Proposed for removal The tree has co-dominant stems with partial decay occurring between the two main stems. The angle of both stems will increase with weight placing tension within the main union. Decay is already present in this union. For the life expectancy of the school project in relation to the life expectancy of this tree, it is a chance to replace with a native species.	This tree is not considered a significant species and is showing signs of structural issues. It is considered that its removal has been adequately justified.

The Department acknowledges the proposal would remove the majority of existing trees on the site but accepts that this is unavoidable given the constraints of the site and the need to provide improved and expanded educational facilities. However, the Department is not satisfied that sufficient justification has been provided to warrant the removal of some of the trees in the proposed landscape area as set out in **Table 8**.

Accordingly, the Department has recommended conditions that five additional trees be retained subject to further investigations to determine the measures required to retain the trees. To mitigate the extensive tree and canopy loss, replacement tree planting and landscaping is proposed on the site. The proposed landscape design seeks to create opportunities for learning spaces, outdoor rooms and areas of active, imaginative and quiet play through the use of connected paths and changing landforms (**Figure 8**).

While the Department considers that the landscape design would provide appropriate active and passive play space for students, the Department has recommended a condition requiring an amended landscape plan to be prepared. This is required to accommodate the additional tree retention recommended by the Department and ensure that the landscaping appropriately compensates for the tree removal proposed. The amended landscape plan is to:

- include changes to the landscaping design to allow retention of the additional trees required by the Department.

- achieve a minimum 62% canopy cover across the site as proposed in the Applicant's RtS.
- include compensatory tree planting of at least 36 trees with 30% of the tree species having a mature height of at least 6m, 30% with mature heights of at least 10m and 40% mature heights of at least 20m, as recommended by Council.
- include native species appropriate to the Sydney region including at least one Sydney Blue Gum (*Eucalyptus saligna*) to replace tree 48.
- include mature plantings of specified pot sizes.
- provide sufficient soil depths to allow for plantings to reach maturity.

Subject to the above recommended conditions, the Department is satisfied the proposal tree loss and landscaping scheme would provide an acceptable outcome on the site.

6.3 Built form

The proposed development would have a maximum height of 16.05m and a gross floor area of 5,650sqm. The floor space ratio (FSR) would be 0.78:1, which complies with the maximum permissible FSR for the site of 1.25:1 under the SLEP. The proposed maximum height represents an exceedance of the 9m height limit under the SLEP. The proposed height is considered in **Section 6.3.1**.

6.3.1 Building Height

The extent of the proposal's non-compliance with the maximum height limit in the SLEP is shown in **Figure 23** and **Figure 24**.



Figure 23 | Western elevation from Golden Grove Street (Source: Applicant's EIS 2020)



Figure 24 | Southern elevation from Abercrombie Street (Source: Applicant's EIS 2020)

Clause 4.6 of the SLEP provides flexibility in the application of development standards, if it can be demonstrated that compliance is unreasonable and unnecessary and there is sufficient planning justification to contravene the standard.

Clause 42 of the Education SEPP states that “development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted.” As the provisions of the Education SEPP apply to this proposal,

the merit of the proposal should be considered in assessing whether the built form is appropriate for the site.

Irrespective of Clause 42 of the Education SEPP, the Applicant provided a Clause 4.6 variation request with the EIS to justify the variation. In accordance with the requirements of Clause 4.6, the request sought to demonstrate that compliance with the development standard is unreasonable and unnecessary in the circumstances of the application by arguing that:

- the objectives of the standard are achieved regardless of the non-compliance with the standard. The Applicant's comment on how each objective is achieved is provided in **Table 9**.
- there are sufficient environmental planning grounds to justify contravening the development standard, set out in **Table 10**.

Table 9 | Applicant's assessment of objectives of the height standard (Source: Applicant's EIS 2020)

Objective	Applicant's Response
To ensure the height of development is appropriate to the condition of the site and its context	The proposed height responds to the immediate surrounding development which is approximately three storeys in height.
To ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas	The proposed height transitions appropriately from the former IXL Garage (to the north of the site and of local heritage significance) down the slope of Golden Grove Street to the corner of Golden Grove Street and Abercrombie Street.
To promote the sharing of views	The proposal would be low-scale and commensurate with surrounding buildings. Therefore, there will not be any significant loss of views. Further, the proposal does not interact with any desirable features in the landscape and does not impact on view sharing.
To ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas	Not applicable.
in respect of Green Square— (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and (ii) to ensure the built form contributes to the physical definition of the street network and public spaces	Not applicable.

Table 10 | Environmental planning grounds (Source: Applicant's EIS 2020)

Ground	Applicant's Response
Ground 1: Height of Existing Surrounding Buildings	The additional height would not result in a built form that would be inconsistent with that of surrounding buildings. The building remains lower than some surrounding buildings in the immediate area.

Ground 2: Visual Impact	The visual impacts would be positive and the additional height would not result in any significant adverse visual impacts.
Ground 3: Defining the Street Corner	The intersection of Golden Grove Street and Abercrombie Street at the south-western corner of the site is locally prominent. The proposal concentrates much of the built form at this corner, where the school hall is located. The additional building height creates a neighbourhood landmark commensurate with the school's standing in the community.
Ground 4: Greater Setback to the East	By concentrating the built form along the Golden Grove Street frontage, the development provides a 30-50m setback from the eastern site boundary, allowing for: • safety, by defining the street wall and providing safe enclosure of the school grounds without extensive fencing. • surveillance as the proposed height, combined with the carefully framed views into and within the school, allows for surveillance of children by each other and by teachers from many locations within the school. • playground area with a large, uninterrupted portion of the site provided as outdoor and landscaped play area for students within the setback area with good solar access.
Ground 5: Overshadowing	Minimal overshadowing is created by the height limit exceedance.

No concerns were raised in any of the submissions relating to the proposed building height.

The Department has considered the information provided by the Applicant, including its justification for the height non-compliance. The Department concludes the height and scale of the proposed building would be acceptable because the:

- relevant objectives of the height standard are achieved. In particular, the proposed height:
 - o responds appropriately to the immediate surrounding developments, which are approximately three storeys in height.
 - o transitions sensitively from the former IXL Garage down the slope of Golden Grove Street to the corner of Golden Grove and Abercrombie Streets.
- constraints of the site warrant concentrating the required floor space in one area in order to allow for sufficient play areas and landscaping.
- height exceedance would not create significant overshadowing or other amenity impacts.

6.3.2 Building design and layout

The proposed layout consists of a new part two, part three storey school building located along the western boundary of the site fronting onto Golden Grove Street and Abercrombie Street frontages. It locates the main bulk of the building along the edge of the site following the roads, resulting in the enclosure of the school without reliance on extensive fencing. A site plan and depiction of the proposed layout of uses are shown in **Figure 25** and **Figure 26**.

The two-storey portion of the building would be located at the northern end of the site and would face onto Golden Grove Street. The building would transition to three storeys toward the centre and southern portions of the site.

The Golden Grove/Abercrombie Street corner is marked by a sawtooth form that rises to 14.64m above existing ground level to accommodate the hall.

The proposed building has minimal setbacks from the boundary edge, allowing continuation of the surrounding streetscape frontage and pattern, and providing more generous play space and landscaping for the school at the site's rear.

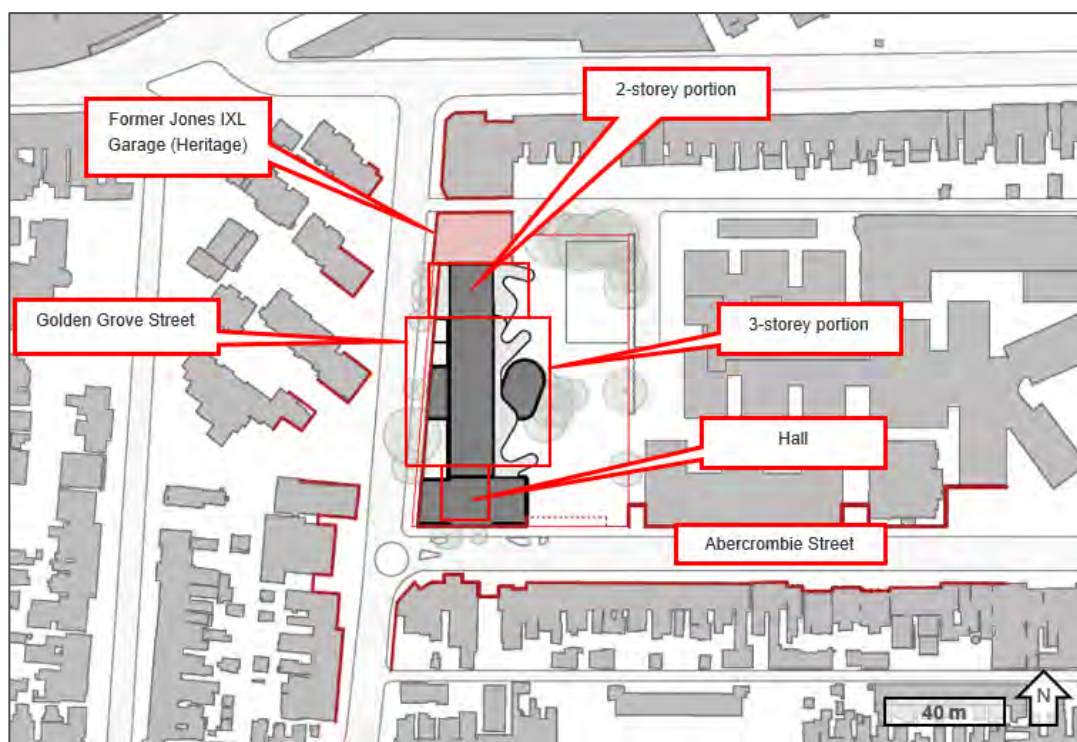


Figure 25 | Site layout (Source: Applicant's EIS 2020)



Figure 26 | Layout of uses (Source: Applicant's EIS 2020)

No concerns were raised during the exhibition period in relation the proposed design or layout.

The Department considers the proposed building siting, layout and setbacks would provide an appropriate and sensitive response to the surrounding built form and context. The Department is satisfied the proposal would make a positive contribution to the character of the surrounding area.

6.3.3 Materials and façade expression

It is proposed that the facades would be constructed of brick to reflect the character of the area. The bricks would be laid in varying patterns to create texture and transparency where required.

Following exhibition of the EIS, the Government Architect NSW (GANSW) raised the concerns around large blank facades which lack articulation presenting to Golden Grove and Abercrombie Streets. It recommended further openings in the street walls and amendments to address the public domain. In the RtS, the Applicant made design amendments to the window treatment, street wall articulation and public domain landscaping. The initial façade rendering and amended rendering are provided as **Figure 27** and **Figure 28**.



Figure 27 | Façade as initially proposed (Source: Applicant's EIS 2020)



Figure 28 | Façade as revised in the RtS (Source: Applicant's RtS 2020)

While GANSW considered that these amendments went some way to improving the public domain presentation, concerns remained around the size and relative blankness of the façade, particularly at the Abercrombie / Golden Grove Street corner.

The Applicant is preparing an art strategy, which includes consideration of this corner. GANSW considers that the incorporation of a context specific artwork into the street facades of the building would address their remaining concerns by providing additional public amenity and an improved identity for the school. GANSW recommended a condition be imposed requiring amended drawings be provided which detail the location of the intended artwork prior to the commencement of construction.

Subject to the above condition, the Department is satisfied that the proposed façade materials and treatment would provide a high quality and contextual addition to the Darlington area.

6.4 Heritage

The site is not listed as an item of heritage significance under any Environmental Planning Instruments, however, items of local heritage significance are near the site as detailed in **Section 1.2** and **Figure 29**.

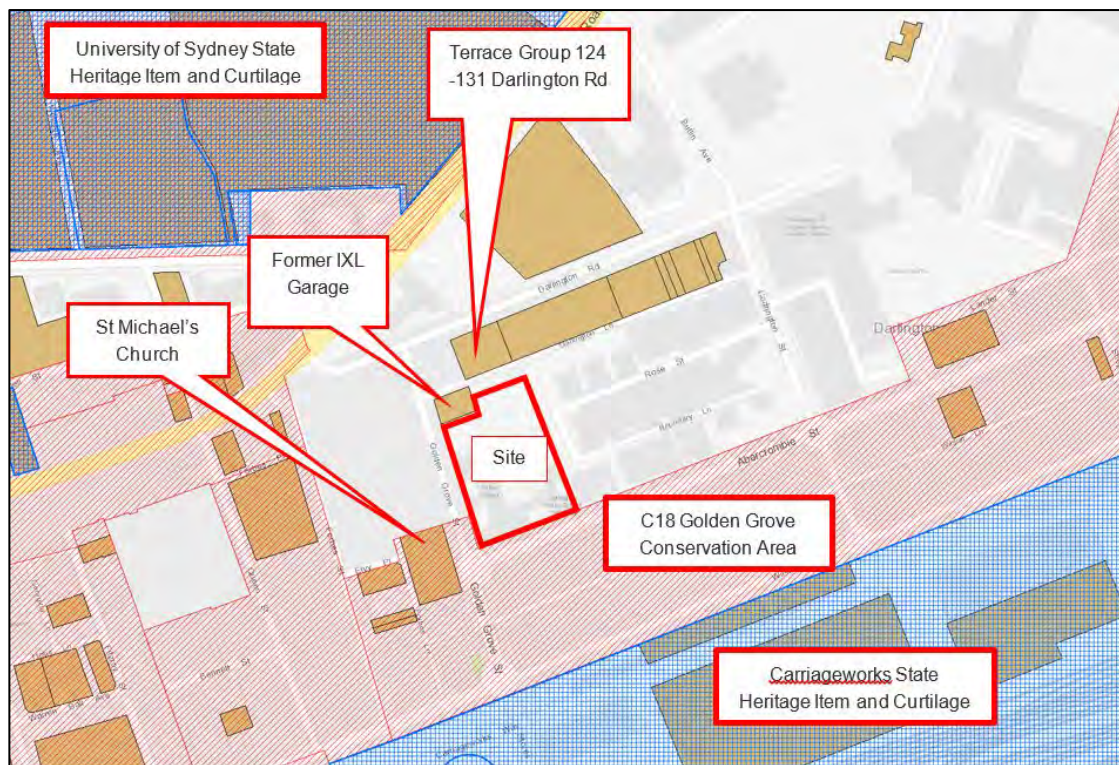


Figure 29 | Location of heritage items / conservation areas (Base source: NSW Planning Portal 2020)

A Statement of Heritage Impact (SHI) accompanied the EIS and assessed the proposal's impact on the heritage significance of the area and surrounding heritage items:

- the proposal's public domain presentation has formal qualities which are of a lower scale of built form on the Golden Grove Street building line, with taller built form generally setback from the boundary line. This placement of form and the sawtooth roof design would enable the new school buildings to be compatible in scale and rhythm with the row housing of the conservation area opposite. It would also contribute to the formal corner defined by the other heritage items and the former shop of the Golden Grove Heritage Conservation Area opposite. The tallest proposed school building element (fronting Abercrombie Street) would not exceed the height of the St Michael's Church group.
- the stepped scale of the proposed school would also act as a transition to the larger, more recent institutional buildings in the vicinity, as well as the 1980s public housing opposite to the west.
- the proposal would not be taller and would not dominate the former Jones IXL factory garage building that immediately adjoins the northern boundary of the site. The facing wall would be a secondary façade of face brick and there would be no windows.
- the proposal would not visually impact the heritage items (terrace housing) at 104–123 Darlington Road, Darlington, given the positioning of the new buildings 'behind' the former Jones IXL factory garage building and the fall of the land. The rear of these heritage items faces the school site.
- character, scale, form, siting, materials and colours and details of the proposal respect the local context and minimise impact on its significance by:
 - o placing the main mass (stepped in form to reduce the overall scale) along Golden Grove Street and at the corner, thereby reinforcing historic corner in a contemporary way.

- o contemporary use of forms (sawtooth roof shape), materials (brickwork) and colours which interpret the existing school.
- o contemporary use of traditional materials and details which reflect the existing school and the diversity of the local context, as well as responding to the former industrial character of the area, including the former Jones IXL factory garage building adjacent.

The SHI recommended mitigation measures including the:

- preparation of a construction methodology to ensure against damage to nearby heritage items, relevant trees, retained fixed art and salvaged fabric to be reinstated.
- photographic archival recording of the school.
- preparation of an art management strategy to manage existing fixed and movable artwork to be reinstated in the new school.
- preparation of an interpretation plan in accordance with the NSW Heritage Office *Interpreting Heritage Places and Items Guidelines*.

The SHI also noted the large number of mature trees at the site and the visual prominence of the resulting tree canopy from the surrounding streets. It stated that tree removal was likely to impact the visual qualities of the area. However, no mitigation measures were recommended in relation to tree loss.

Council provided no comments on heritage impacts in its submission.

In its submission, Heritage NSW supported the assessment and recommendations made in the SHI. Regarding archaeology, it recommended the:

- implementation of an unexpected finds protocol, noting the potential research value of any remains associated with the former shop on the corner of Golden Grove Street and Abercrombie Street.
- site be inspected and tested by an archaeologist after demolition occurs and, if relics are found, a program of archaeological recording be implemented by the Applicant.

The above recommendations are in accordance with the Historical Archaeology Assessment referenced in the SHI.

The Department considers that the proposal provides a sensitive and appropriate response to the surrounding heritage items and conservation areas. Conditions have been recommended to reflect advice from Heritage NSW and the mitigation measures proposed in the SHI. Subject to these conditions, the Department is satisfied that the proposal would not result in significant detrimental impacts to the surrounding built heritage.

6.5 Other issues

The Department's consideration of other issues is provided at **Table 11**.

Table 11 | Department's assessment of other issues

Issue	Discussion	Findings and Recommendations
Social	The EIS considered the social impacts of the proposal and concluded that it would have an overall positive benefit as it would: • meet the growing demand for high quality public education in an area of significant population growth near public and active transport networks. • provide improved local amenity. The key challenges identified related to temporary disruption and amenity impacts associated with construction.	The Department is satisfied that the proposal would have a positive social benefit. The proposal would meet the needs of the growing population of the region and not displace any community or other facilities. To mitigate the impacts of construction, the Department has recommended conditions requiring the preparation of a construction environmental management plan and community consultation strategy with a communication plan to ensure all neighbours are informed about the development.
Aboriginal Heritage	An Aboriginal Cultural Heritage Assessment Report (ACHAR) was submitted with the EIS. The ACHAR concluded that the site would have low potential for Aboriginal archaeological artefacts due to the long history of site disturbance. Despite this, the school was assessed as having substantial historical and social significance due to its social connection to the community. The ACHAR found Aboriginal heritage has been considered in the design of the proposal through the: • integration of artwork, murals and objects which are integral to the school's identity. • placement of key artworks, including the existing jarjum jugs, year six artworks and totems, murals, the burnt door and carved sandstone blocks. • retention of existing 'fabric' from school murals which cannot be retained, and incorporation of these into the landscaping. The ACHAR proposed a number of mitigation measures to ensure appropriate consideration and management of Aboriginal heritage, including:	The Department is satisfied that the proposal would not result in any adverse impacts to Aboriginal cultural heritage, subject to the implementation of the recommended mitigation measures including unexpected finds procedures. Conditions have been recommended to ensure that the mitigation measures as contained in the ACHAR are appropriately implemented.

- continuing Aboriginal community engagement for internal design.
- archival recording of the existing school prior to demolition.
- transferring the existing movable art collection to the new school.
- murals which cannot be retained should be photographed and printed on large canvasses.
- incorporation of spaces in the new school for the creation of new art.

Construction management, noise and vibration

Construction activities can temporarily impact upon the surrounding area from dust, noise, erosion, sedimentation and an increase in waste generation.

The following documents were lodged with the EIS:

- preliminary Construction and Site Management Plan, which outlined the key principles and considerations for minimising construction impacts.
- Sediment and Erosion Control Plan.
- Acoustic Assessment.
- Construction Waste Management Plan.

The documents were reviewed by the EPA which provided the following comments and recommendations relating to noise:

- construction hours should be limited to the standard hours of work described in the Interim Construction Noise Guideline 2009 unless in specific circumstances.
- noise mitigation measures described in Section 11.8 of the Acoustic Assessment should be adopted.

Standard conditions were recommended in relation to asbestos waste and fill. No further concerns were raised relating to construction management.

The Department has considered the information provided by the Applicant and the advice of EPA.

The Department considers that construction impacts can be appropriately managed to minimise impacts on the community. The Department has recommended conditions requiring the:

- preparation and implementation of a Construction Environmental Management Plan prior to commencement of works at the site.
- implementation of mitigation measures contained within the Acoustic Assessment and Construction Waste Management Plan.
- imposition of standard hours of construction.

Contamination

A Detailed Site Investigation was included with the EIS and confirmed:

- the presence of total recoverable hydrocarbon, polycyclic aromatic hydrocarbons and lead impacted fill across the site at concentrations exceeding both adopted health investigation levels and ecological investigation levels.
- contaminated fill would require remediation to make the site suitable for the proposed redevelopment and

The Department is satisfied that the site can be made suitable for the redevelopment and ongoing use as a school and childcare centre subject to the RAP and recommendations of the EPA.

The Department has recommended conditions to ensure the implementation of the RAP and the preparation of Hazardous Materials and Asbestos Management Plans prior to demolition, in

ongoing use as a school and childcare centre.

accordance with the recommendations of the EPA.

In accordance with the findings of the Detailed Site Investigation, a Remediation Action Plan (RAP) was included with the EIS which detailed the preferred remediation strategy.

The RAP advised that on site management of contaminated soils (capping and containment) would be suitable for all fill soils across the site. This would be subject to a general capping layer of at least 0.3m of clean soil and a physical barrier such as asphalt, concrete or “soft fall” surface being placed over the impacted fill to minimise potential for exposure. Any materials unsuitable to remain on site would be excavated and disposed off-site.

The RAP detailed guidelines and requirements for site establishment, off-site disposal of soils, containment and capping, and validation reporting. It concluded that, subject to the implementation of the RAP, the site would be suitable for ongoing use as a school and childcare centre.

Following exhibition of the EIS, EPA recommended that the Applicant:

- be required to submit, as part of the RtS, interim audit advice from an accredited site auditor on the nature of the contamination and what further works are required.
- engage a NSW EPA-accredited site auditor throughout the duration of works to ensure appropriate management of remediation works.
- develop a Hazardous Materials Management Plan and Asbestos Management Plan prior to the commencement of any demolition or construction works on site.

No further issues relating to contamination were raised during the exhibition period.

In its RtS, the Applicant provided the interim advice requested by the EPA. The accredited auditor found the RAP to be sufficiently robust for the proposal, with appropriate contingencies. The EPA reviewed the interim advice and provided no further comment, except to reiterate its previous recommendation to engage an accredited site auditor throughout the duration of works.

Operational noise	The Acoustic Assessment considered the impacts of the proposal as a result of operational noise. This found that: • noise from internal areas including the classrooms, hall and COLA would not exceed the background +5dB noise emissions criteria. • residential receivers to the north would experience noise levels of up to 69dB during recess and lunch, which is above the background +5dB criteria. However, the Applicant argued in the EIS that this is acceptable in consideration of the fact the school already exists and it is a common scenario for residences near schools. This noise would also occur over short time periods. • traffic noise would be comparable to the existing noise levels. The following noise mitigation measures were proposed in the assessment: • restrictions on the use of the hall, the COLA and basketball courts after school hours. • restriction on the hours of waste removal. • speaker selection and positioning. • minimum glass widths of 10.38mm on the north, south and east facing windows and a minimum of 6.385mm glass on the remaining facades. • noise from mechanical plant be designed to achieve no greater than background noise +5dB. In its submission, the EPA noted that mechanical plant noise was not reviewed in the Acoustic Assessment. However, it accepted that this could be undertaken at detailed design stage as proposed in the Acoustic Assessment. The EPA recommended conditions requiring: • mechanical plant equipment to be designed to achieve no greater than background noise +5dB. • noise mitigation measures proposed in Section 8 of the Acoustic Assessment be implemented. No other concerns were raised during the exhibition period relating to operational noise.	The Department is satisfied that the proposal would not result in any unacceptable noise impacts. Conditions have been recommended in accordance with the advice from the EPA and the proposed mitigation measures contained in the Acoustic Assessment.
Signage	The proposal includes the installation of: • three mounted wall signs including:	The Department is satisfied that the proposed signs are

	- o one non-illuminated preschool identification sign to be located on the façade by the preschool entrance. - o one illuminated school identification sign located at the main entrance on Golden Grove Street. - o one non-illuminated school identification sign located at the secondary entrance on Abercrombie Street. • one digital signage board to face Abercrombie Street.	appropriate, subject to a condition requiring the intensity of the illumination of the digital signage board be adjustable and to restrict the hours of illumination. Further consideration is given to the proposed signs in Appendix B.
Stormwater and drainage	A two-tank on site stormwater detention system is proposed to reduce stormwater discharge to the existing network. The proposed combined capacity of the tanks is 190 cubic metres which exceeds the Sydney Development Control Plan 2012 requirements. The Civil Design Report included with the EIS confirmed that the proposed civil works comply with City of Sydney Technical Specifications A4 Stormwater Drainage Design, Sydney Water on site detention guideline, Australian Standards and best-practice principles. Council did not provide comment on the proposed stormwater design. However, it did recommend standard stormwater drainage conditions.	The Department is satisfied that the Applicant would satisfactorily manage stormwater on the site. The Department has recommended a condition requiring the preparation of a detailed stormwater management plan, in accordance with the relevant standards and guidelines, for approval by Council.
Flooding	The Civil Design Report provided with the EIS found that most of the site is not subject to inundation during the 100 Average Recurrence Interval event or Probable Maximum Flood, with the exception of a very small area near the main school entrance off Golden Grove Street during the Probable Maximum Flood. The report found that this issue would be removed as the proposed level around the entrance would be higher than existing level. In addition, an overland flow path would be provided to Abercrombie Street from the entrance to avoid any trapped low point. No concerns were raised regarding flooding during the exhibition period.	The Department is satisfied that the proposal is compatible with the flood hazard of the land and is not likely to result in any adverse flood behaviour.
Utilities	The EIS included an Electrical and Telecommunications Statement which confirmed that:	The Department has recommended conditions to ensure the Applicant lodges the

- site communications would be fed from the existing NBN and other fibre infrastructure along Golden Grove Street.
 - the incoming power supply would be from the existing Ausgrid substation on Darlington Lane.
- appropriate requests for the supply of these services and all utilities are available prior to operation.

The EIS also included a Hydraulic Infrastructure Management Plan which:

- proposed connecting to the Sydney Water DN150 water main in Golden Grove Street.
- proposed connecting to the Sydney Water DN300 sewer main which reticulates through the site.
- supplied evidence that Sydney Water had confirmed sufficient capacity in the water and sewer network to accommodate the proposal.

No objections were received from Sydney Water or Ausgrid in response to exhibition of the EIS.

Childcare centre

The Education SEPP defines the existing preschool as a centre-based child care facility. This is to be retained on the site as part of the redeveloped school.

Clause 22 Part 3 Education SEPP states that concurrence of the regulatory authority is not required for a 'centre-based child care facility' if the floor area of the building or place complies with the relevant regulations regarding outdoor and indoor play areas.

The proposed preschool would have a capacity of 60 children, requiring a total of 195sqm of unencumbered indoor play space and 420sqm of unencumbered outdoor play space under the Education SEPP. The proposal satisfies these play space requirements. Therefore the separate concurrence of the regulatory authority is not required.

The Department has reviewed the design of the preschool and is satisfied that it includes appropriate amenities and play space for children, while being visually integrated with the school design.

The compliance of the proposal with the Department's Child Care Planning is provided in **Appendix B** and is assessed as satisfactory by the Department.

7 Evaluation

The Department has reviewed the EIS and RtS and assessed the merits of the proposal, taking into consideration comments by submitters and advice from the public authorities, including Council. All environmental issues associated with the proposal have been thoroughly addressed. The Department concludes the impacts of the proposal are acceptable and can be appropriately mitigated through conditions of consent. Consequently, the Department considers the proposal is in the public interest and should be approved.

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* and with the State's strategic objectives as it would improve education results through the provision of an improved and expanded education facility in an area that is undergoing population growth. The proposal is in the public interest as it would provide benefits including:

- delivering improved and enlarged education facilities to cater to the City of Sydney LGA.
- providing education facilities in an accessible area for the community.
- providing an improved facility for community use outside of standard operational hours.
- delivery of 127 jobs during the construction phase and an additional 12 operational jobs.

The proposal provides for a sensitive and appropriate response to the surrounding heritage items and conservation areas. The Department considers the proposed height is acceptable in the context of the site's immediate surroundings which are generally of a similar or greater height.

The proposal would have only minor impacts on the performance of the local road network due to its location in a highly walkable area.

The Department has recommended conditions to manage the potential construction and operational impacts on the surrounding land uses.

While it is considered that greater weight could have been given to tree retention in the proposed building layout and landscape planning, conditions of consent have been recommended to mitigate tree loss through further investigations to retain five additional trees, landscape plan amendments and minimum planting requirements.

Overall, the proposal is suitable for the site and the identified impacts are considered satisfactory on balance and in the context of the benefit the proposal would provide for the local community.

8 Recommendation

This section provides a formal recommendation to the decision maker to approve or refuse the project. The recommendation section is only applicable to projects where the Minister (or his delegate) is the decision maker.

It is recommended that the A/Executive Director, Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant approval to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants consent** for the application in respect of SSD-9914, subject to the conditions in the attached development consent.
- **signs** the attached development consent.

Prepared by:

Nicholas Gunn
Planning Officer
Social and Infrastructure Assessment

Recommended by:



Jason Maslen
Team Leader
School Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'Erica van den Honert', is written over a light blue rectangular background.

30 November 2020

Erica van den Honert
A/Executive Director
Infrastructure Assessments

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows.

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/9671>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9671>

3. Applicant's Response to Submissions and supplementary information

<https://www.planningportal.nsw.gov.au/major-projects/project/9671>

Appendix B – Statutory Considerations

To satisfy the requirements of section 4.15(a)(i) *Environmental Planning and Assessment Act 1979* (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Sydney Local Environmental Plan 2012 (SLEP).

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify state significant development (SSD), state significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications.

The proposal is SSD as summarised at **Table B1**.

Table B1 | SRD SEPP Compliance Table

Relevant Sections	Department's consideration	Compliance
3 Aims of Policy The aims of this Policy are as follows: to identify development that is State significant development,	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and the development is specified in Schedule 1 or 2.	The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as the development is for the purpose of alterations and additions to a school with a value over \$20 million under clause 15(1) of Schedule 1 of the SRD SEPP.	Yes

Infrastructure SEPP

The Infrastructure SEPP facilitates the effective delivery of infrastructure by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Educational establishments are no longer covered under the traffic generating development provisions of the Infrastructure SEPP as they are considered under the Education SEPP. However, the application was referred to Transport for NSW (TfNSW).

The development was referred to the relevant electricity supply authority for comment. The application was referred to Ausgrid, which did not raise any concerns with the proposal.

The Department is satisfied that the proposed development meets the requirements of Infrastructure SEPP. The Department has included suitable conditions in the recommended conditions of consent (**Appendix C**).

Education SEPP

The Education SEPP aims to simplify and standardise the approval process for childcare centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and construction requirements. The application has been assessed against the relevant provisions of the Education SEPP.

Clause 42 of the Education SEPP states that development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted. The proposed school has provided justification for contravening the development standards. The Department's consideration of the variations to the development standards is addressed in **Section 6**.

Clause 57 of the Education SEPP requires traffic generating development that involves the addition of 50 or more students to be referred to the TfNSW. The Application was referred in accordance with this clause.

Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles is provided in **Table B2**.

Table B2 | Consideration of the design quality principles

Design principles	Department's consideration
Context, built form and landscape	The configuration, siting and materials of the proposed building has regard to the existing school campus and surrounding streetscape, particularly nearby terrace housing and heritage items. The proposal includes extensive new landscaping (including tree planting/replacement), which would provide a high level of amenity to the school and surrounds.

	The design responds appropriately to its context and would result in a positive impact on the streetscape.
Sustainable, efficient and durable	The proposal includes ecologically sustainable development measures (Section 4.4.3).
Accessible and inclusive	The EIS included an Access Report that assessed the proposal against the requirements of the National Construction Code (Volume 1, 2019), Disability (Access to Premises) Standards 2010 and the applicable Australian Standards for access and mobility. The Applicant concluded that the proposal can achieve compliance with the relevant statutory requirements.
Health and safety	The proposal considered Crime Prevention through Environmental Design Principles in its design, using a mixture of built form and fencing. The proposal implements the principles of crime prevention through environmental design and would provide appropriate natural surveillance, territorial reinforcement and space management, as set out in the Design Report which accompanied the EIS.
Amenity	The proposal would not unreasonably impact upon the amenity of adjoining residents by way of overshadowing and/or overlooking, and subject to conditions would not result in unreasonable noise impacts (Section 6.5). The Department has recommended conditions regarding the operation of the school. The proposal would create a variety of diverse play spaces, learning opportunities in the landscape and space for the students to run around and play sports.
Whole of life, flexible and adaptive	The proposed school facilities are flexible and provide open plan and a variety of spaces that can be adapted to suit a wide range of uses and changing needs. The Design Report which accompanied the EIS states that the proposal would be capable of accommodating a future increase in population up to 510 students.
Aesthetics	The development achieves a high standard of design. The local character has been considered and is reflected in the massing, scale, materiality and landscaping of the proposal. It would make a positive contribution to the neighbourhood of Darlington.

The Education SEPP defines the preschool as a centre-based child care facility. Clause 22 states that concurrence is required for a 'centre-based child care facility' (i.e. preschool) if the:

- a) floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or
- b) outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.

Indoor and outdoor unencumbered space has been provided in accordance with the National Regulations. Therefore, concurrence is not required. The consent authority is also required to consider the relevant provisions of the Department's Child Care Planning Guideline prior to

determining an application for a centre-based child care centre. Consideration of the relevant planning provisions of the Guidelines is provided below in **Table B3**.

Table B3 | Consideration of the Child Care Planning Guideline

Matter	Consideration/Comment
Design quality principles	
Context	The proposed preschool is located within the school site. The design is responsive to the surrounding character, built form and heritage significance. The location is highly walkable.
Built form	The proposal achieves a scale, bulk and height appropriate to the existing character of the surrounding area.
Adaptive learning spaces	The internal layout and playground have been designed to align with the Child Care Guidelines.
Sustainability	The proposal responds appropriately to sustainability principles, with sustainable measures to be incorporated into the overall design and operation of the school. Outdoor play space areas have been assessed as having access to satisfactory levels of natural daylight, while similarly providing areas for shade and weather protection.
Landscape	The landscape design has been integrated into the proposed layout of the facility to provide a diverse and functional environment.
Amenity	The preschool has been designed to ensure suitable indoor and outdoor play spaces are provided that have suitable access to daylight and natural ventilation. The siting of the preschool in the north of the site minimises its exposure to public places and would ensure that occupants are not exposed to adverse amenity or privacy impacts. Potential for overlooking into the outdoor play space is minimal.
Safety	The proposal provides a secure boundary through the placement of buildings and fences. The proposal ensures that safety outdoor play space areas is maintained.
Matters for consideration	
Site selection and location	The proposal forms part of the larger school development on a site that contains an existing school and preschool.
Local character, streetscape and the public domain interface	The design is responsive to the surrounding character, built form and heritage significance.
Building orientation, envelope, building design and accessibility	The Applicant has demonstrated that the design and location of the preschool would not result in any adverse environmental or amenity impacts.

Landscaping	The proposed landscape design incorporates several passive and active landscape elements to help create a diverse and interesting learning environment.
Visual and acoustic privacy	The preschool would be orientated towards the playground area of the school. Accordingly, privacy impacts are minimised by reducing the exposure of the preschool. The predicted noise impacts associated with the operation of the preschool are generally satisfactory and would not result in adverse amenity impacts, subject to recommended conditions of consent (Section 6.5).
Noise and air pollution	The location of the development is not near any noise or odour generating sources that could cause adverse emissions.
Hours of operation	The preschool is proposed to operate Monday to Friday 8.30am-3.30pm (staff), 9am-3pm (children) during school days, excluding public holidays. The proposed hours are unchanged from the approved operational hours of the existing preschool on site.
Traffic, parking and pedestrian circulation	No on-site parking spaces are proposed, which complies with the provisions of the relevant Development Control Plan.
National Regulations	
Indoor space requirements	A minimum 195sqm of unencumbered indoor space is proposed based on the proposed 60 spaces which meets the minimum requirements.
Laundry and hygiene facilities	Laundry facilities are proposed to be provided on site.
Toilet and hygiene facilities	Suitable toilet facilities are proposed in accordance with the guidelines.
Ventilation and natural light	The Applicant has demonstrated that the outdoor play space would receive sufficient natural daylight and ventilation throughout the day.
Administrative space	The internal layout of the proposed administrative functions of the preschool has considered the interaction of staff, parents and children and visitors to ensure interactions are appropriately managed.
Nappy change facilities	Not applicable – the children are aged between three to five years.
Premises designed to facilitate supervision	The internal layout of the preschool, including staff rooms and toilet facilities, has been designed to facilitate supervision between educators and children.
Emergency and evacuation procedures	An emergency evacuation plan has been provided outlining the procedures in an event of an emergency and evacuation of the children from the preschool area.

Outdoor space requirements	A minimum 420sqm of unencumbered outdoor space is required based on the proposed 60 spaces. The total preschool playground area totals 470sqm with unencumbered outdoor space of 420sqm.
Natural environmental	The landscape design incorporates opportunities for outdoor play that engage with the natural environment and encourage inquiry and exploration.
Shade	The outdoor play space includes a large covered outdoor learning area as well as a shade structure in the outdoor play area.
Fencing	A 1200mm high fence is proposed to the outdoor play area, which would be enclosed within the school grounds and would not adjoin a public space.
Soil assessment	The detailed site investigation accompanying the EIS confirmed the presence of total recoverable hydrocarbon, polycyclic aromatic hydrocarbons and lead impacted fill across the site at concentrations exceeding both adopted health investigation levels and ecological investigation levels. The Department is satisfied that, subject to the Remediation Action Plan and the recommendations of the EPA, the site can be made suitable for the ongoing use as a school and preschool. Conditions of consent have been recommended accordingly (Section 6.5).

Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Draft Education SEPP)

The Draft Education SEPP will retain the overarching objectives of the Education SEPP to facilitate the effective delivery of educational establishments and child care facilities across the State.

The provisions of the Draft Education SEPP aim to improve the operation, efficiency and usability of the Education SEPP and to streamline the planning pathway for schools, TAFEs and universities that seek to build new facilities and improve existing ones. The exhibited Explanation of Intended Effects (EIE) also proposes changes to the requirements that need to be met for an application to be SSD.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Education SEPP and continues to meet the requirements for SSD in accordance with the EIE.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 ensures potential contamination issues are considered in the determination of a development application.

As detailed in **Section 6.5**, the Department is satisfied that the Applicant has adequately demonstrated the site is suitable, subject to remediation, for the continued use as an educational establishment as required by SEPP 55.

Draft Remediation of Land State Environmental Planning Policy

The Department is reviewing all State Environmental Planning Policies to ensure they remain effective and relevant and SEPP 55 has been reviewed as part of that program. The Department has

published the draft Remediation of Land State Environmental Planning Policy (Remediation SEPP), which was exhibited until April 2018.

Once adopted, the Remediation SEPP will retain elements of SEPP 55, and add the following provisions to establish a modern approach to the management of contaminated land:

- require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant.
- categorise remediation work based on the scale, risk and complexity of the work.
- require environmental management plans relating to post-remediation management or ongoing management on site to be provided to Council.

The new SEPP will not include any strategic planning objectives or provisions. Strategic planning matters will instead be dealt with through a direction under section 117 EP&A Act.

As detailed in **Section 6.5**, the Department is satisfied that the Applicant has adequately demonstrated that the site is suitable, subject to remediation, for the continued use as an educational establishment as required by SEPP 55.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

SEPP 64 applies to all signage that, under an EPI, can be displayed with or without development consent and is visible from any public place or public reserve.

The application includes the installation of four signs:

- three mounted wall signs:
 - o one preschool identification sign to be located on the façade by the preschool entrance (not illuminated).
 - o one school identification sign located at the main entrance on Golden Grove Street (illuminated).
 - o one school identification sign located at the secondary entrance on Abercrombie Street (not illuminated).
- one digital signage board to face Abercrombie Street.

The EIS included an assessment of the proposed signage against provisions of Schedule 1 of SEPP 64. The Department's assessment of the signs against Schedule 1 of SEPP 64 is provided in **Table B4**.

Table B4 | SEPP 64 compliance table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Proposal comprises three simple identification signs and one digital sign of modest size that would be appropriately placed at the school entry points.	Yes.

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for outdoor advertising in the area or locality.	Yes.
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage would not detract from the visual amenity of surrounding residential area or its heritage significance.	Yes.
3 Views and vistas		
Does the proposal obscure or compromise important views?	No.	Yes.
Does the proposal dominate the skyline and reduce the quality of vistas?	No.	Yes.
Does the proposal respect the viewing rights of other advertisers?	Not applicable.	Yes.
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes.	Yes.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes.	Yes.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Not applicable.	Yes.
Does the proposal screen unsightliness?	Not applicable.	Yes.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.	Yes.
Does the proposal require ongoing vegetation management?	No.	Yes.
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site	Yes.	Yes.

or building, or both, on which the proposed signage is to be located?

Does the proposal respect important features of the site or building, or both?

Yes.

Yes.

Does the proposal show innovation and imagination in its relationship to the site or building, or both?

The proposed signage is appropriately located to fit in with the design of the proposed buildings.

Yes.

6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

No.

Yes.

7 Illumination

Would illumination result in unacceptable glare?

Would illumination affect safety for pedestrians, vehicles or aircraft?

No details have been provided in relation to intensity of the illumination of the main entrance sign and the digital signage board. However, the location of two illuminated signs is unlikely to result in glare or safety issues.

Yes.

Would illumination detract from the amenity of any residence or other form of accommodation?

It is possible that light from the digital signage board on Abercrombie Street could impact the amenity of the residences directly opposite. Conditions have been recommended to require the intensity of the illumination to be adjustable and to restrict the hours of illumination.

Yes.

Can the intensity of the illumination be adjusted, if necessary?
Is the illumination subject to a curfew?

Conditions have been recommended to require the intensity of the illumination to be adjustable and to restrict the hours of illumination.

Yes.

8 Safety

Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?

No. The proposed signs would be attached the building façade or the fencing and would not protrude outwards or upwards.

Yes.

Would the proposal reduce safety for any public road?

No.

Yes.

Sydney Local Environment Plan 2012 (SLEP)

The SLEP encourages the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the City of Sydney LGA. The SLEP also aims to conserve and protect natural resources and foster economic, environmental, and social well-being.

The Department has consulted with City of Sydney Council (Council) throughout the assessment process and considered all relevant provisions of the SLEP and matters raised by Council in its assessment of the development (**Section 5**). The Department concludes the development is consistent with relevant provisions of the SLEP. Consideration of the relevant clauses is provided in **Table B5**.

Table B5 | Consideration of the SLEP

RLEP 2010	Department Comment/Assessment
Clause 2.3 Zone objectives	The site is zoned SP2 Educational Establishment. Educational establishments are permissible within the zone and consistent with the zone objectives. The Department has considered the proposal against the objectives of the zone. Under clause 35(10) of the Education SEPP, development for the purposes of a centre-based child care centre is permissible with consent within the boundaries of an existing school.
Clause 4.3 Building height	The proposal has a maximum building height of 17.54m which exceeds the 9m height limit. Under clause 42 of the Education SEPP proposed schools that are SSD may be granted development consent even though they contravene a development standard. Despite this, a clause 4.6 variation request was submitted with the EIS justifying the contravention of the building height standard. The Department has assessed the variation and concludes that the proposal would be appropriate in its context, provides an appropriate interface with the surrounding development, would result in minimal environmental and amenity impacts and would provide benefits to the community. See Section 6.3.
Clause 4.4 Floor space ratio	The proposed development has a maximum floor space ratio (FSR) of 0.78:1 which complies with the development standard of 1.25:1.
Clause 4.6 Exception to development standards	The proposal includes a variation to the building height development standard (see Section 6.3).

The Department considers there would be minimal public benefit in maintaining the development standard, noting that strict compliance would not reduce the amenity impacts of the proposal. Therefore, the Department considers the variation to be acceptable.

Clause 5.10 Heritage conservation	The site is not mapped or described as an item of heritage significance under the SLEP. The proposed development responds appropriately to surrounding items of local heritage significance. See Section 6.4 .
Clause 7.3 Car parking	No on site parking is proposed and the development therefore complies with the maximum rates set out in the SLEP.
Clause 7.15 Flood Planning	A small portion of the site is flood affected, fronting Golden Grove Street in the south-western corner. The Department is satisfied that the proposal is compatible with the flood hazard of the land and is not likely to result in any adverse flood behaviour. See Section 6.5 .

Development control plan

In accordance with Clause 11 of the SRD SEPP, development control plans do not apply to SSD. Despite this, the objectives of relevant controls under the Sydney Development Control Plan 2012, where relevant, have been considered in **Section 6**.

Appendix C – Recommended Instrument of Consent



Darlington Public School Redevelopment

State Significant Development Assessment (SSD-9914)

November 2020



Published by the NSW Department of Planning, Industry and Environment

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Title: Darlington Public School Redevelopment

Cover image: Artist's Impression of the school (Source: Applicant's Response to Submissions 2020)

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Glossary

Abbreviation	Definition
CIV	Capital Investment Value
COLA	Covered outdoor learning area
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Heritage	Heritage NSW, Department of Premier and Cabinet
LoS	Level of Service
Minister	Minister for Planning and Public Spaces
OOSH	Out of School Hours
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
PCMP	Preliminary Construction Management Plan
SEPP	State Environmental Planning Policy
SHI	Statement of Heritage Impact
SLEP	Sydney Local Environmental Plan 2012
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
TIA	Transport Impact Assessment

Executive Summary

This report provides an assessment of a state significant development (SSD) application for the redevelopment and expansion of the Darlington Public School and the co-located Darlington Preschool (SSD 9414). The Applicant is the NSW Department of Education and the proposal is located within the City of Sydney local government area (LGA). The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

The proposal involves the demolition of most of the existing structures on site and the construction of new school facilities including teaching spaces (home base units), communal hall, special programs room, canteen, sports store, administrative spaces and a library. The new school would accommodate a maximum of 437 primary school students (an increase of 207 students). The preschool is proposed to maintain its existing capacity of 60 children.

The Department of Planning, Industry and Environment (the Department) considers the key issues raised by the proposal include traffic and parking, tree removal, and built form and heritage. The Department has considered these issues in its assessment, along with other issues including biodiversity, Aboriginal cultural heritage, utilities capacity, and contamination. The Department has considered the merits of the proposal in accordance with section 4.15(1) and the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), principles of ecologically sustainable development, and issues raised in submissions as well as the Applicant's response to these.

The Department considers that the proposed built form provides for a sensitive and appropriate response to the surrounding heritage items and conservation areas. The proposed building height is considered acceptable in the context of the site's immediate surroundings, which are generally of a similar or greater height.

The proposal would have only minor impacts on the performance of the local road network due to its location in a highly walkable area.

While it is considered that greater weight could have been given by the Applicant to tree retention in the proposed building layout and landscape planning, conditions of consent have been recommended to mitigate tree loss through further investigations to retain five additional trees, landscape plan amendments and minimum planting requirements.

The proposal has a capital investment value (CIV) of \$41.3 million and would generate 127 jobs during the construction phase and an additional 12 operational jobs. The proposal is SSD under section 4.36 EP&A Act as the development has a CIV in excess of \$20 million and is for the purpose of alterations or additions to an existing school under clause 15 Schedule 1 State Environmental Planning Policy (State and Regional Development) 2011.

The application was publicly exhibited on the Department's website between 16 June 2020 and 13 July 2020 (28 days). The Department received a total of 11 submissions, seven of those submissions being from public authorities and four submissions from the public. Of the four public submissions, one was an objection. An additional five submissions from public authorities were received in response to the Applicant's Response to Submissions.

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1 Introduction

This report provides an assessment of a State significant development (SSD) application for the redevelopment of Darlington Public School and Darlington Preschool, located on the corner of Golden Grove Street and Abercrombie Street in Darlington (the site) (SSD-9914).

The proposal seeks to expand the capacity of the existing school to accommodate a maximum of 437 primary school students (an increase of 207 students). The preschool is proposed to maintain its existing capacity of 60 children.

The proposal involves the demolition of most of the existing structures on site and the construction of new school facilities including teaching spaces (home base units), communal hall, special programs room, canteen, sports store, administrative spaces and a library.

The application has been lodged by NSW Department of Education (the Applicant). The site is located within the City of Sydney local government area (LGA).

1.1 Site description

The subject site is located on the north-eastern corner of the intersection of Golden Grove Street and Abercrombie Street in Darlington, approximately three kilometres (km) south-west of the Sydney central business district. The site location is shown in its regional context in **Figure 1** and its local context in **Figure 2**.

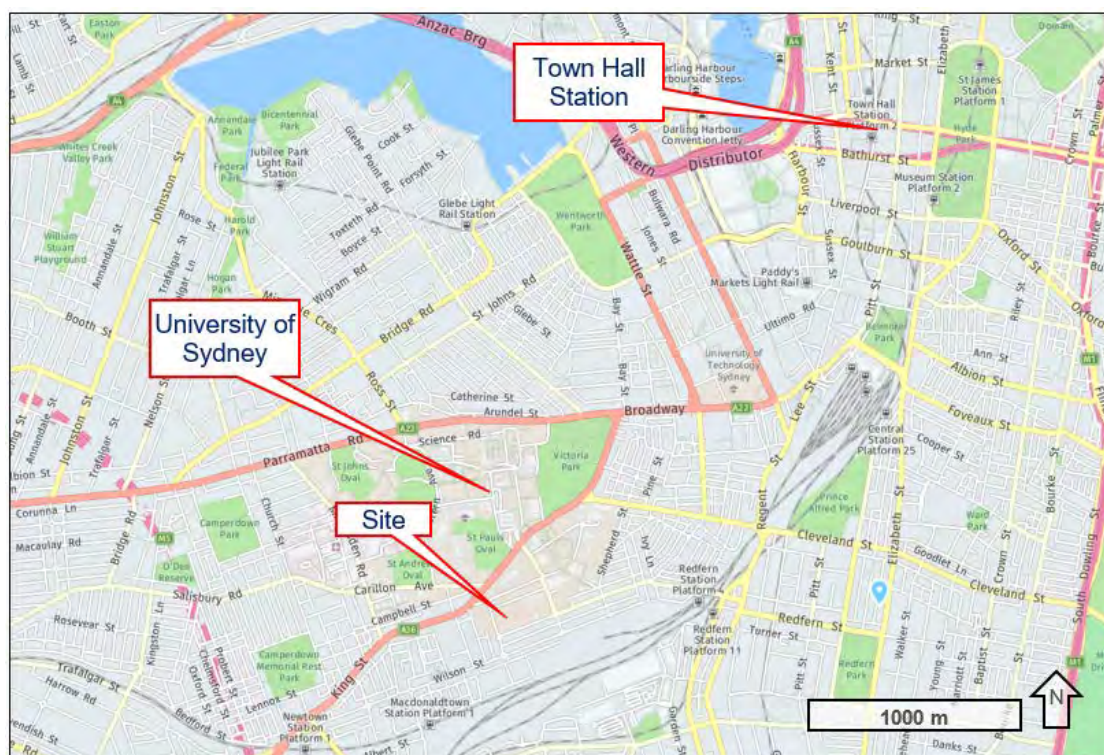


Figure 1 | Regional Context Map (Source: Nearnmap 2020)

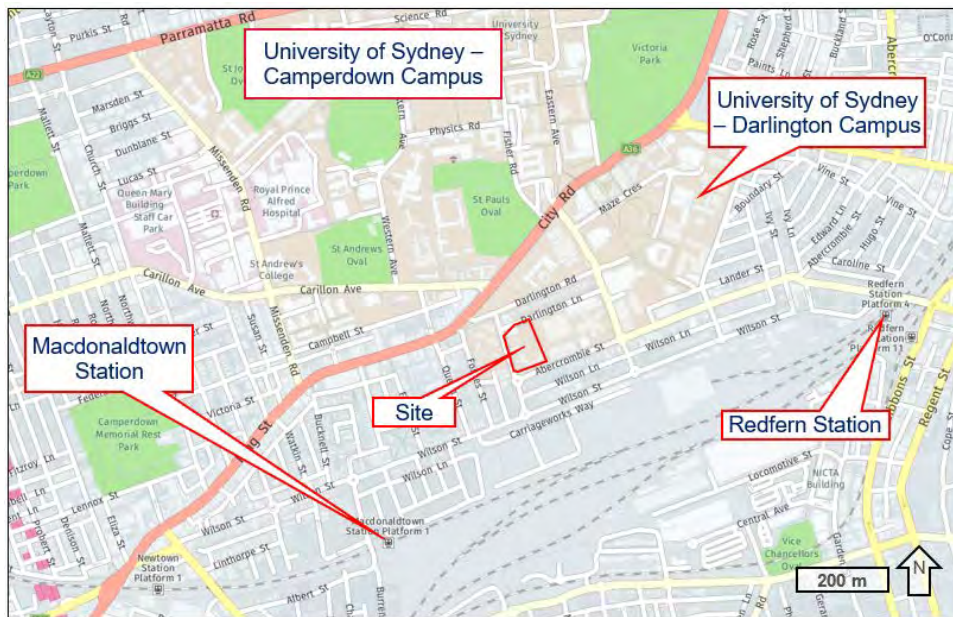


Figure 2 | Local Context Map (Source: Nearmap 2020)

It is situated on a roughly rectangular 7,253 square metre (sqm) allotment, bounded by Darlingford Lane to the north, Golden Grove Street to the west and Abercrombie Street to the south. The site is legally described as Lot 100 in DP 623500 and Lot 592 in DP 7523049.

The site comprises a series of one and two storey brick buildings arranged roughly in a U-shape, fronting Golden Grove Street and Abercrombie Street. The buildings were constructed in the 1970s and have a capacity of up to 230 school students (currently 183 enrolments) and 60 preschool students. The buildings are staggered along the street frontages, with free-standing brick walls continuing the street frontage definition along both primary frontages. A site plan is shown in **Figure 3** and an aerial photo of the site is shown in **Figure 4**.

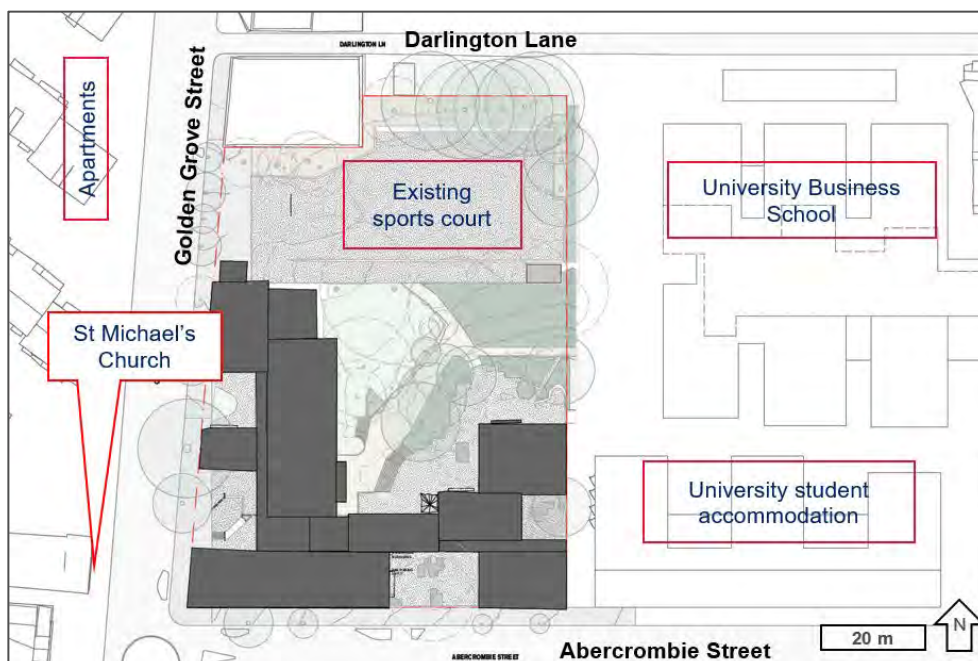


Figure 3 | Existing site layout (Source: Applicant's EIS 2020)



Figure 4 | Existing site conditions (Source: Nearmap 2020)

1.2 Surrounding development

To its north, the site adjoins the two-storey former IXL factory garage (a local heritage item under the Sydney Local Environmental Plan (SLEP) 2012) and University of Sydney service vehicle parking bays along Darlington Lane. Opposite Darlington Lane is University of Sydney-owned residential housing including a five-storey apartment building and two-storey terrace housing. The terrace housing is currently subject to a separate SSD application under assessment by the Department (SSD-7539). That application seeks to construct three-storey additions to the rear of the terraces and convert Darlington Lane into a one-way shared zone with a zebra crossing at its intersection with Golden Grove Street.

To the site's south, on the opposite side of Abercrombie Street, is a row of two-storey terraces located in the Golden Grove heritage conservation area identified in the SLEP. Further south is a major rail corridor and the Carriageworks creative space.

Adjoining the site along its eastern boundary is the recently constructed University of Sydney Business School, and student accommodation. Both buildings are three to five stories in height.

To the site's west, opposite Golden Grove Street, is St Michael's Church, an item of local heritage significance in the SLEP. Residential apartments ranging in height from two to four storeys are located to the north of the church. Further west is City Road/King Street, the main street of Newtown and a major transport corridor to the south of Sydney.

2 Project

The key components and features of the proposal are provided in **Table 1** and are shown in **Figure 5** to **Figure 12**.

Table 1 | Main Components of the Project

Aspect	Description
Project summary	The redevelopment of Darlington Public School to accommodate a maximum of 437 primary school students (an increase of 207 students), an associated preschool for up to 60 children (no increase on current capacity) and associated works including the consolidation of two lots.
Demolition	Demolition of Block A, Block B and the southern portion of Block C. The northern portion of Block C is intended to be demolished under a separate assessment pathway, prior to works commencing under this application (see Section 2.6 and Figure 6).
Built form	Construction of a part two, part three storey building comprising 19 school home bases and preschool facilities.
Heritage	The site itself does not contain any items of heritage significance under any Environmental Planning Instrument (EPI). However, it is located adjacent to the Golden Grove Conservation Area and adjacent/opposite the following local heritage items listed in the SLEP: • Former Jones IXL factory garage building. • St Michael's Church. • Terrace group of 19-23 Golden Grove Street, Newtown. • Terrace group 'University Terrace' of 124-131 Darlington Road, Darlington.
Site area	7,253sqm.
Gross Floor Area (GFA)	5,650sqm.
Uses	Primary school, Out of School Hours (OOSH) care, centre-based childcare facility (preschool) and community use of hall.
Vehicular access	• No vehicle access proposed for staff or parents. • Existing access on Golden Grove Street to be removed. • Realignment of the Abercrombie Street entrance and use for emergency access.
Pedestrian access	• Primary entrance from Golden Grove Street. • Secondary entrance from Abercrombie Street. • Dedicated separate preschool entrance from Golden Grove Street.
Car parking	No on site car parking is proposed. On street drop-off and pick-up spaces during peak morning and afternoon times are proposed as follows:

- Golden Grove Street:
 - o eight 'Kiss and Ride' spaces (parents remain in car).
 - o one accessible 15-minute space.
 - o three 15-minute spaces.
 - o one loading bay to serve the needs of service vehicles and/or excursion buses.
- Abercrombie Street:
 - o two 15-minute spaces.
 - o one accessible 15-minute space.

Bicycle parking	A dedicated storage area for up to 63 bicycles and 82 scooters.
Public domain and landscaping	Fencing, pathways, play spaces, assembly area and covered outdoor learning area (COLA), public domain improvements to Golden Grove Street and Abercrombie Street.
Vegetation removal	• Within the SSD project area, there are 31 existing trees. The proposal, as amended by the recommended conditions of consent, would involve: - o removal of 18 trees. - o retention of eight trees. - o possible retention of five trees (subject to further investigation in accordance with recommended conditions). • Removal of 0.16 hectares of previously planted PCT 1281 vegetation (Turpentine - Grey Ironbark open forest on shale). • Planting of 36 replacement trees.
Hours of operation	• School and preschool: 9am to 3pm. • OOSH care: 8am to 9am and 3pm to 5pm. • Community uses: 3pm to 8pm on school days and 6am to 10pm on non-school days (indicative only).
Signage	• Three mounted wall signs, including: - o one preschool identification sign to be located on the façade by the preschool entrance (not illuminated). - o one school identification sign located at the main entrance on Golden Grove Street (illuminated). - o one school identification sign located at the secondary entrance on Abercrombie Street (not illuminated). • One digital signage board to face Abercrombie Street.
Jobs	• 29 full time equivalent operational jobs (net increase of 12 staff). • 127 construction jobs.
CIV	\$41.3 million.

2.1 Project area

The project area encompasses the school site except for the north-west corner which is intended to be a sports court. The sports court is to be delivered under a separate assessment process (**Section 2.6**). The SSD project disturbance area is shown in **Figure 5**.



Figure 5 | Project area (Source: Applicant's EIS 2020)

2.2 Demolition

The proposal involves the demolition of most of the existing structures on site and the construction of new school facilities including teaching spaces (home base units), communal hall, special programs room, canteen, sports store, administrative spaces and a library.

The remaining structures on site would be demolished under a separate assessment process (see **Section 2.6**) prior to the SSD works.

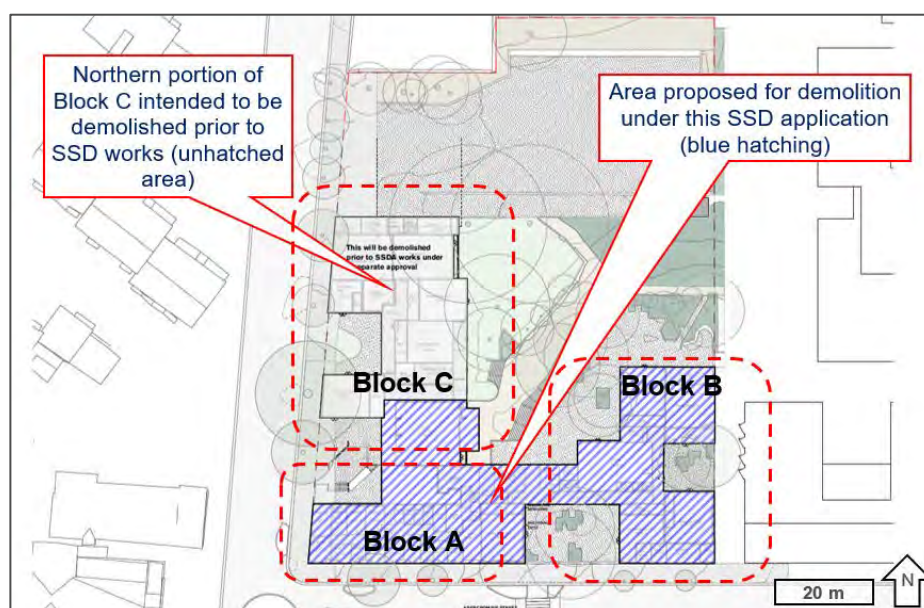


Figure 6 | Demolition plan (Source: Applicant's EIS 2020)

2.3 Physical layout and design

The proposed layout consists of a new part two, part three storey school building running along the length of the western boundary of the site (**Figure 7**).

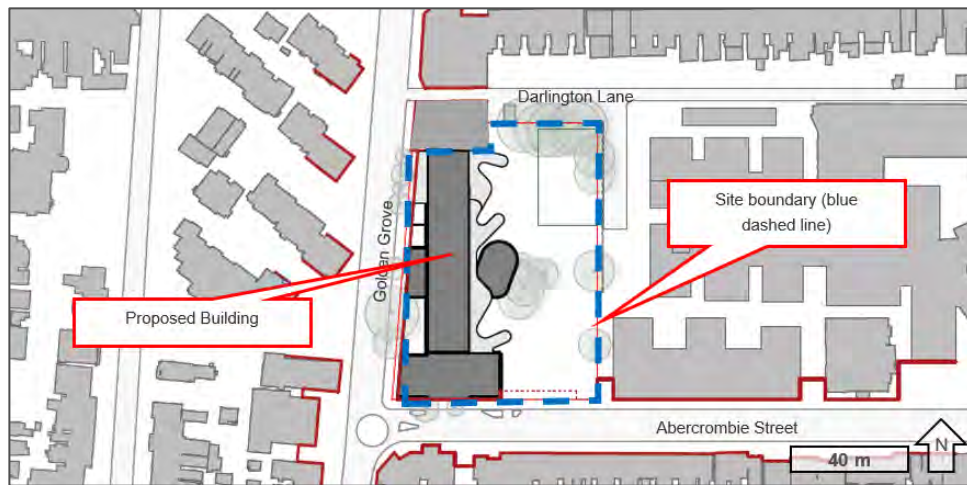


Figure 7 | Proposed layout (Base source: Applicant's EIS 2020)

At upper ground level, the building would comprise north, middle and south wings separated by site entrances and COLAs. The remainder of the site would be landscaped as outdoor play space (**Figure 8**). A sports court is intended for the north-east corner of the site, which is being pursued under a separate assessment process (**Section 2.6**).

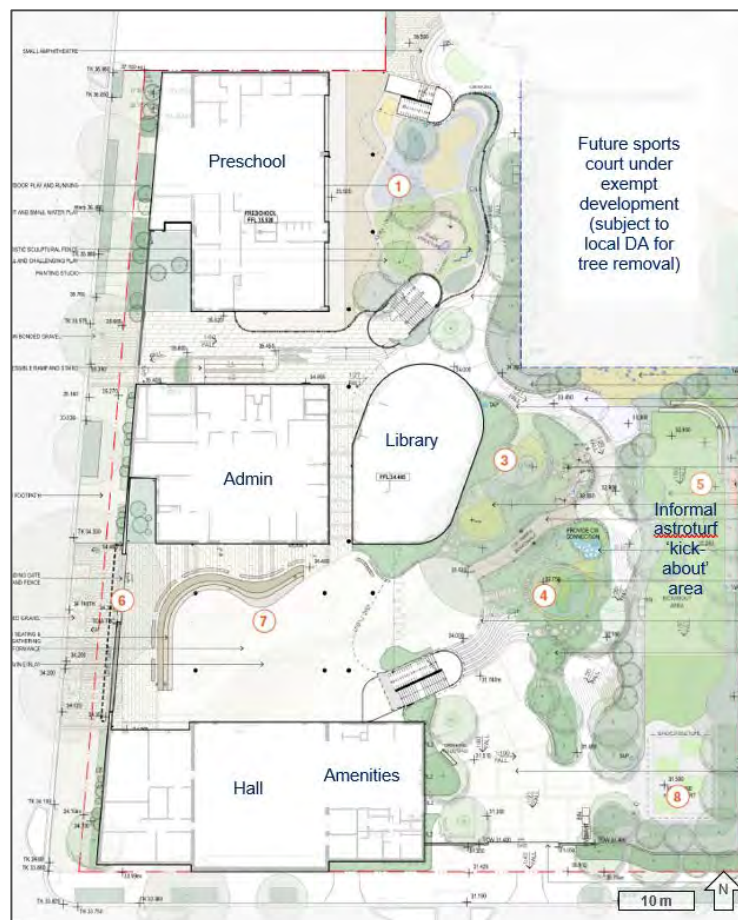


Figure 8 | Site Layout (Source: Applicant's EIS 2020)

The proposed building would accommodate 19 home bases and a preschool for up to 60 children. The preschool would be located in the northern wing on the upper ground level. On the same level, the school administration area, library and hall would be located in the middle and southern wings. The home bases would occupy all of level one.

The proposed upper ground floor and level one floor layouts are shown in **Figure 9**.

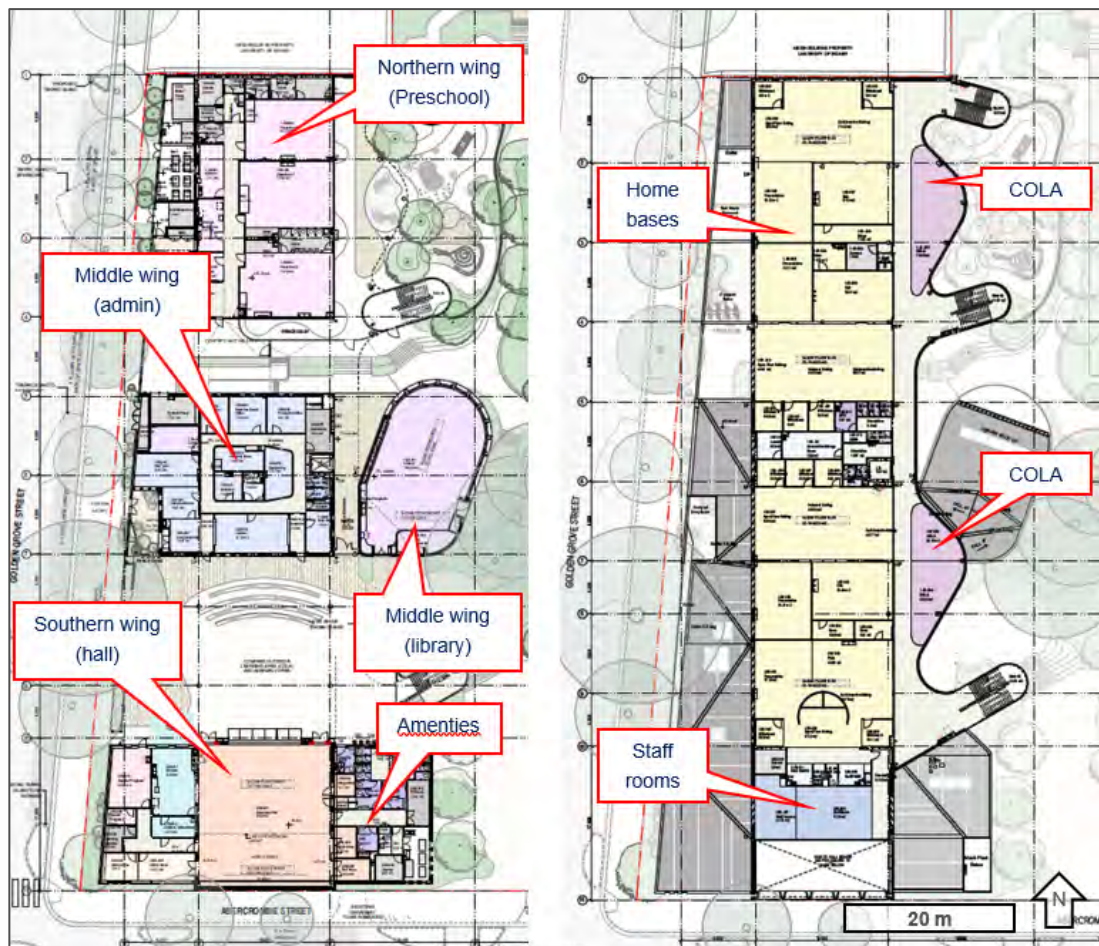


Figure 9 | Site layout Upper Ground Floor (left) and First Floor (right) (Source: Applicant's RtS 2020)

The two storey portions of the building would front the northern and southern boundaries along Golden Grove Street, while the three-storey portion would be set centrally along the Golden Grove Street frontage and setback from the lower levels. The Golden Grove/Abercrombie Street corner would be marked by a sawtooth form that extends to 14.64m above existing ground level to accommodate the hall. Artist's impressions are shown in **Figure 10**, **Figure 11** and **Figure 12**.



Figure 10 | Artist impression of proposal – main entrance on Golden Grove Street (Source: Applicant's RtS 2020)



Figure 11 | Artist impression of proposal – secondary entrance on Abercrombie Street (Source: Applicant's RtS 2020)



Figure 12 | Artist impression of proposal – aerial view (Source: Applicant's RtS 2020)

2.4 Uses and activities

The existing primary uses of the site remain as an educational establishment and a centre-based childcare centre. In addition to standard school and preschool activities, the proposal includes OOSH care and community use of school facilities. The existing school hall is currently used by the community for activities including dance classes. These activities generally take place during the hours of 3pm to 8pm Wednesday to Friday, and 9am-5pm on Saturdays. These activities would continue in the new school hall.

2.5 Timing

Early works would be undertaken under a separate assessment process (**Section 2.6**) to facilitate the temporary relocation of the preschool into the north-eastern corner of the site and the subsequent demolition of the northern portion of Block C.

The proposed SSD works would be undertaken in two stages shown in **Figure 13** and **Figure 14**:

- Stage 1 – Upper Site Works: Construction of the north-western portion of the new school building. The school would continue to operate in the existing southern buildings along Abercrombie Street (Blocks A and B) (**Figure 13**).
- Stage 2 – Lower Site Works: Moving of students to the newly constructed north-western portion of the new school building. Construction of the southern portion of the site (**Figure 14**).

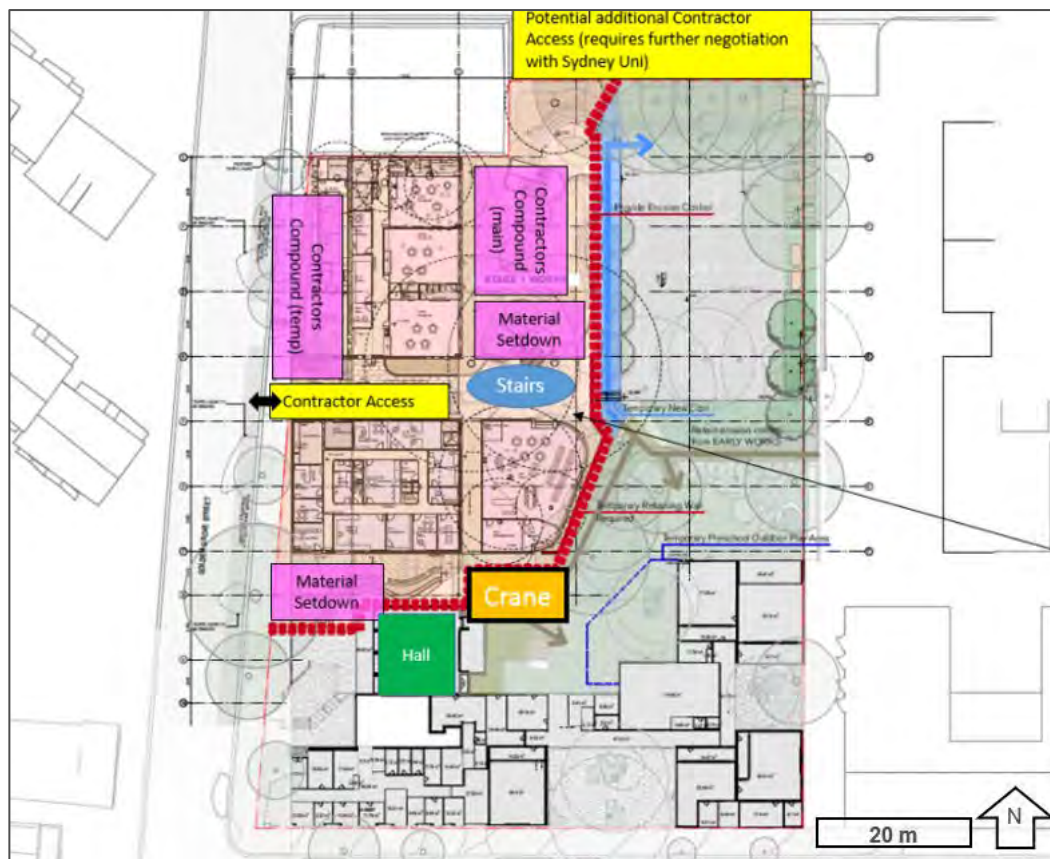


Figure 13 | Stage 1 Construction Plan (Source: Applicant's EIS 2020)



Figure 14 | Stage 2 Construction Plan (Source: Applicant's EIS 2020)

2.6 Related development

A local development consent (Council ref. D/2020/609) was granted on 9 November 2020 for the temporary re-location of the existing preschool (on site) and removal of 15 trees in the north-east corner of the site. The approximate location of these works on the school site is shown at **Figure 15**.

Subsequent works are intended to be undertaken under alternative assessment pathways including:

- construction of a new sports court and associated earthworks/landscaping (exempt development).
- demolition of the northern portion of Block C (**Figure 6**) (pathway not specified).
- minor internal alterations to facilitate occupation of the undemolished portions of the buildings during the remainder of the construction works (pathway not specified).



Figure 15 | Proposed location of temporary preschool (Source: Applicant's EIS 2020)

3 Strategic context

It is anticipated that there will be a 21% growth in student numbers by 2031. This means NSW schools will need to accommodate an extra 269,000 students, with 164,000 of these students in the public system. In response to the need for additional public education infrastructure as a result of increased demand, the NSW Department of Education is investing \$6.7 billion over the next four years to deliver new schools and upgrade existing schools.

Darlington Public School is within the Newtown Primary Cluster. Department of Education analysis has found the cluster is anticipated to grow by 350 students between 2021 and 2036, resulting in a shortfall of 13 teaching spaces across the cluster. Almost half of this growth will occur in the catchment of Darlington Public School. An enrolment of 415 students is forecast at Darlington Public School for the year 2036.

In this context, the Department considers that the proposal is appropriate for the site given it is consistent with the:

- Greater Sydney Region Plan and the Eastern City District Plan, as it provides new and expanded school facilities to meet the growing needs of the district.
- *NSW Future Transport Strategy 2056*, by delivering increased educational capacity in inner Sydney in a highly accessible location.
- *State Infrastructure Strategy 2018 – 2038 Building the Momentum*, as it would integrate school and community facilities and:
 - o deliver school infrastructure to keep pace with the growth in student numbers.
 - o provide modern, digitally enabled learning environments.
 - o upgrade existing learning spaces.

It would also provide direct investment in the area of \$41.3 million which would support 127 construction jobs and support 29 full time equivalent operational jobs (an increase of 12).

4 Statutory Context

4.1 State significance

The proposal is SSD under section 4.36 (development declared SSD) *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a CIV in excess of \$20 million and is for the purpose of alterations or additions to an existing school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

The Minister for Planning and Public Spaces (the Minister) is the consent authority under section 4.5 EP&A Act.

In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2020, the Executive Director, Infrastructure Assessments may determine this application as:

- the relevant Council has not made an objection.
- there are fewer than 50 public submissions in the nature of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

Pursuant to the Sydney Local Environmental Plan 2012 (SLEP), the site is located in the SP2 - Special Infrastructure zone. An Educational Establishment is permissible with consent in the zone.

Under clause 35(10) of the Education SEPP, development for the purposes of a centre-based childcare centre is permissible with consent within the boundaries of an existing school.

4.3 Other approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.

Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the proposal, and included suitable conditions in the recommended conditions of consent (**Appendix C**).

4.4 Mandatory Matters for Consideration

4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any EPI that is of relevance to the development. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the proposal and that have been considered in the assessment of the proposal.

The Department has undertaken a detailed assessment of the EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 2**.

Table 2 | Response to the objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal would ensure the proper management and development of suitably zoned land and promote the social welfare of the community. In addition, the proposal would provide increased employment opportunities close to public transport.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development (ESD) principles (Section 4.4.3).
(c) to promote the orderly and economic use and development of land,	The proposal would be an orderly and economic use and development of the land, as it is consistent with the site's land use zoning and historical use as an educational establishment.
(d) to promote the delivery and maintenance of affordable housing,	Not Applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal appropriately mitigates environmental impacts. A Biodiversity Development Assessment Report (BDAR) was submitted with the application. The Department's consideration is outlined in Section 6.2 .
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal would promote the sustainable management of built and cultural heritage (Section 6.4 and 6.5).
(g) to promote good design and amenity of the built environment,	Subject to conditions, the proposal promotes good design and amenity (Section 6).
(h) to promote the proper construction and maintenance of buildings, including the	The proposal would promote proper construction and maintenance of buildings

protection of the health and safety of their occupants,	subject to recommended conditions of consent.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5.1), and consulted Council and other public authorities and considered their responses (Sections 5.3 and 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners and displaying the proposal on the Department's website during the exhibition period.

4.4.3 Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The EIS included an ESD Statement that detailed how the principles of ESD would be incorporated into the development. The proposal will align with the Green Building Council of Australia's 'Green Star' framework by achieving an equivalency to 4-Star Green Star Rating, in accordance with the Educational Facilities Standards and Guidelines (EFSG).

The development proposes ESD initiatives and sustainability measures to meet the EFSG, including:

- a minimum 80% of the construction and demolition waste to be recycled.
- a 52 kilowatt solar system to be installed on site, the performance of which would be amplified by orientating the saw tooth roof design to the north to increase the efficiency of the solar panels.
- stormwater design to ensure post-development peak event discharge rates do not exceed pre-development rates and design development to explore the feasibility of all rainwater from the new upper site roofing being captured and re-used on site for irrigation.

In addition, the following measures are being investigated and would be implemented where possible:

- on site biodigesters, to create a compost stream for the landscape areas from compostable waste on site.
- material use for building adhesives, sealants, flooring and paint products to be selected to contain low or no volatile organic compounds, and all engineered wood products used in

exposed or concealed applications specified to contain low or no formaldehyde to avoid harmful emissions that can cause illness and discomfort for occupants.

- use of reused steel or steel that contains a post-consumer recycled content.
- sustainable timber to be specified for at least half of the timber products used on the proposal.
- recycled concrete to be specified using recycled aggregate or manufactured sand and reduced quantities of Portland cement to reduce environmental impacts of concrete production and embodied energy.
- use of low carbon concrete such as ground granulated blast furnace slag for any in-situ concrete on site to reduce embodied carbon.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision making process via an assessment of the environmental impacts of the proposed development. The proposed development is consistent with ESD principles as described in section 5.12 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

It is noted that the Applicant does not intend to seek formal certification of its 4-star rating by the Green Building Council of Australia. In order to ensure that ESD is appropriately incorporated into the proposed development, the Department has recommended a condition that the Applicant register for a minimum 4-star Green Star rating with the Green Building Council Australia, or an alternative certificate process agreed by the Planning Secretary, prior to the commencement of building works.

4.5 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are "to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values".

The impact of the proposal on biodiversity values has been assessed in the BDAR accompanying the EIS and considered in **Section 6.2**. The Department acknowledges the proposal would require the removal of 0.16ha of native vegetation. However, it is considered that the direct biodiversity impacts of the proposal can be appropriately offset through the retirement of two ecosystem credits as set out in the BDAR. The Department has recommended conditions to ensure this is achieved.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 16 June 2020 to 13 July 2020 (28 days). The application was exhibited on the Department's website and adjoining landholders and relevant state and local government authorities were notified in writing. Department representatives visited the site to provide an informed assessment of the development.

Following the exhibition of the EIS, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

The Department has considered the comments raised in the public authority submissions during the assessment of the application (**Section 5** and **6**). Recommended conditions in the instrument of consent at **Appendix C** reflect these comments.

5.2 Summary of submissions

The Department received a total of 11 submissions, comprising seven submissions from public authorities, including Council, and four submissions from the public. Of the four public submissions, one was an objection. A summary of the issues raised in the submissions is provided at **Section 5.3** and **Section 5.4**. Copies of the submissions may be viewed at **Appendix A**.

5.3 Public authority submissions

A summary of the issues raised in the public authority submissions is provided in **Table 3**.

Table 3 | Summary of public authority submissions

City of Sydney Council (Council)

Council stated that it did not wish to comment on the proposal. Council subsequently provided comments on the RtS and Supplementary RtS (SRtS), where it raised concerns around the extent of, and justification for, tree loss (**Section 5.5**).

Environment Protection Authority (EPA)

EPA provided recommendations to manage:

- noise impacts from construction, hazardous waste removal, operational waste collection and mechanical plant equipment.
- remediation of the site, in consideration of the contaminants of concern identified in the preliminary and detailed site investigations.
- removal of asbestos waste and the importation of fill.

Transport for New South Wales (TfNSW)

TfNSW provided recommendations including that:

- the number of bicycle parking spaces be increased.
- a Green Travel Plan (GTP) be prepared in consultation with TfNSW prior to occupation and be updated annually throughout the ongoing operation of the school.

- a detailed Construction and Traffic Management Plan be prepared and approved by Council prior to commencement of construction.
- a Traffic and Parking Management Plan be prepared to address drop-off/pick-up management, bus accessibility, safety and behaviour during drop-off/pick-up and pedestrian safety.
- the preparation of a Road Safety Audit for each stage of the development with road safety measures to be implemented based on its findings.
- the preparation of a detailed Signage and Line Marking Plan.

Sydney Water

Sydney Water advised that an existing water supply and wastewater main are available to service the proposed development. The requisite approvals would be required prior to commencement of works.

Environment, Energy Science Group, Department of Planning, Industry and Environment (EESG)

EESG requested that the proposed mitigation measures contained within the BDAR be revised to consider the possibility that microbats might be encountered within the roof structures of buildings proposed for demolition.

Heritage NSW, Department of Premier and Cabinet (Heritage NSW)

Heritage NSW noted the recommendations contained within the Historical Archaeological Assessment which, while referenced in the Heritage Impact Statement, were not reflected in its recommendations. Heritage NSW recommended conditions of consent relating to historical archaeology, as contained in the Historical Archaeological Assessment.

Ausgrid

No concerns were raised regarding electricity supply infrastructure.

5.4 Public submissions

The one public submission of objection raised concerns including the:

- proposal has not been well justified. No report has been provided to justify the claim in the EIS that the existing building has reached the end of its serviceable life and no consideration has been given to adaption of the existing building. Further, no consideration has been given to what will happen in 2036 when the proposed buildings are expected to reach capacity.
- overall plan for the school has been split into different development applications, reducing transparency as to cumulative impacts.
- high number of trees proposed for removal and the lack of:
 - o alignment with the Premier's priority of increasing the tree canopy in Greater Sydney.
 - o consideration of cumulative impacts on the Grey-headed Flying-fox of tree loss in the BDAR.
- increased overshadowing of the playground and insufficient bicycle parking spaces.

The other three public submissions recommended:

- photographic documentation of the existing school prior to demolition.
- provision of an Indigenous food garden.

- additional bicycle and scooter parking spaces.

5.5 Response to submissions and supplementary information

Following exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant respond to the submissions.

On 2 September 2020, the Applicant provided a Response to Submissions (RtS) (**Appendix A**). The RtS included an amended Design Report and Architectural Plans, an amended Remediation Action Plan (RAP) and Interim Site Audit Advice.

The RtS was made publicly available on the Department's website and was referred to the relevant public authorities. The Department received an additional five submissions from public authorities in response to the RtS.

A summary of the issues raised in the public authority submissions to the RtS is provided at **Table 4**.

Table 4 | Summary of public authority submissions to the RtS

Council
Council raised concerns around the extent of the proposed tree clearing and noted that it does not support tree removal to facilitate landscaping. Council recommended conditions to mitigate the tree loss and ensure appropriate conditions are in place to support new plantings which would attain a comparable size and canopy cover at maturity.
EPA
EPA noted the additional information and reiterated previously recommended conditions.
TfNSW
TfNSW reiterated its earlier recommended conditions regarding the preparation of a GTP and a Construction and Traffic Management Plan in consultation with TfNSW.
Heritage NSW
Heritage NSW reiterated its earlier recommendations regarding the inclusion of conditions of consent relating to historical archaeology.
EESG
EESG noted the information contained in the RtS and provided no further comment.

On 16 October 2020, the Applicant provided further information in relation to tree removal and retention in response to the Council comments and queries from the Department.

6 Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- traffic, parking and active transport.
- biodiversity, tree removal and landscaping.
- built form.
- heritage.

These issues are discussed in the following sections of this report. Other issues considered during assessment of the application are at **Section 6.5**.

6.1 Traffic, parking and active transport

6.1.1 Operational traffic

A Transport Impact Assessment (TIA) was submitted with the EIS. The TIA predicted new trips generated by the proposal based on a travel mode survey of the existing school population and an anticipated school population of 415 in 2036. As the preschool capacity is not proposed to change, it was not considered in the TIA.

The travel mode survey found over 70% of the existing school population either walk or bicycle/scooter to school. Based on these findings, the school's traffic generation was estimated to be 0.27 vehicle movements per student in the morning peak and 0.21 vehicle movements per student in the afternoon peak.

The traffic generation predicted for the proposal is provided in **Table 5**, which estimates the development would generate an additional 57 vehicle trips during the morning peak hour and 47 additional vehicle trips during the afternoon peak hour.

Table 5 | Traffic generation outcome

	Existing trips	Proposed trips	Increase
Morning	55	112	57
Afternoon	40	87	47

The TIA included a SIDRA analysis of the operation of nearby intersections likely to be impacted by the proposal, including King Street / Darlington Road and Golden Grove Street / Abercrombie Street. The location of the intersections is shown in **Figure 16**. The analysis found that, despite minor additional delays at the King St / Darlington Rd intersection, the existing Level of Service (LoS) of A (good operation) would remain unchanged post-development.

No additional delays were projected for the Golden Grove Street / Abercrombie Street intersection (**Table 6** and **Table 7**). As such, it was found that the existing road network can accommodate the anticipated additional traffic demand with no undue capacity issues. Therefore, no additional road/traffic upgrades were found to be necessary to accommodate the development.

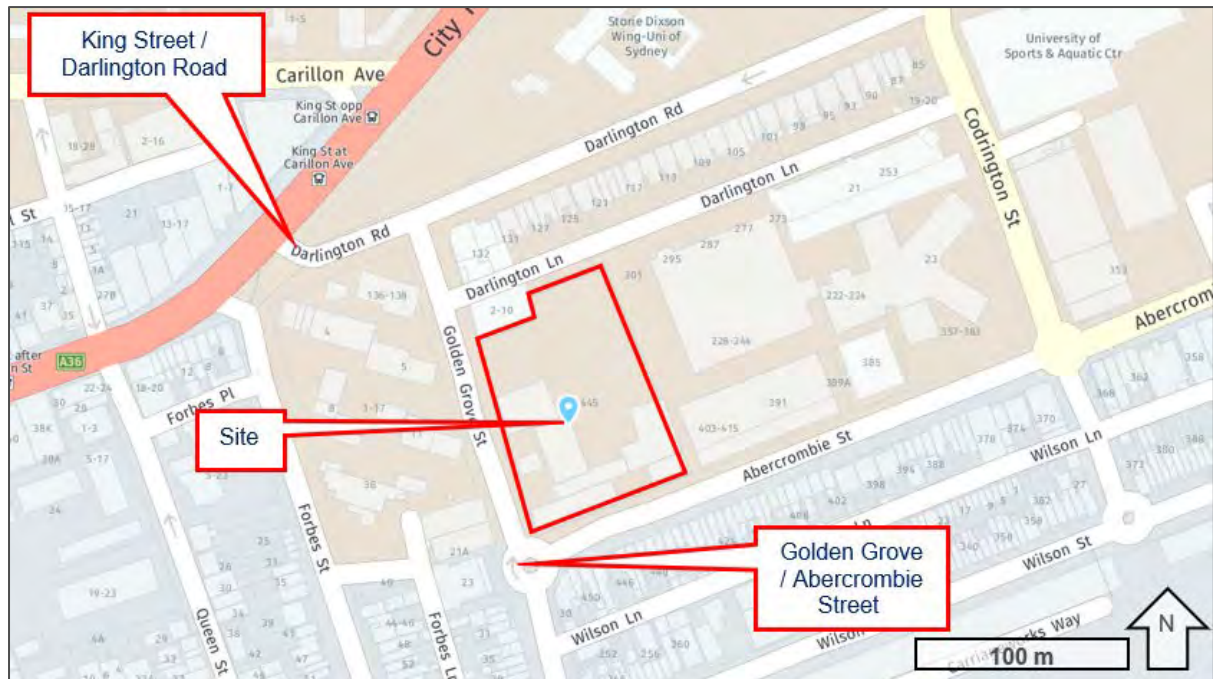


Figure 16 | Intersections analysed in SIDRA analysis (Base source: Nearmap 2020)

Table 6 | Existing Level of Service (LoS) and Average Vehicle Delay (AVD)

Intersection	LoS (AM)	AVD	LoS (PM)	AVD
King St / Darlington Rd	A	9.5s	A	11.5s
Golden Gr / Abercrombie St	A	8.6s	A	8.5s

Table 7 | Post-development Level of Service (LoS) and Average Vehicle Delay (AVD)

Intersection	LoS (AM)	AVD	LoS (PM)	AVD
King St / Darlington Rd	A	11.6s	A	13.0s
Golden Gr / Abercrombie St	A	8.6s	A	8.4s

The TIA included discussion of measures to continue to encourage sustainable travel to the school and minimise car-based trips. Measures included:

- suggested mode share targets including:
 - o walk - 45%.
 - o bicycle/scooter - 35%.
 - o car - 10%.
 - o bus - 10%.
- potential contextual incentive schemes for using active transport, including:
 - o event based measures such as a ride to work/school day, pedometer-based walking programs, a walk/bike buddy scheme.
 - o awareness raising measures.

- the monitoring and evaluation of targets.

Council raised no concerns about traffic impacts associated with the proposal. TfNSW did not raise any specific concerns regarding operational traffic. However, it did recommend that consideration be given to increasing the number of bicycle parking spaces and the finalisation of sustainable transport measures in consultation with TfNSW.

The Department has reviewed the information provided and comments made in the submissions. Based on the findings of the TIA, the Department considers that the additional traffic generated by the proposal would not have a significant impact on the operation of the road network and intersections surrounding the site.

The Department supports the implementation of sustainable transport measures and has recommended conditions requiring the preparation and implementation of a School Transport Plan that includes appropriate sustainable transport measures. Recommended conditions include a requirement for this to be done in consultation with TfNSW and include annual reviews of its effectiveness.

6.1.2 Construction traffic and parking

A Preliminary Construction Management Plan (PCMP) was submitted with the EIS. It proposes the following access arrangements for construction vehicles:

- Stage 1: access via Golden Grove Street.
- Stage 2: access via Abercrombie Street.

The construction vehicle entrances, shown in **Figure 17**, would be provided solely for the use of the contractors to avoid conflicts with the regular school vehicular traffic.

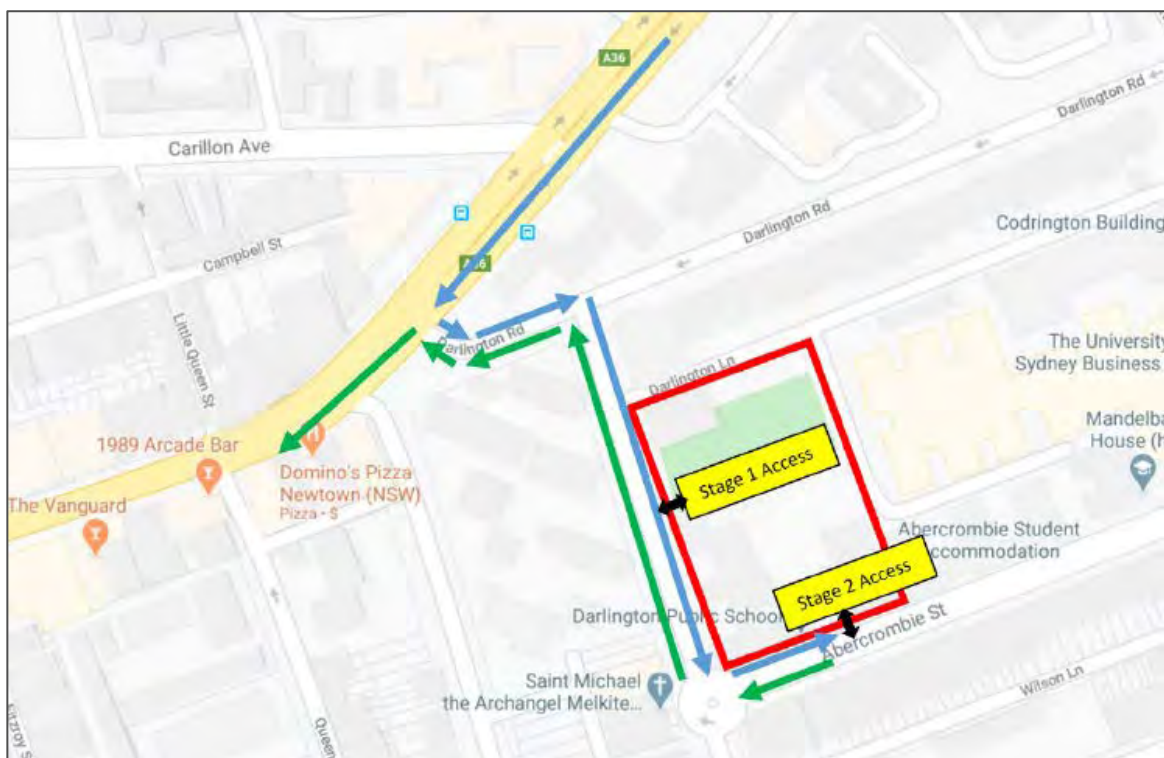


Figure 17 | Construction vehicle routes and entrances (source: Applicant's EIS 2020)

The PCMP confirmed that construction personnel would be encouraged to use public transport and no parking would be provided for their use. It is proposed to provide an on-site tool storage facility to make it easier for workers to travel to and from the site by public transport without carrying their tools. The PCMP also recommended that the contractor be required to schedule the main deliveries outside of the peak school drop-off and pick-up times.

The Department has reviewed the PCMP and is satisfied that construction traffic would be appropriately managed during construction. As advised by TfNSW, a condition has been recommended to require the preparation of a detailed Construction Traffic and Pedestrian Management Plan in consultation with TfNSW and Council, that would finalise the proposed arrangements prior to commencement of construction.

6.1.3 Operational car parking and drop-off/pick-up

The proposal would result in 29 full time equivalent operational jobs (a net increase of 12 staff), 437 school students and 60 preschool students.

There is a total of five drop-off/pick-up spaces on the streets adjoining the school, including two on the Abercrombie Street frontage and three on the Golden Grove Street frontage. The TIA notes the surveyed peak movements of 55 trips would indicate a 'service rate' of these spaces of 11 cars per hour per space. As the proposed expansion is expected to result in an addition of up to 57 vehicles per hour, application of the calculated service rate would indicate an additional requirement of five or six spaces, thus a potential total demand of 11 drop-off/pick-up spaces.

No on-site parking spaces are proposed, and all drop-off/pick-up is intended to occur using on-street spaces. On-street drop-off/pick-up spaces are shown in **Figure 18** and **Figure 19** and described below:

- Golden Grove Street:
 - o eight pick-up/drop-off spaces (parents remain in car).
 - o one accessible 15-minute space.
 - o three 15-minute spaces.
 - o one loading bay to serve the needs of service vehicles and excursion buses.
- Abercrombie Street:
 - o three 15-minute spaces.
 - o one accessible 15-minute space.

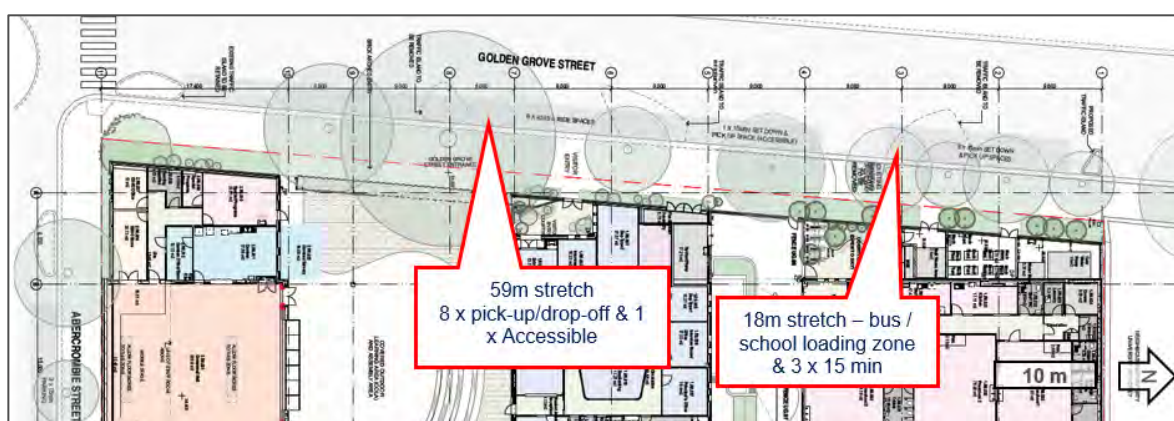


Figure 18 | Site layout showing parking details for Golden Grove Street (Source: Applicant's EIS 2020)

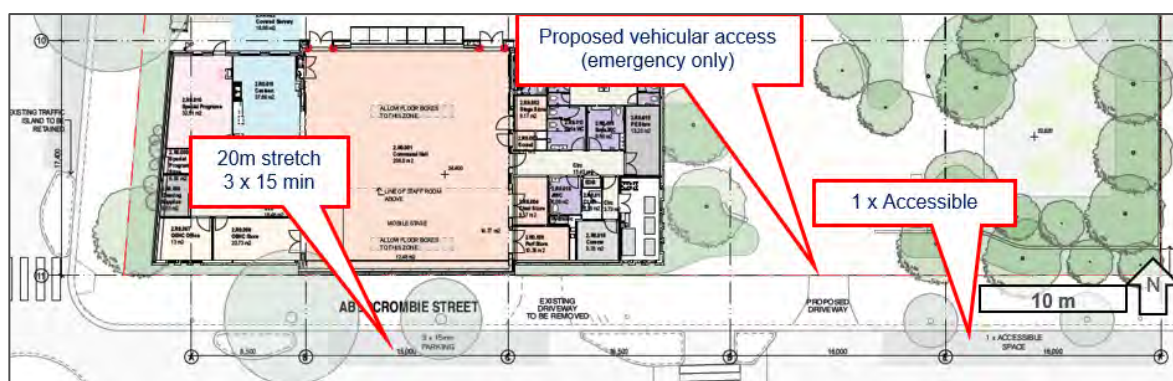


Figure 19 | Artist impression of proposal (Source: Applicant's EIS 2020)

Clause 7.9 (2) of the SLEP specifies the maximum number of car parking spaces for a building used for the purposes of a centre-based child care facility is one space plus one space for every 100sqm of the gross floor area of the building used for those purposes. As the SLEP sets a maximum number of spaces, and no on-site spaces are proposed, the application complies with these provisions. The City of Sydney Child Care Centres Development Control Plan 2005 does not contain any requirements for parking spaces.

In its response to the RtS, Council raised concerns relating to:

- the proposed increase in parking spaces, noting that these would serve to encourage driving and discourage green travel initiatives.
- the proposed 15-minute accessible parking, noting this is inconsistent with road rules which allow people with a mobility parking permit to park for two hours in a 15-minute space.

The Department considers that the proposed car parking provisions would adequately and practicably service the needs of the school. The Department notes that any changes to parking restrictions or on street infrastructure is subject to Council approval. The Department has recommended a condition that the proposed changes be finalised in consultation with Council and be submitted to Council's Traffic Committee and Area Planning Manager for approval. It is considered that the above-mentioned issues raised by Council can be resolved at this time.

6.1.4 Active transport

If the existing rates of active transport are maintained after the proposed redevelopment, the following additional bicycle and walking trips would be generated:

- bicycle/scooter: 50 additional students (to total 122).
- walking: 74 additional students (to total 185).

Amended plans provided with the RtS increased the proposed number of bicycle and scooter spaces from 67 to 145 (63 bicycle spaces and 82 scooter spaces). The new bicycle parking facilities proposed on site would be sufficient to accommodate the above increase.

The TIA considers there are excellent footpath and cycle facilities available in the surrounding road network. The additional trips, either in the form of pedestrians or bicycles/scooters, would be readily accommodated by the existing road traffic/crossing devices surrounding the site.

The main pedestrian entrance is proposed to be located on Golden Grove Street, in a similar location to the existing entrance. A covered forecourt would provide a zone for waiting / gathering as well as a spill out zone for the school hall. The main entrance to the preschool would be located a short

distance further north of the main school entrance. A second entrance is proposed off Abercrombie Street. The proposed entrances are shown in **Figure 20**.

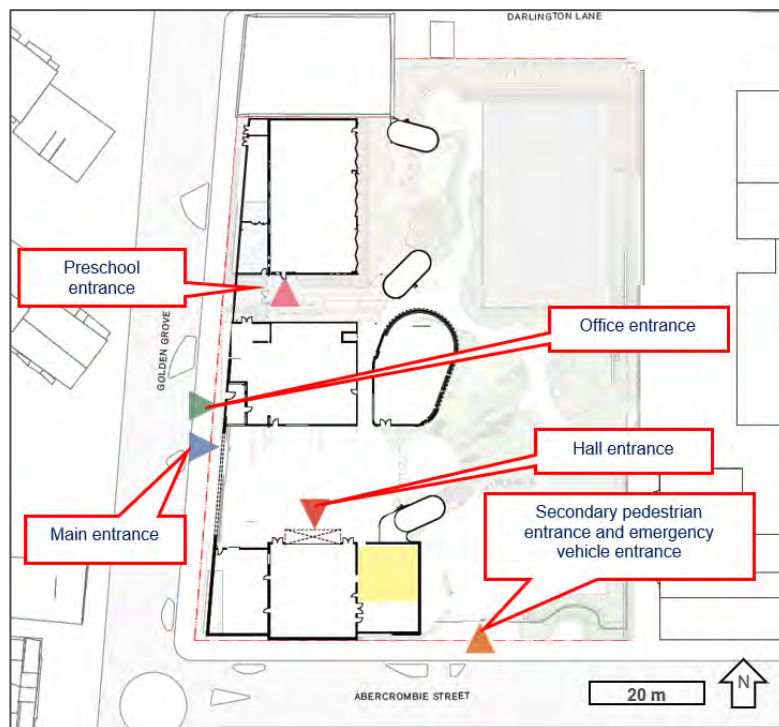


Figure 20 | Location of pedestrian entrances (source: Applicant's EIS 2020)

No issues were raised regarding pedestrian safety or access during the exhibition period. In its response to the RtS, TfNSW did not raise any concerns with the amended bicycle and scooter storage facilities.

The Department is satisfied that appropriate arrangements are proposed to facilitate active travel to the school.

6.1.5 Public transport

The site is located within 200m of a bus stop on City Road which is served by several bus routes past the adjoining university. Redfern and Macdonaldtown railway stations are located 980m and 800m from the site, respectively.

As the proposal is for a primary school and preschool to cater to the local population, it is not anticipated the above services would be regularly used by students. Regardless, the Department considers that the site is well served by public transport and that there is capacity to accommodate increased demand as a result of the proposed development.

6.2 Biodiversity, tree removal and landscaping

6.2.1 Biodiversity

A Biodiversity Development Assessment Report (BDAR) was submitted with the EIS which assessed the potential impacts of the proposal on biodiversity. The BDAR was prepared in accordance with the requirements of the BC Act.

Having regard to flora, the BDAR identified that the proposal would result in the removal of 0.16 ha of planted vegetation native to NSW as shown in **Figure 21**. As the vegetation has been planted, it does

not clearly conform to any Plant Community Type (PCT). Therefore, the BDAR determined a 'best-fit' PCT of PCT 1281 Turpentine – Grey Ironbark open forest on shale in the Lower Blue Mountains, Sydney Basin Bioregion. This PCT, while native to NSW, is not Indigenous to the local area.

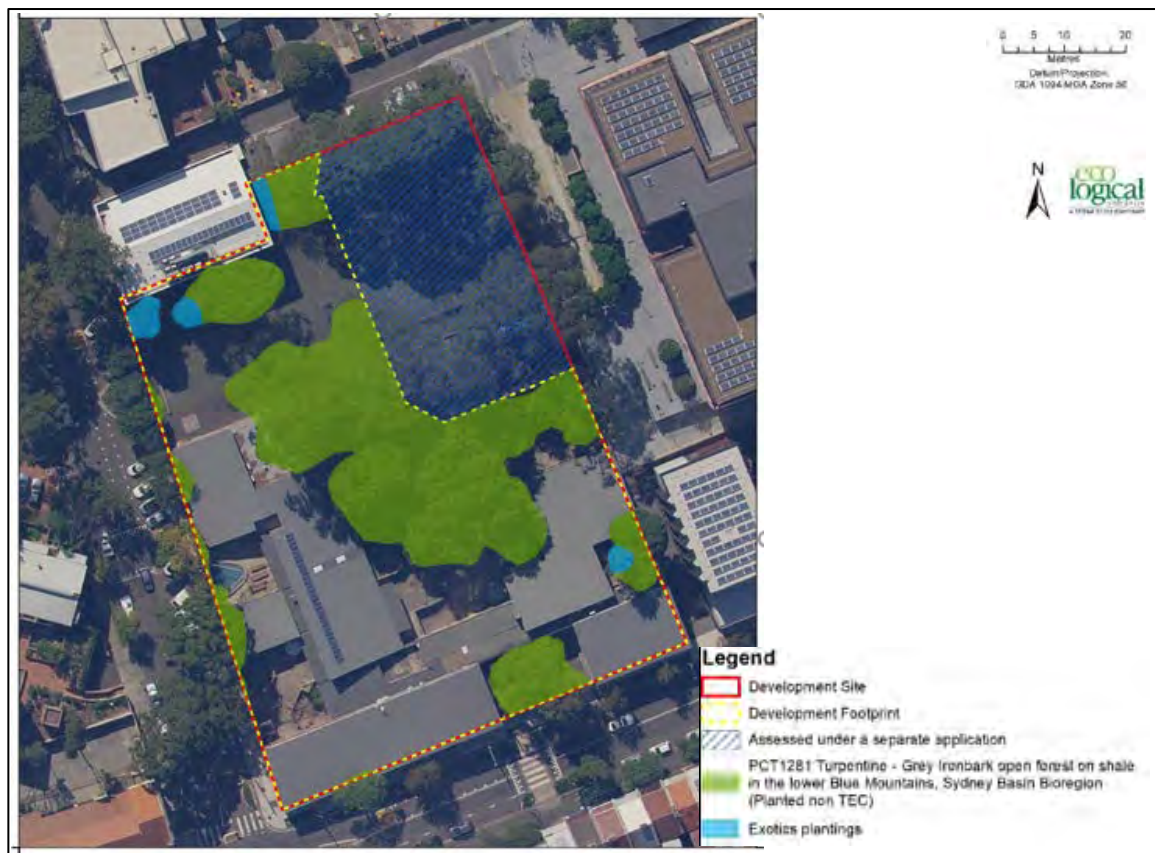


Figure 21 | Native vegetation extent (shaded in green) (Base source: Applicant's EIS 2020)

The vegetation was assigned a vegetation integrity score of 17.1 based on condition scores for composition, structure, and function. A total of two ecosystem credits would be required to offset the impacts to the vegetation.

Two threatened flora species listed under the BC Act and *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act), the Wallangarra White Gum and Narrow-leaved Black Peppermint, were recorded at the site. However, these species occur in a restricted geographic area in the NSW Northern Tableland which does not include the site. Therefore, they do not represent the listed entities under the BC Act. Both species were assessed in the BDAR as unlikely to be significantly impacted upon by the proposal.

Regarding fauna, one matter of national environmental significance was identified as having potential to be adversely affected by the proposed works. The Grey-headed Flying-fox (*Pteropus poliocephalus*) is listed as vulnerable under the EPBC Act and is likely to use some of the development site for foraging. Assessment of the Commonwealth Significant Impact Criteria was undertaken and it was concluded that the project would not have a significant impact on this species.

In its submission to the EIS, EESG accepted the findings and recommendation of the BDAR. However, it requested that mitigation measures be revised to consider the possibility that microbats might be encountered in existing structures as well as trees. It recommended measures be implemented during the demolition of structures as well as tree clearing, including pre-clearing

surveys, daily surveys, staged clearing, and the presence of a trained ecological or licensed microbat wildlife handler during clearing events.

In response to these concerns, the Applicant included a supplementary letter from its Ecologist in its RtS which included additional mitigation measures relating to microbats. EESG accepted these additional measures and recommended a condition of consent ensuring they are adopted during demolition.

The Department acknowledges the proposal would result in direct impacts to 0.16ha of planted native vegetation. However, it is satisfied that the direct biodiversity impacts of the proposal would be appropriately offset through the retirement of two ecosystem credits as set out in the BDAR. The Department is also satisfied that mitigation measures in the BDAR and RtS would appropriately manage the risks associated with encountering microbats during clearing and demolition. The Department has recommended conditions requiring the retirement of two ecosystem credits prior to the commencement of vegetation removal and mitigation measures be implemented in accordance with the BDAR and RtS.

6.2.2 Tree removal and landscaping

The site contains 31 trees within the SSD project area and 23 trees outside the SSD project area in the north-east corner of the site (**Section 2.1** and **Figure 22**). A separate local development consent was granted by Council on 9 November 2020 for the removal of 15 of the 23 trees outside of the SSD project area (**Section 2.6**). 12 street trees located along the frontage of the site are proposed for retention.

Initially, the SSD application sought permission to remove 29 of the 31 trees within the SSD project area. No justification was provided in the EIS or the accompanying arborist report for their removal. The extent of the proposed tree removal to accommodate playground areas was noted in the Statement of Heritage Impact, which found that this would have a visual impact on the surrounding heritage streets.

One public submission raised concerns regarding the extent and impact of the proposed tree removal, noting that this was not in accordance with the Premier's priority of increasing the tree canopy across Greater Sydney. Following exhibition, the Department requested the Applicant to provide justification for tree removal, particularly for the 19 trees to be removed that were not within the proposed building footprint. The Department also requested the Applicant to consider opportunities to maximise retention of existing trees.

The Applicant's RtS did not include additional justification for the proposed tree removal or include the retention of additional trees on site. On 8 September 2020, the Department requested the Applicant provide additional information including justification for proposed tree removal and consider opportunities to retain additional trees.

The Applicant provided additional information on 22 September 2020, which was considered by the Department and referred to Council. It was considered by both the Department and Council that the justification lacked sufficient detail to warrant the removal of many of the trees, particularly those located outside the proposed building footprint. Council further stated that:

- medium and high retention value trees within the future landscaped area should be retained.
- the Arboricultural Report provided with the EIS does not constitute an Arboricultural Impact Assessment.

A further request for additional information was issued on 2 October 2020, requesting:

- a complete Arboricultural Impact Assessment Report prepared by a qualified AQF Level 5 Arborist.
- amended landscaped plans which retain as many trees as possible and consider tree retention in the determination of finished ground levels.

A meeting was held on 8 October 2020 with the Applicant and Council staff to discuss concerns around the extent of the tree loss and options for greater retention. On 16 October, the Applicant provided additional information including:

- a tree retention study, which provided additional details to justify the removal of each tree.
- amended landscape plans which altered the proposed removal/retention status of eight trees:
 - o tree 12 (River She-Oak) and trees 13-15 (Tallowwoods) changed from 'retain if possible, subject to further assessment' to 'retain'.
 - o trees 17 and 19 (Illawarra Flame Tree and Bangalow Palm respectively) changed from 'remove' to 'retain'.
 - o trees 10 and 11 (River She-Oaks) changed from 'remove' to 'retain if possible, subject to further assessment'.
- amended tree removal and retention plan to reflect the above changes (**Figure 22**).

Overall, as a result of these changes the revised proposal includes:

- removal of 21 trees.
- retention of eight trees.
- retention of two trees, subject to further assessment.

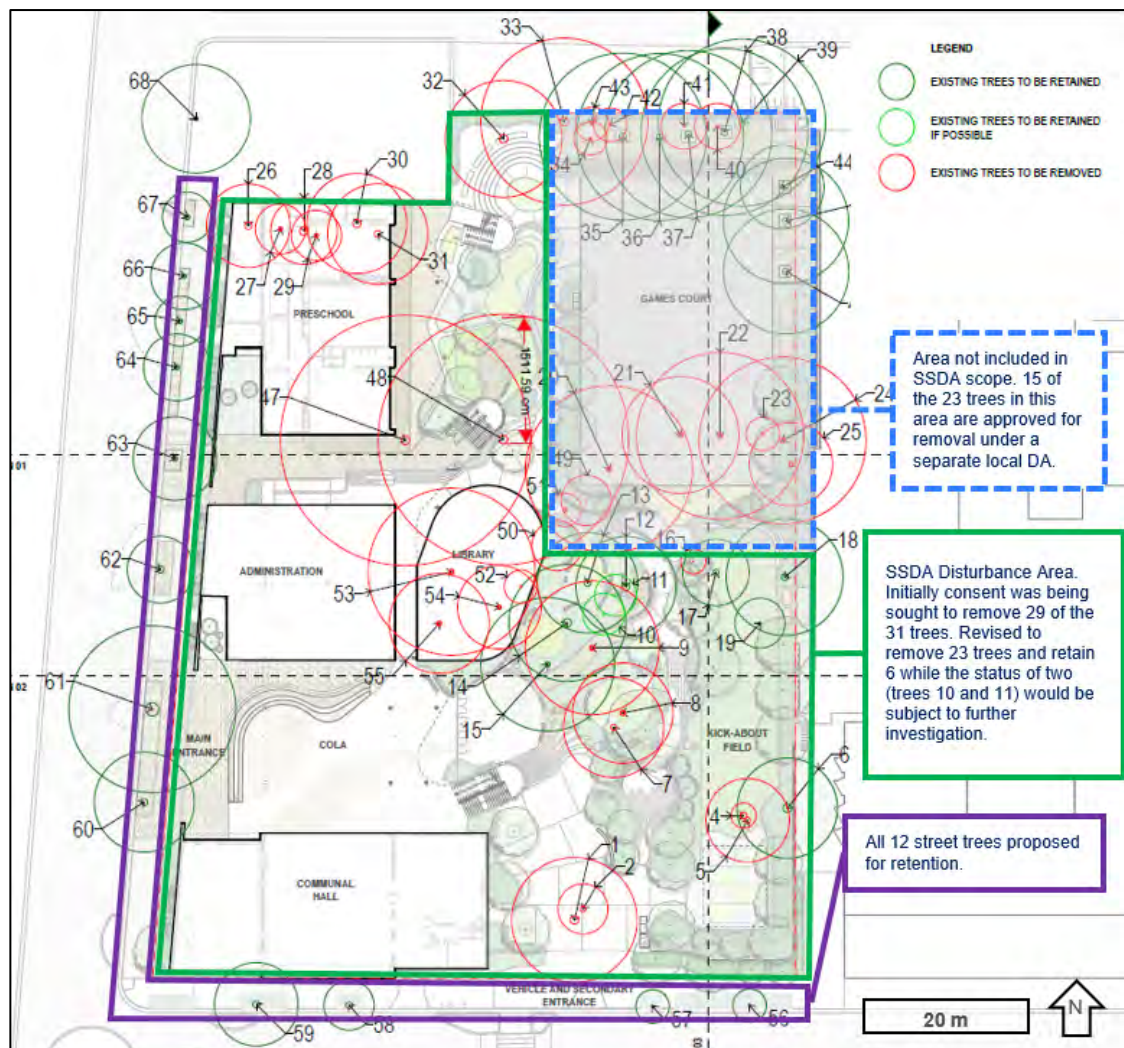


Figure 22 | Tree removal and retention plan (Source: Applicant's response to RFI #2, 2020)

Council reviewed the additional information and stated that it was disappointed with the extent of tree removal still proposed. Council recommended conditions of consent to require:

- the preparation of an Arboricultural Impact Assessment Report in accordance with S 4970-2009 Protection of Trees on Development Sites (AS4970).
- the undertaking of exploratory root investigations, using non-destructive methods, where structures or a level change (excavation, demolition) is proposed within the tree protection zone of trees to be 'retained' or 'retained subject to further assessment'.
- amended landscape plans to ensure appropriate replacement plantings.
- appropriate protection of retained trees.
- the transplantation of tree 4 (Cabbage-tree Palm) within the site.
- amendments to the Remediation Action Plan to provide an appropriate soil depth to support the growth of large trees.

The Department has assessed the additional information and Council's comments. It is considered that, in developing site layout options, insufficient weight has been given to tree retention. It is noted that, in discussing the masterplan options, the design report makes no reference to tree retention or loss. This has resulted in a site layout which requires the removal of the vast majority of significant trees to accommodate the built form, including a Sydney blue gum, a Spotted gum and a Tallowwood

(all 21m in height) and a Willow gum of 16m. No trees over 20m are proposed for retention. The proposed arrangement of buildings means the existing sports court is required to be reoriented, requiring the removal of a further 15 trees in the north-west corner of the site (subject to local development consent), including five healthy eucalyptus trees over 20m in height. It should be noted that in this corner seven large eucalypts are proposed for retention.

Given the extensive tree clearing required to accommodate the built form and resultant reorientation of the sports court, the Department considers that further removal of trees to accommodate landscaping objectives should be minimised.

The Department considers that the landscape plan amendments made by the Applicant in response to the Department's second request for further information are minor. The two additional trees proposed for retention do not address concerns about canopy loss due their small size. Further, several additional trees could be retained with some additional minor amendments to the proposed landscaping treatment.

The Applicant's justification for removal of trees within the proposed landscape areas and the Department's consideration of this justification is provided at **Table 8**.

Table 8 | Tree removal justification (landscaped area only) and Department consideration

Tree No.	Species	Height	Removal justification	Department's consideration
1	Broad leaved paperbark (<i>Melaleuca quinquenervia</i>)	14m	Proposed for removal Changes to existing levels to meet overland flow requirements due to existing flooding on site and provision of a new accessible pedestrian entry, and vehicular entry including emergency vehicle access.	The Applicant has provided limited information to explain and justify the Applicant's statements in relation to the need to remove the trees. However, the Department accepts that the site is constrained and that levels would need to be changed to accommodate overland flow, equitable access and a functional emergency access into the school. On this basis, the Department accepts the need to remove these two trees.
2				
4	Cabbage tree palm (<i>Livistona australis</i>)	15m	Proposed for removal Changes to existing levels to create a level astroturf 'kick about' zone. Retention would mean that a raised planter bed would be required and result in a loss of play space. Trees could be retained if required.	Existing and proposed levels shown on the plans indicate that the levels could be adapted to accommodate the trees without the need for a raised planter.
5	Swamp mahogany (<i>Eucalyptus robusta</i>)	14m		The trees are conveniently located at the far southern end of the proposed kickabout area and would have negligible impact on the use of the space. In addition, there is space for the expansion of the kickabout area to the west, should additional play space be required as a result of tree retention. In consideration of the minor change in levels and the tree locations, the Department has recommended a condition requiring these trees be retained subject to further investigations.

Tree No.	Species	Height	Removal justification	Department's consideration
7	Coastal banksia (<i>Banksia integrifolia</i>)	8m	Proposed for removal Changes to levels to create new accessible entry path, as well as grading to deliver the overland flow path, result in 2m difference in height between the adjacent COLA and the existing soil level for these trees. A retaining wall to retain 2m of soil would be required and the trees would be approximately 2m below the COLA level and 1m below the eastern foot path level.	The Department accepts that the lower existing position of the trees as compared to trees 9, 10 and 11 make retention of the trees challenging while providing accessible access and usable play space.
8	Swamp mahogany (<i>Eucalyptus robusta</i>)	8m	Proposed for removal Tree is located in a new accessible path / raised boardwalk. The length of the path is critical as it delivers the compliant grades for wheelchair access. Moving the boardwalk is undesirable as it would either be too close to the nature play area, creating a low narrow and unusable space or create an overly circuitous connection. Pine needles from the tree can cause a slip hazard on the boardwalk. Use of non-slip material will not resolve this as the needles build up on the boardwalk's surface.	The Department accepts that the trees are required to be removed and notes that their removal would provide greater space for changes to the proposed landscaping to retain tree 9, 10 and 11.
9	River She Oak (<i>Casuarina cunninghamiana</i>)	8m	Proposed for removal Tree is located in a new accessible path / raised boardwalk. The length of the path is critical as it delivers the compliant grades for wheelchair access. Moving the boardwalk is undesirable as it would either be too close to the nature play area, creating a low narrow and unusable space or create an overly circuitous connection. Pine needles from the tree can cause a slip hazard on the boardwalk. Use of non-slip material will not resolve this as the needles build up on the boardwalk's surface.	The Department notes that shifting the boardwalk slightly to the south east, or adjusting its contours, would allow the retention of the tree. Tree 12 (proposed for retention) and trees 10 and 11 (proposed for retention subject to further investigation) are also River She Oaks, the canopies of which would overhang the boardwalk. Therefore, pine needles would need to be swept off the boardwalk regularly, regardless of the retention of tree 9. However, this is considered a reasonable part of the maintenance of the grounds. Further, River She Oaks have been acknowledged in the arborist report as an important feature of the Blackwattle Creek riparian zone which originally ran through the site. In consideration of the significance of this species to the local area, and the tree's location in a proposed garden area, conditions have been recommended to require the retention of this tree subject to further investigations.
10		9m		

Tree No.	Species	Height	Removal justification	Department's consideration
11	River She Oak (<i>Casuarina cunninghamiana</i>)	9m	Proposed for retention subject to further investigation Located on the edge of a brick retaining wall and pavement which are to be removed in the design.	Tree 12 (proposed for retention) is also a River She Oak, located next to the same retaining wall. Sandstone steps and boulders are proposed to be utilised to maintain existing levels of tree 12. It is considered that a similar approach could be adopted for trees 10 and 11. The Department has recommended conditions that these trees be retained subject to investigations to confirm the measures required to retain the trees.
16	Firewheel tree	5m	Proposed for removal The level of the proposed adjacent footpath is 1m higher than the existing levels at the base of the tree. Retention of this tree would require construction of a 1m retaining wall to support the footpath and keep the existing levels. A balustrade would be required for safety, given the extent of the drop.	The small size of this tree does not warrant amendments to the landscape plans and the Applicant has demonstrated that removal of the tree is necessary.
48	Sydney Blue Gum	21m	Proposed for removal The existing tree is approximately 600mm above the design level. The design level allows for an equitable accessible connection from the preschool to the playground. Due to the occurrence of limb shedding, the students are not allowed in the play grounds on windy days. The central stair cannot be relocated to avoid this tree. Moving the stair 9 to 10m north would result in non-compliant egress distances.	The tree's proximity to the proposed fire stairs, and the limited options to relocate the stairs, necessitate the removal of this tree. It is considered that the removal of this tree has been adequately justified.

Tree No.	Species	Height	Removal justification	Department's consideration
			The stair cannot be moved south of the library as it would impede access to the library and sight lines from the COLA, and result in non-compliant egress distances.	
32	Mulberry (<i>Morus nigra</i>)	6m	Proposed for removal The tree has co-dominant stems with partial decay occurring between the two main stems. The angle of both stems will increase with weight placing tension within the main union. Decay is already present in this union. For the life expectancy of the school project in relation to the life expectancy of this tree, it is a chance to replace with a native species.	This tree is not considered a significant species and is showing signs of structural issues. It is considered that its removal has been adequately justified.

The Department acknowledges the proposal would remove the majority of existing trees on the site but accepts that this is unavoidable given the constraints of the site and the need to provide improved and expanded educational facilities. However, the Department is not satisfied that sufficient justification has been provided to warrant the removal of some of the trees in the proposed landscape area as set out in **Table 8**.

Accordingly, the Department has recommended conditions that five additional trees be retained subject to further investigations to determine the measures required to retain the trees. To mitigate the extensive tree and canopy loss, replacement tree planting and landscaping is proposed on the site. The proposed landscape design seeks to create opportunities for learning spaces, outdoor rooms and areas of active, imaginative and quiet play through the use of connected paths and changing landforms (**Figure 8**).

While the Department considers that the landscape design would provide appropriate active and passive play space for students, the Department has recommended a condition requiring an amended landscape plan to be prepared. This is required to accommodate the additional tree retention recommended by the Department and ensure that the landscaping appropriately compensates for the tree removal proposed. The amended landscape plan is to:

- include changes to the landscaping design to allow retention of the additional trees required by the Department.

- achieve a minimum 62% canopy cover across the site as proposed in the Applicant's RtS.
- include compensatory tree planting of at least 36 trees with 30% of the tree species having a mature height of at least 6m, 30% with mature heights of at least 10m and 40% mature heights of at least 20m, as recommended by Council.
- include native species appropriate to the Sydney region including at least one Sydney Blue Gum (*Eucalyptus saligna*) to replace tree 48.
- include mature plantings of specified pot sizes.
- provide sufficient soil depths to allow for plantings to reach maturity.

Subject to the above recommended conditions, the Department is satisfied the proposal tree loss and landscaping scheme would provide an acceptable outcome on the site.

6.3 Built form

The proposed development would have a maximum height of 16.05m and a gross floor area of 5,650sqm. The floor space ratio (FSR) would be 0.78:1, which complies with the maximum permissible FSR for the site of 1.25:1 under the SLEP. The proposed maximum height represents an exceedance of the 9m height limit under the SLEP. The proposed height is considered in **Section 6.3.1**.

6.3.1 Building Height

The extent of the proposal's non-compliance with the maximum height limit in the SLEP is shown in **Figure 23** and **Figure 24**.



Figure 23 | Western elevation from Golden Grove Street (Source: Applicant's EIS 2020)



Figure 24 | Southern elevation from Abercrombie Street (Source: Applicant's EIS 2020)

Clause 4.6 of the SLEP provides flexibility in the application of development standards, if it can be demonstrated that compliance is unreasonable and unnecessary and there is sufficient planning justification to contravene the standard.

Clause 42 of the Education SEPP states that “development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted.” As the provisions of the Education SEPP apply to this proposal,

the merit of the proposal should be considered in assessing whether the built form is appropriate for the site.

Irrespective of Clause 42 of the Education SEPP, the Applicant provided a Clause 4.6 variation request with the EIS to justify the variation. In accordance with the requirements of Clause 4.6, the request sought to demonstrate that compliance with the development standard is unreasonable and unnecessary in the circumstances of the application by arguing that:

- the objectives of the standard are achieved regardless of the non-compliance with the standard. The Applicant's comment on how each objective is achieved is provided in **Table 9**.
- there are sufficient environmental planning grounds to justify contravening the development standard, set out in **Table 10**.

Table 9 | Applicant's assessment of objectives of the height standard (Source: Applicant's EIS 2020)

Objective	Applicant's Response
To ensure the height of development is appropriate to the condition of the site and its context	The proposed height responds to the immediate surrounding development which is approximately three storeys in height.
To ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas	The proposed height transitions appropriately from the former IXL Garage (to the north of the site and of local heritage significance) down the slope of Golden Grove Street to the corner of Golden Grove Street and Abercrombie Street.
To promote the sharing of views	The proposal would be low-scale and commensurate with surrounding buildings. Therefore, there will not be any significant loss of views. Further, the proposal does not interact with any desirable features in the landscape and does not impact on view sharing.
To ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas	Not applicable.
in respect of Green Square— (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and (ii) to ensure the built form contributes to the physical definition of the street network and public spaces	Not applicable.

Table 10 | Environmental planning grounds (Source: Applicant's EIS 2020)

Ground	Applicant's Response
Ground 1: Height of Existing Surrounding Buildings	The additional height would not result in a built form that would be inconsistent with that of surrounding buildings. The building remains lower than some surrounding buildings in the immediate area.

Ground 2: Visual Impact	The visual impacts would be positive and the additional height would not result in any significant adverse visual impacts.
Ground 3: Defining the Street Corner	The intersection of Golden Grove Street and Abercrombie Street at the south-western corner of the site is locally prominent. The proposal concentrates much of the built form at this corner, where the school hall is located. The additional building height creates a neighbourhood landmark commensurate with the school's standing in the community.
Ground 4: Greater Setback to the East	By concentrating the built form along the Golden Grove Street frontage, the development provides a 30-50m setback from the eastern site boundary, allowing for: • safety, by defining the street wall and providing safe enclosure of the school grounds without extensive fencing. • surveillance as the proposed height, combined with the carefully framed views into and within the school, allows for surveillance of children by each other and by teachers from many locations within the school. • playground area with a large, uninterrupted portion of the site provided as outdoor and landscaped play area for students within the setback area with good solar access.
Ground 5: Overshadowing	Minimal overshadowing is created by the height limit exceedance.

No concerns were raised in any of the submissions relating to the proposed building height.

The Department has considered the information provided by the Applicant, including its justification for the height non-compliance. The Department concludes the height and scale of the proposed building would be acceptable because the:

- relevant objectives of the height standard are achieved. In particular, the proposed height:
 - o responds appropriately to the immediate surrounding developments, which are approximately three storeys in height.
 - o transitions sensitively from the former IXL Garage down the slope of Golden Grove Street to the corner of Golden Grove and Abercrombie Streets.
- constraints of the site warrant concentrating the required floor space in one area in order to allow for sufficient play areas and landscaping.
- height exceedance would not create significant overshadowing or other amenity impacts.

6.3.2 Building design and layout

The proposed layout consists of a new part two, part three storey school building located along the western boundary of the site fronting onto Golden Grove Street and Abercrombie Street frontages. It locates the main bulk of the building along the edge of the site following the roads, resulting in the enclosure of the school without reliance on extensive fencing. A site plan and depiction of the proposed layout of uses are shown in **Figure 25** and **Figure 26**.

The two-storey portion of the building would be located at the northern end of the site and would face onto Golden Grove Street. The building would transition to three storeys toward the centre and southern portions of the site.

The Golden Grove/Abercrombie Street corner is marked by a sawtooth form that rises to 14.64m above existing ground level to accommodate the hall.

The proposed building has minimal setbacks from the boundary edge, allowing continuation of the surrounding streetscape frontage and pattern, and providing more generous play space and landscaping for the school at the site's rear.

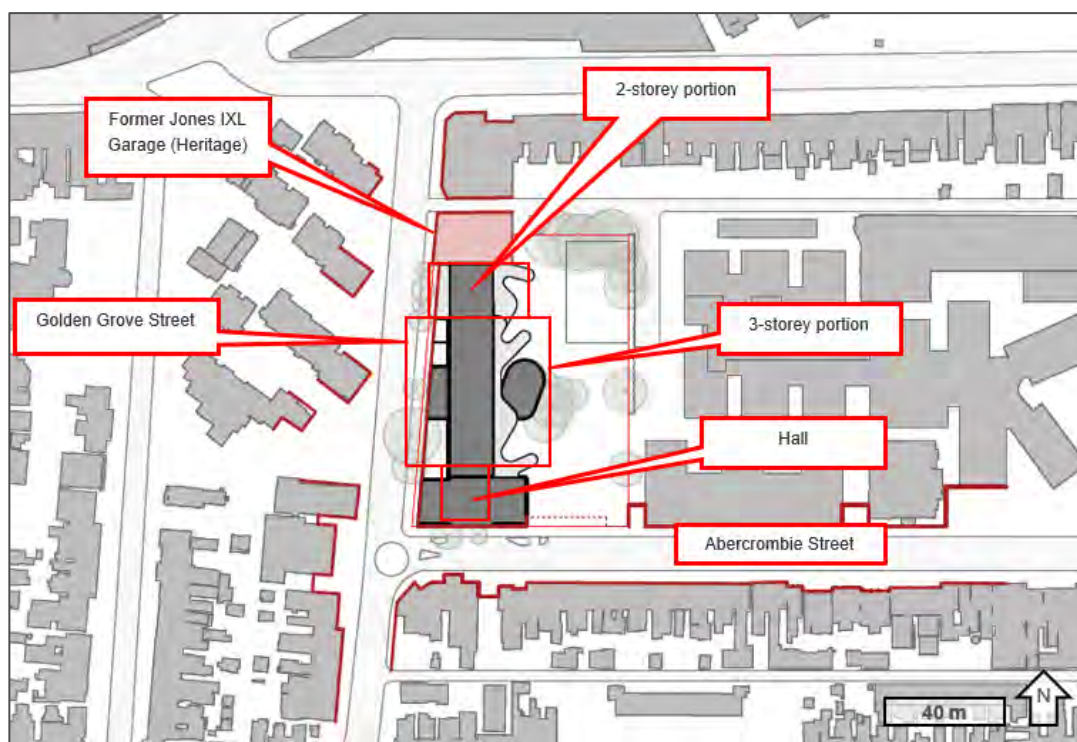


Figure 25 | Site layout (Source: Applicant's EIS 2020)



Figure 26 | Layout of uses (Source: Applicant's EIS 2020)

No concerns were raised during the exhibition period in relation the proposed design or layout.

The Department considers the proposed building siting, layout and setbacks would provide an appropriate and sensitive response to the surrounding built form and context. The Department is satisfied the proposal would make a positive contribution to the character of the surrounding area.

6.3.3 Materials and façade expression

It is proposed that the facades would be constructed of brick to reflect the character of the area. The bricks would be laid in varying patterns to create texture and transparency where required.

Following exhibition of the EIS, the Government Architect NSW (GANSW) raised the concerns around large blank facades which lack articulation presenting to Golden Grove and Abercrombie Streets. It recommended further openings in the street walls and amendments to address the public domain. In the RtS, the Applicant made design amendments to the window treatment, street wall articulation and public domain landscaping. The initial façade rendering and amended rendering are provided as **Figure 27** and **Figure 28**.



Figure 27 | Façade as initially proposed (Source: Applicant's EIS 2020)



Figure 28 | Façade as revised in the RtS (Source: Applicant's RtS 2020)

While GANSW considered that these amendments went some way to improving the public domain presentation, concerns remained around the size and relative blankness of the façade, particularly at the Abercrombie / Golden Grove Street corner.

The Applicant is preparing an art strategy, which includes consideration of this corner. GANSW considers that the incorporation of a context specific artwork into the street facades of the building would address their remaining concerns by providing additional public amenity and an improved identity for the school. GANSW recommended a condition be imposed requiring amended drawings be provided which detail the location of the intended artwork prior to the commencement of construction.

Subject to the above condition, the Department is satisfied that the proposed façade materials and treatment would provide a high quality and contextual addition to the Darlington area.

6.4 Heritage

The site is not listed as an item of heritage significance under any Environmental Planning Instruments, however, items of local heritage significance are near the site as detailed in **Section 1.2** and **Figure 29**.

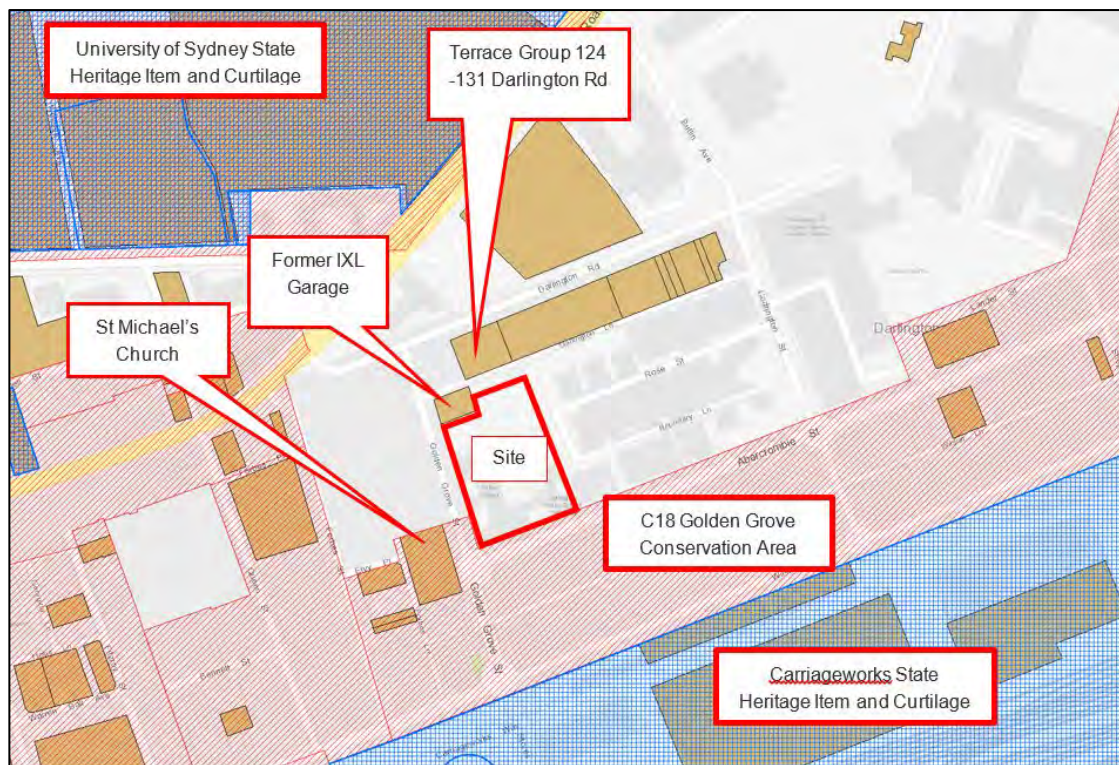


Figure 29 | Location of heritage items / conservation areas (Base source: NSW Planning Portal 2020)

A Statement of Heritage Impact (SHI) accompanied the EIS and assessed the proposal's impact on the heritage significance of the area and surrounding heritage items:

- the proposal's public domain presentation has formal qualities which are of a lower scale of built form on the Golden Grove Street building line, with taller built form generally setback from the boundary line. This placement of form and the sawtooth roof design would enable the new school buildings to be compatible in scale and rhythm with the row housing of the conservation area opposite. It would also contribute to the formal corner defined by the other heritage items and the former shop of the Golden Grove Heritage Conservation Area opposite. The tallest proposed school building element (fronting Abercrombie Street) would not exceed the height of the St Michael's Church group.
- the stepped scale of the proposed school would also act as a transition to the larger, more recent institutional buildings in the vicinity, as well as the 1980s public housing opposite to the west.
- the proposal would not be taller and would not dominate the former Jones IXL factory garage building that immediately adjoins the northern boundary of the site. The facing wall would be a secondary façade of face brick and there would be no windows.
- the proposal would not visually impact the heritage items (terrace housing) at 104–123 Darlington Road, Darlington, given the positioning of the new buildings 'behind' the former Jones IXL factory garage building and the fall of the land. The rear of these heritage items faces the school site.
- character, scale, form, siting, materials and colours and details of the proposal respect the local context and minimise impact on its significance by:
 - o placing the main mass (stepped in form to reduce the overall scale) along Golden Grove Street and at the corner, thereby reinforcing historic corner in a contemporary way.

- o contemporary use of forms (sawtooth roof shape), materials (brickwork) and colours which interpret the existing school.
- o contemporary use of traditional materials and details which reflect the existing school and the diversity of the local context, as well as responding to the former industrial character of the area, including the former Jones IXL factory garage building adjacent.

The SHI recommended mitigation measures including the:

- preparation of a construction methodology to ensure against damage to nearby heritage items, relevant trees, retained fixed art and salvaged fabric to be reinstated.
- photographic archival recording of the school.
- preparation of an art management strategy to manage existing fixed and movable artwork to be reinstated in the new school.
- preparation of an interpretation plan in accordance with the NSW Heritage Office *Interpreting Heritage Places and Items Guidelines*.

The SHI also noted the large number of mature trees at the site and the visual prominence of the resulting tree canopy from the surrounding streets. It stated that tree removal was likely to impact the visual qualities of the area. However, no mitigation measures were recommended in relation to tree loss.

Council provided no comments on heritage impacts in its submission.

In its submission, Heritage NSW supported the assessment and recommendations made in the SHI. Regarding archaeology, it recommended the:

- implementation of an unexpected finds protocol, noting the potential research value of any remains associated with the former shop on the corner of Golden Grove Street and Abercrombie Street.
- site be inspected and tested by an archaeologist after demolition occurs and, if relics are found, a program of archaeological recording be implemented by the Applicant.

The above recommendations are in accordance with the Historical Archaeology Assessment referenced in the SHI.

The Department considers that the proposal provides a sensitive and appropriate response to the surrounding heritage items and conservation areas. Conditions have been recommended to reflect advice from Heritage NSW and the mitigation measures proposed in the SHI. Subject to these conditions, the Department is satisfied that the proposal would not result in significant detrimental impacts to the surrounding built heritage.

6.5 Other issues

The Department's consideration of other issues is provided at **Table 11**.

Table 11 | Department's assessment of other issues

Issue	Discussion	Findings and Recommendations
Social	The EIS considered the social impacts of the proposal and concluded that it would have an overall positive benefit as it would: • meet the growing demand for high quality public education in an area of significant population growth near public and active transport networks. • provide improved local amenity. The key challenges identified related to temporary disruption and amenity impacts associated with construction.	The Department is satisfied that the proposal would have a positive social benefit. The proposal would meet the needs of the growing population of the region and not displace any community or other facilities. To mitigate the impacts of construction, the Department has recommended conditions requiring the preparation of a construction environmental management plan and community consultation strategy with a communication plan to ensure all neighbours are informed about the development.
Aboriginal Heritage	An Aboriginal Cultural Heritage Assessment Report (ACHAR) was submitted with the EIS. The ACHAR concluded that the site would have low potential for Aboriginal archaeological artefacts due to the long history of site disturbance. Despite this, the school was assessed as having substantial historical and social significance due to its social connection to the community. The ACHAR found Aboriginal heritage has been considered in the design of the proposal through the: • integration of artwork, murals and objects which are integral to the school's identity. • placement of key artworks, including the existing jarjum jugs, year six artworks and totems, murals, the burnt door and carved sandstone blocks. • retention of existing 'fabric' from school murals which cannot be retained, and incorporation of these into the landscaping. The ACHAR proposed a number of mitigation measures to ensure appropriate consideration and management of Aboriginal heritage, including:	The Department is satisfied that the proposal would not result in any adverse impacts to Aboriginal cultural heritage, subject to the implementation of the recommended mitigation measures including unexpected finds procedures. Conditions have been recommended to ensure that the mitigation measures as contained in the ACHAR are appropriately implemented.

	• continuing Aboriginal community engagement for internal design. • archival recording of the existing school prior to demolition. • transferring the existing movable art collection to the new school. • murals which cannot be retained should be photographed and printed on large canvasses. • incorporation of spaces in the new school for the creation of new art.	
Construction management, noise and vibration	Construction activities can temporarily impact upon the surrounding area from dust, noise, erosion, sedimentation and an increase in waste generation. The following documents were lodged with the EIS: • preliminary Construction and Site Management Plan, which outlined the key principles and considerations for minimising construction impacts. • Sediment and Erosion Control Plan. • Acoustic Assessment. • Construction Waste Management Plan. The documents were reviewed by the EPA which provided the following comments and recommendations relating to noise: • construction hours should be limited to the standard hours of work described in the Interim Construction Noise Guideline 2009 unless in specific circumstances. • noise mitigation measures described in Section 11.8 of the Acoustic Assessment should be adopted. Standard conditions were recommended in relation to asbestos waste and fill. No further concerns were raised relating to construction management.	The Department has considered the information provided by the Applicant and the advice of EPA. The Department considers that construction impacts can be appropriately managed to minimise impacts on the community. The Department has recommended conditions requiring the: • preparation and implementation of a Construction Environmental Management Plan prior to commencement of works at the site. • implementation of mitigation measures contained within the Acoustic Assessment and Construction Waste Management Plan. • imposition of standard hours of construction.
Contamination	A Detailed Site Investigation was included with the EIS and confirmed: • the presence of total recoverable hydrocarbon, polycyclic aromatic hydrocarbons and lead impacted fill across the site at concentrations exceeding both adopted health investigation levels and ecological investigation levels. • contaminated fill would require remediation to make the site suitable for the proposed redevelopment and	The Department is satisfied that the site can be made suitable for the redevelopment and ongoing use as a school and childcare centre subject to the RAP and recommendations of the EPA. The Department has recommended conditions to ensure the implementation of the RAP and the preparation of Hazardous Materials and Asbestos Management Plans prior to demolition, in

ongoing use as a school and childcare centre.

accordance with the recommendations of the EPA.

In accordance with the findings of the Detailed Site Investigation, a Remediation Action Plan (RAP) was included with the EIS which detailed the preferred remediation strategy.

The RAP advised that on site management of contaminated soils (capping and containment) would be suitable for all fill soils across the site. This would be subject to a general capping layer of at least 0.3m of clean soil and a physical barrier such as asphalt, concrete or “soft fall” surface being placed over the impacted fill to minimise potential for exposure. Any materials unsuitable to remain on site would be excavated and disposed off-site.

The RAP detailed guidelines and requirements for site establishment, off-site disposal of soils, containment and capping, and validation reporting. It concluded that, subject to the implementation of the RAP, the site would be suitable for ongoing use as a school and childcare centre.

Following exhibition of the EIS, EPA recommended that the Applicant:

- be required to submit, as part of the RtS, interim audit advice from an accredited site auditor on the nature of the contamination and what further works are required.
- engage a NSW EPA-accredited site auditor throughout the duration of works to ensure appropriate management of remediation works.
- develop a Hazardous Materials Management Plan and Asbestos Management Plan prior to the commencement of any demolition or construction works on site.

No further issues relating to contamination were raised during the exhibition period.

In its RtS, the Applicant provided the interim advice requested by the EPA. The accredited auditor found the RAP to be sufficiently robust for the proposal, with appropriate contingencies. The EPA reviewed the interim advice and provided no further comment, except to reiterate its previous recommendation to engage an accredited site auditor throughout the duration of works.

Operational noise	The Acoustic Assessment considered the impacts of the proposal as a result of operational noise. This found that: • noise from internal areas including the classrooms, hall and COLA would not exceed the background +5dB noise emissions criteria. • residential receivers to the north would experience noise levels of up to 69dB during recess and lunch, which is above the background +5dB criteria. However, the Applicant argued in the EIS that this is acceptable in consideration of the fact the school already exists and it is a common scenario for residences near schools. This noise would also occur over short time periods. • traffic noise would be comparable to the existing noise levels. The following noise mitigation measures were proposed in the assessment: • restrictions on the use of the hall, the COLA and basketball courts after school hours. • restriction on the hours of waste removal. • speaker selection and positioning. • minimum glass widths of 10.38mm on the north, south and east facing windows and a minimum of 6.385mm glass on the remaining facades. • noise from mechanical plant be designed to achieve no greater than background noise +5dB. In its submission, the EPA noted that mechanical plant noise was not reviewed in the Acoustic Assessment. However, it accepted that this could be undertaken at detailed design stage as proposed in the Acoustic Assessment. The EPA recommended conditions requiring: • mechanical plant equipment to be designed to achieve no greater than background noise +5dB. • noise mitigation measures proposed in Section 8 of the Acoustic Assessment be implemented. No other concerns were raised during the exhibition period relating to operational noise.	The Department is satisfied that the proposal would not result in any unacceptable noise impacts. Conditions have been recommended in accordance with the advice from the EPA and the proposed mitigation measures contained in the Acoustic Assessment.
Signage	The proposal includes the installation of: • three mounted wall signs including:	The Department is satisfied that the proposed signs are

	- o one non-illuminated preschool identification sign to be located on the façade by the preschool entrance. - o one illuminated school identification sign located at the main entrance on Golden Grove Street. - o one non-illuminated school identification sign located at the secondary entrance on Abercrombie Street. • one digital signage board to face Abercrombie Street.	appropriate, subject to a condition requiring the intensity of the illumination of the digital signage board be adjustable and to restrict the hours of illumination. Further consideration is given to the proposed signs in Appendix B.
Stormwater and drainage	A two-tank on site stormwater detention system is proposed to reduce stormwater discharge to the existing network. The proposed combined capacity of the tanks is 190 cubic metres which exceeds the Sydney Development Control Plan 2012 requirements. The Civil Design Report included with the EIS confirmed that the proposed civil works comply with City of Sydney Technical Specifications A4 Stormwater Drainage Design, Sydney Water on site detention guideline, Australian Standards and best-practice principles. Council did not provide comment on the proposed stormwater design. However, it did recommend standard stormwater drainage conditions.	The Department is satisfied that the Applicant would satisfactorily manage stormwater on the site. The Department has recommended a condition requiring the preparation of a detailed stormwater management plan, in accordance with the relevant standards and guidelines, for approval by Council.
Flooding	The Civil Design Report provided with the EIS found that most of the site is not subject to inundation during the 100 Average Recurrence Interval event or Probable Maximum Flood, with the exception of a very small area near the main school entrance off Golden Grove Street during the Probable Maximum Flood. The report found that this issue would be removed as the proposed level around the entrance would be higher than existing level. In addition, an overland flow path would be provided to Abercrombie Street from the entrance to avoid any trapped low point. No concerns were raised regarding flooding during the exhibition period.	The Department is satisfied that the proposal is compatible with the flood hazard of the land and is not likely to result in any adverse flood behaviour.
Utilities	The EIS included an Electrical and Telecommunications Statement which confirmed that:	The Department has recommended conditions to ensure the Applicant lodges the

- site communications would be fed from the existing NBN and other fibre infrastructure along Golden Grove Street.
 - the incoming power supply would be from the existing Ausgrid substation on Darlington Lane.
- appropriate requests for the supply of these services and all utilities are available prior to operation.

The EIS also included a Hydraulic Infrastructure Management Plan which:

- proposed connecting to the Sydney Water DN150 water main in Golden Grove Street.
- proposed connecting to the Sydney Water DN300 sewer main which reticulates through the site.
- supplied evidence that Sydney Water had confirmed sufficient capacity in the water and sewer network to accommodate the proposal.

No objections were received from Sydney Water or Ausgrid in response to exhibition of the EIS.

Childcare centre

The Education SEPP defines the existing preschool as a centre-based child care facility. This is to be retained on the site as part of the redeveloped school.

Clause 22 Part 3 Education SEPP states that concurrence of the regulatory authority is not required for a 'centre-based child care facility' if the floor area of the building or place complies with the relevant regulations regarding outdoor and indoor play areas.

The proposed preschool would have a capacity of 60 children, requiring a total of 195sqm of unencumbered indoor play space and 420sqm of unencumbered outdoor play space under the Education SEPP. The proposal satisfies these play space requirements. Therefore the separate concurrence of the regulatory authority is not required.

The Department has reviewed the design of the preschool and is satisfied that it includes appropriate amenities and play space for children, while being visually integrated with the school design.

The compliance of the proposal with the Department's Child Care Planning is provided in **Appendix B** and is assessed as satisfactory by the Department.

7 Evaluation

The Department has reviewed the EIS and RtS and assessed the merits of the proposal, taking into consideration comments by submitters and advice from the public authorities, including Council. All environmental issues associated with the proposal have been thoroughly addressed. The Department concludes the impacts of the proposal are acceptable and can be appropriately mitigated through conditions of consent. Consequently, the Department considers the proposal is in the public interest and should be approved.

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* and with the State's strategic objectives as it would improve education results through the provision of an improved and expanded education facility in an area that is undergoing population growth. The proposal is in the public interest as it would provide benefits including:

- delivering improved and enlarged education facilities to cater to the City of Sydney LGA.
- providing education facilities in an accessible area for the community.
- providing an improved facility for community use outside of standard operational hours.
- delivery of 127 jobs during the construction phase and an additional 12 operational jobs.

The proposal provides for a sensitive and appropriate response to the surrounding heritage items and conservation areas. The Department considers the proposed height is acceptable in the context of the site's immediate surroundings which are generally of a similar or greater height.

The proposal would have only minor impacts on the performance of the local road network due to its location in a highly walkable area.

The Department has recommended conditions to manage the potential construction and operational impacts on the surrounding land uses.

While it is considered that greater weight could have been given to tree retention in the proposed building layout and landscape planning, conditions of consent have been recommended to mitigate tree loss through further investigations to retain five additional trees, landscape plan amendments and minimum planting requirements.

Overall, the proposal is suitable for the site and the identified impacts are considered satisfactory on balance and in the context of the benefit the proposal would provide for the local community.

8 Recommendation

This section provides a formal recommendation to the decision maker to approve or refuse the project. The recommendation section is only applicable to projects where the Minister (or his delegate) is the decision maker.

It is recommended that the A/Executive Director, Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant approval to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants consent** for the application in respect of SSD-9914, subject to the conditions in the attached development consent.
- **signs** the attached development consent.

Prepared by:

Nicholas Gunn
Planning Officer
Social and Infrastructure Assessment

Recommended by:



Jason Maslen
Team Leader
School Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'Erica van den Honert', is written over a light blue rectangular background.

30 November 2020

Erica van den Honert
A/Executive Director
Infrastructure Assessments

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows.

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/9671>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9671>

3. Applicant's Response to Submissions and supplementary information

<https://www.planningportal.nsw.gov.au/major-projects/project/9671>

Appendix B – Statutory Considerations

To satisfy the requirements of section 4.15(a)(i) *Environmental Planning and Assessment Act 1979* (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Sydney Local Environmental Plan 2012 (SLEP).

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify state significant development (SSD), state significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications.

The proposal is SSD as summarised at **Table B1**.

Table B1 | SRD SEPP Compliance Table

Relevant Sections	Department's consideration	Compliance
3 Aims of Policy The aims of this Policy are as follows: to identify development that is State significant development,	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and the development is specified in Schedule 1 or 2.	The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as the development is for the purpose of alterations and additions to a school with a value over \$20 million under clause 15(1) of Schedule 1 of the SRD SEPP.	Yes

Infrastructure SEPP

The Infrastructure SEPP facilitates the effective delivery of infrastructure by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Educational establishments are no longer covered under the traffic generating development provisions of the Infrastructure SEPP as they are considered under the Education SEPP. However, the application was referred to Transport for NSW (TfNSW).

The development was referred to the relevant electricity supply authority for comment. The application was referred to Ausgrid, which did not raise any concerns with the proposal.

The Department is satisfied that the proposed development meets the requirements of Infrastructure SEPP. The Department has included suitable conditions in the recommended conditions of consent (**Appendix C**).

Education SEPP

The Education SEPP aims to simplify and standardise the approval process for childcare centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and construction requirements. The application has been assessed against the relevant provisions of the Education SEPP.

Clause 42 of the Education SEPP states that development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted. The proposed school has provided justification for contravening the development standards. The Department's consideration of the variations to the development standards is addressed in **Section 6**.

Clause 57 of the Education SEPP requires traffic generating development that involves the addition of 50 or more students to be referred to the TfNSW. The Application was referred in accordance with this clause.

Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles is provided in **Table B2**.

Table B2 | Consideration of the design quality principles

Design principles	Department's consideration
Context, built form and landscape	The configuration, siting and materials of the proposed building has regard to the existing school campus and surrounding streetscape, particularly nearby terrace housing and heritage items. The proposal includes extensive new landscaping (including tree planting/replacement), which would provide a high level of amenity to the school and surrounds.

	The design responds appropriately to its context and would result in a positive impact on the streetscape.
Sustainable, efficient and durable	The proposal includes ecologically sustainable development measures (Section 4.4.3).
Accessible and inclusive	The EIS included an Access Report that assessed the proposal against the requirements of the National Construction Code (Volume 1, 2019), Disability (Access to Premises) Standards 2010 and the applicable Australian Standards for access and mobility. The Applicant concluded that the proposal can achieve compliance with the relevant statutory requirements.
Health and safety	The proposal considered Crime Prevention through Environmental Design Principles in its design, using a mixture of built form and fencing. The proposal implements the principles of crime prevention through environmental design and would provide appropriate natural surveillance, territorial reinforcement and space management, as set out in the Design Report which accompanied the EIS.
Amenity	The proposal would not unreasonably impact upon the amenity of adjoining residents by way of overshadowing and/or overlooking, and subject to conditions would not result in unreasonable noise impacts (Section 6.5). The Department has recommended conditions regarding the operation of the school. The proposal would create a variety of diverse play spaces, learning opportunities in the landscape and space for the students to run around and play sports.
Whole of life, flexible and adaptive	The proposed school facilities are flexible and provide open plan and a variety of spaces that can be adapted to suit a wide range of uses and changing needs. The Design Report which accompanied the EIS states that the proposal would be capable of accommodating a future increase in population up to 510 students.
Aesthetics	The development achieves a high standard of design. The local character has been considered and is reflected in the massing, scale, materiality and landscaping of the proposal. It would make a positive contribution to the neighbourhood of Darlington.

The Education SEPP defines the preschool as a centre-based child care facility. Clause 22 states that concurrence is required for a 'centre-based child care facility' (i.e. preschool) if the:

- a) floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or
- b) outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.

Indoor and outdoor unencumbered space has been provided in accordance with the National Regulations. Therefore, concurrence is not required. The consent authority is also required to consider the relevant provisions of the Department's Child Care Planning Guideline prior to

determining an application for a centre-based child care centre. Consideration of the relevant planning provisions of the Guidelines is provided below in **Table B3**.

Table B3 | Consideration of the Child Care Planning Guideline

Matter	Consideration/Comment
Design quality principles	
Context	The proposed preschool is located within the school site. The design is responsive to the surrounding character, built form and heritage significance. The location is highly walkable.
Built form	The proposal achieves a scale, bulk and height appropriate to the existing character of the surrounding area.
Adaptive learning spaces	The internal layout and playground have been designed to align with the Child Care Guidelines.
Sustainability	The proposal responds appropriately to sustainability principles, with sustainable measures to be incorporated into the overall design and operation of the school. Outdoor play space areas have been assessed as having access to satisfactory levels of natural daylight, while similarly providing areas for shade and weather protection.
Landscape	The landscape design has been integrated into the proposed layout of the facility to provide a diverse and functional environment.
Amenity	The preschool has been designed to ensure suitable indoor and outdoor play spaces are provided that have suitable access to daylight and natural ventilation. The siting of the preschool in the north of the site minimises its exposure to public places and would ensure that occupants are not exposed to adverse amenity or privacy impacts. Potential for overlooking into the outdoor play space is minimal.
Safety	The proposal provides a secure boundary through the placement of buildings and fences. The proposal ensures that safety outdoor play space areas is maintained.
Matters for consideration	
Site selection and location	The proposal forms part of the larger school development on a site that contains an existing school and preschool.
Local character, streetscape and the public domain interface	The design is responsive to the surrounding character, built form and heritage significance.
Building orientation, envelope, building design and accessibility	The Applicant has demonstrated that the design and location of the preschool would not result in any adverse environmental or amenity impacts.

Landscaping	The proposed landscape design incorporates several passive and active landscape elements to help create a diverse and interesting learning environment.
Visual and acoustic privacy	The preschool would be orientated towards the playground area of the school. Accordingly, privacy impacts are minimised by reducing the exposure of the preschool. The predicted noise impacts associated with the operation of the preschool are generally satisfactory and would not result in adverse amenity impacts, subject to recommended conditions of consent (Section 6.5).
Noise and air pollution	The location of the development is not near any noise or odour generating sources that could cause adverse emissions.
Hours of operation	The preschool is proposed to operate Monday to Friday 8.30am-3.30pm (staff), 9am-3pm (children) during school days, excluding public holidays. The proposed hours are unchanged from the approved operational hours of the existing preschool on site.
Traffic, parking and pedestrian circulation	No on-site parking spaces are proposed, which complies with the provisions of the relevant Development Control Plan.
National Regulations	
Indoor space requirements	A minimum 195sqm of unencumbered indoor space is proposed based on the proposed 60 spaces which meets the minimum requirements.
Laundry and hygiene facilities	Laundry facilities are proposed to be provided on site.
Toilet and hygiene facilities	Suitable toilet facilities are proposed in accordance with the guidelines.
Ventilation and natural light	The Applicant has demonstrated that the outdoor play space would receive sufficient natural daylight and ventilation throughout the day.
Administrative space	The internal layout of the proposed administrative functions of the preschool has considered the interaction of staff, parents and children and visitors to ensure interactions are appropriately managed.
Nappy change facilities	Not applicable – the children are aged between three to five years.
Premises designed to facilitate supervision	The internal layout of the preschool, including staff rooms and toilet facilities, has been designed to facilitate supervision between educators and children.
Emergency and evacuation procedures	An emergency evacuation plan has been provided outlining the procedures in an event of an emergency and evacuation of the children from the preschool area.

Outdoor space requirements	A minimum 420sqm of unencumbered outdoor space is required based on the proposed 60 spaces. The total preschool playground area totals 470sqm with unencumbered outdoor space of 420sqm.
Natural environmental	The landscape design incorporates opportunities for outdoor play that engage with the natural environment and encourage inquiry and exploration.
Shade	The outdoor play space includes a large covered outdoor learning area as well as a shade structure in the outdoor play area.
Fencing	A 1200mm high fence is proposed to the outdoor play area, which would be enclosed within the school grounds and would not adjoin a public space.
Soil assessment	The detailed site investigation accompanying the EIS confirmed the presence of total recoverable hydrocarbon, polycyclic aromatic hydrocarbons and lead impacted fill across the site at concentrations exceeding both adopted health investigation levels and ecological investigation levels. The Department is satisfied that, subject to the Remediation Action Plan and the recommendations of the EPA, the site can be made suitable for the ongoing use as a school and preschool. Conditions of consent have been recommended accordingly (Section 6.5).

Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Draft Education SEPP)

The Draft Education SEPP will retain the overarching objectives of the Education SEPP to facilitate the effective delivery of educational establishments and child care facilities across the State.

The provisions of the Draft Education SEPP aim to improve the operation, efficiency and usability of the Education SEPP and to streamline the planning pathway for schools, TAFEs and universities that seek to build new facilities and improve existing ones. The exhibited Explanation of Intended Effects (EIE) also proposes changes to the requirements that need to be met for an application to be SSD.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Education SEPP and continues to meet the requirements for SSD in accordance with the EIE.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 ensures potential contamination issues are considered in the determination of a development application.

As detailed in **Section 6.5**, the Department is satisfied that the Applicant has adequately demonstrated the site is suitable, subject to remediation, for the continued use as an educational establishment as required by SEPP 55.

Draft Remediation of Land State Environmental Planning Policy

The Department is reviewing all State Environmental Planning Policies to ensure they remain effective and relevant and SEPP 55 has been reviewed as part of that program. The Department has

published the draft Remediation of Land State Environmental Planning Policy (Remediation SEPP), which was exhibited until April 2018.

Once adopted, the Remediation SEPP will retain elements of SEPP 55, and add the following provisions to establish a modern approach to the management of contaminated land:

- require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant.
- categorise remediation work based on the scale, risk and complexity of the work.
- require environmental management plans relating to post-remediation management or ongoing management on site to be provided to Council.

The new SEPP will not include any strategic planning objectives or provisions. Strategic planning matters will instead be dealt with through a direction under section 117 EP&A Act.

As detailed in **Section 6.5**, the Department is satisfied that the Applicant has adequately demonstrated that the site is suitable, subject to remediation, for the continued use as an educational establishment as required by SEPP 55.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

SEPP 64 applies to all signage that, under an EPI, can be displayed with or without development consent and is visible from any public place or public reserve.

The application includes the installation of four signs:

- three mounted wall signs:
 - o one preschool identification sign to be located on the façade by the preschool entrance (not illuminated).
 - o one school identification sign located at the main entrance on Golden Grove Street (illuminated).
 - o one school identification sign located at the secondary entrance on Abercrombie Street (not illuminated).
- one digital signage board to face Abercrombie Street.

The EIS included an assessment of the proposed signage against provisions of Schedule 1 of SEPP 64. The Department's assessment of the signs against Schedule 1 of SEPP 64 is provided in **Table B4**.

Table B4 | SEPP 64 compliance table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Proposal comprises three simple identification signs and one digital sign of modest size that would be appropriately placed at the school entry points.	Yes.

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for outdoor advertising in the area or locality.	Yes.
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage would not detract from the visual amenity of surrounding residential area or its heritage significance.	Yes.
3 Views and vistas		
Does the proposal obscure or compromise important views?	No.	Yes.
Does the proposal dominate the skyline and reduce the quality of vistas?	No.	Yes.
Does the proposal respect the viewing rights of other advertisers?	Not applicable.	Yes.
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes.	Yes.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes.	Yes.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Not applicable.	Yes.
Does the proposal screen unsightliness?	Not applicable.	Yes.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.	Yes.
Does the proposal require ongoing vegetation management?	No.	Yes.
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site	Yes.	Yes.

or building, or both, on which the proposed signage is to be located?

Does the proposal respect important features of the site or building, or both?

Yes.

Yes.

Does the proposal show innovation and imagination in its relationship to the site or building, or both?

The proposed signage is appropriately located to fit in with the design of the proposed buildings.

Yes.

6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

No.

Yes.

7 Illumination

Would illumination result in unacceptable glare?

Would illumination affect safety for pedestrians, vehicles or aircraft?

No details have been provided in relation to intensity of the illumination of the main entrance sign and the digital signage board. However, the location of two illuminated signs is unlikely to result in glare or safety issues.

Yes.

Would illumination detract from the amenity of any residence or other form of accommodation?

It is possible that light from the digital signage board on Abercrombie Street could impact the amenity of the residences directly opposite. Conditions have been recommended to require the intensity of the illumination to be adjustable and to restrict the hours of illumination.

Yes.

Can the intensity of the illumination be adjusted, if necessary?

Is the illumination subject to a curfew?

Conditions have been recommended to require the intensity of the illumination to be adjustable and to restrict the hours of illumination.

Yes.

8 Safety

Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?

No. The proposed signs would be attached the building façade or the fencing and would not protrude outwards or upwards.

Yes.

Would the proposal reduce safety for any public road?

No.

Yes.

Sydney Local Environment Plan 2012 (SLEP)

The SLEP encourages the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the City of Sydney LGA. The SLEP also aims to conserve and protect natural resources and foster economic, environmental, and social well-being.

The Department has consulted with City of Sydney Council (Council) throughout the assessment process and considered all relevant provisions of the SLEP and matters raised by Council in its assessment of the development (**Section 5**). The Department concludes the development is consistent with relevant provisions of the SLEP. Consideration of the relevant clauses is provided in **Table B5**.

Table B5 | Consideration of the SLEP

RLEP 2010	Department Comment/Assessment
Clause 2.3 Zone objectives	The site is zoned SP2 Educational Establishment. Educational establishments are permissible within the zone and consistent with the zone objectives. The Department has considered the proposal against the objectives of the zone. Under clause 35(10) of the Education SEPP, development for the purposes of a centre-based child care centre is permissible with consent within the boundaries of an existing school.
Clause 4.3 Building height	The proposal has a maximum building height of 17.54m which exceeds the 9m height limit. Under clause 42 of the Education SEPP proposed schools that are SSD may be granted development consent even though they contravene a development standard. Despite this, a clause 4.6 variation request was submitted with the EIS justifying the contravention of the building height standard. The Department has assessed the variation and concludes that the proposal would be appropriate in its context, provides an appropriate interface with the surrounding development, would result in minimal environmental and amenity impacts and would provide benefits to the community. See Section 6.3.
Clause 4.4 Floor space ratio	The proposed development has a maximum floor space ratio (FSR) of 0.78:1 which complies with the development standard of 1.25:1.
Clause 4.6 Exception to development standards	The proposal includes a variation to the building height development standard (see Section 6.3).

The Department considers there would be minimal public benefit in maintaining the development standard, noting that strict compliance would not reduce the amenity impacts of the proposal. Therefore, the Department considers the variation to be acceptable.

Clause 5.10 Heritage conservation	The site is not mapped or described as an item of heritage significance under the SLEP. The proposed development responds appropriately to surrounding items of local heritage significance. See Section 6.4 .
Clause 7.3 Car parking	No on site parking is proposed and the development therefore complies with the maximum rates set out in the SLEP.
Clause 7.15 Flood Planning	A small portion of the site is flood affected, fronting Golden Grove Street in the south-western corner. The Department is satisfied that the proposal is compatible with the flood hazard of the land and is not likely to result in any adverse flood behaviour. See Section 6.5 .

Development control plan

In accordance with Clause 11 of the SRD SEPP, development control plans do not apply to SSD. Despite this, the objectives of relevant controls under the Sydney Development Control Plan 2012, where relevant, have been considered in **Section 6**.

Appendix C – Recommended Instrument of Consent

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Erica van den Honert
A/Executive Director
Infrastructure Assessments

Sydney

30 November 2020

SCHEDULE 1

Application Number:	SSD 9914
Applicant:	NSW Department of Education
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 100 in DP 623500 and Lot 592 in DP 7523049 Golden Grove Street, Darlington
Development:	Redevelopment and expansion of Darlington Public School including: • Demolition of existing buildings, tree removal and excavation works; • Construction of a new three storey building to accommodate the school and pre-school; • Associated works including landscaping, signage, fencing and public domain improvements; and • Modification to the existing on-street pick-up / drop-off zones • Consolidation of two lots into one lot.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Department of Education or any other person carrying out any development to which this consent applies
Approved disturbance area	The area identified as such on the development layout
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including (unless specifically excluded by a condition) but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following: • building and road dilapidation surveys; • investigative drilling or investigative excavation; • Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)
Council	City of Sydney

Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising the redevelopment of Darlington Public School, as modified by the conditions of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled Environmental Impact Statement, prepared by Ethos Urban dated 9 June 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
IBRA	Interim Biogeographic Regionalisation for Australia
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
EMP	Environmental Management Plan
Management and mitigation measures	The management and mitigation measures set out in Section 7 of the EIS
Material harm	Is harm that:

	a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction excluding operational readiness work
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Operational readiness work	Use of the completed areas of the site by school staff to prepare for the operation of the school.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to submissions	The Applicant’s response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS and Response to Submissions;
 - (d) in accordance with the approved plans in the table below:

Architectural drawings prepared by fjmt studio			
Dwg No.	Rev	Name of Plan	Date
DTPS-2050	04	General Arrangement Plans Lower Ground Plan – S2	20/08/2020
DTPS-2051	05	General Arrangement Plans Upper Ground Plan – S2	10/11/2020
DTPS-2052	04	General Arrangement Plans Level 1 Plan – S2	20/08/2020
DTPS-2053	04	General Arrangement Plans Level 2 Plan – S2	20/08/2020
DTPS-2054	04	General Arrangement Plans Roof Plan – S2	20/08/2020
DTPS-2101	02	Demolition Plan – SSDA	28/04/2020
DTPS-3200	05	Elevations – 1:200	10/11/2020
DTPS-3300	02	Elevations – Signage	28/04/2020
DTPS-4200	04	Sections – 1:200	20/08/2020
DTPS-4201	04	Sections – 1:200	20/08/2020

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

Limits of Consent

- A5. This consent lapses five years after the date of consent unless work is physically commenced.

Prescribed Conditions

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

Planning Secretary as Moderator

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

Evidence of Consultation

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging

- A9. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction (unless otherwise agreed by the Planning Secretary) of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

Note: Works may commence upon the Planning Secretary's approval of the Staging Report and satisfaction of all relevant conditions.

- A10. A Staging Report prepared in accordance with condition A9 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A12. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

Staging, Combining and Updating Strategies, Plans or Programs

- A13. The Applicant may:

- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
 - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A14. Any strategy, plan or program prepared in accordance with condition A13, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A15. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A16. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Structural Adequacy

- A17. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

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

External Walls and Cladding

- A18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

- A19. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A20. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- A21. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Access to Information

- A22. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary and publicly available for 12 months after the commencement of operations.

Compliance

- A23. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

- A24. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A25. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

- A26. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A27. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A28. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

- A29. Within three months of:
- (a) the submission of a compliance report under condition A32;
 - (b) the submission of an incident report under condition A25;
 - (c) the submission of an Independent Audit under condition C43 or C44;

- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

- A30. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

Compliance Reporting

- A31. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements.
- A32. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed by the Planning Secretary.
- A33. The Applicant must make each Compliance Report publicly available within 60 days of submitting it to the Planning Secretary.
- A34. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- B1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- B2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- B3. Prior to the commencement of construction (excluding the demolition and removal of buildings, bulk earthworks and tree removal) the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

External Walls and Cladding

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

Protection of Public Infrastructure

- B5. Prior to the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- B6. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, heritage items and Council assets that are likely to be impacted by the proposed works.

Community Communication Strategy

- B7. No later than 48 hours before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and

- (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

Ecologically Sustainable Development

- B8. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
 - (b) seeking approval from the Planning Secretary for an alternative certification process.

Outdoor Lighting

- B9. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Demolition

- B10. Prior to the commencement of demolition, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

Environmental Management Plan Requirements

- B11. Management plans required under this consent must be prepared having regard to the relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

Note:

- The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>
- The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

Construction Environmental Management Plan

- B12. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary for information. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (v) community consultation and complaints handling as set out in the Community Communication Strategy required by condition B7;
 - (b) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed;
 - (c) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
 - (d) Construction Traffic and Pedestrian Management Sub-Plan (see condition B13);
 - (e) Construction Noise and Vibration Management Sub-Plan (see condition B14);
 - (f) Construction Soil and Water Management Sub-Plan (see condition B15);
 - (g) Biodiversity Management Sub-Plan (see condition B16);

- B13. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
 - (d) detail heavy vehicle routes, access and parking arrangements.
- B14. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition B14;
 - (f) include a complaints management system that would be implemented for the duration of the construction; and
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition B11.
- B15. The Construction Soil and Water Management Sub-Plan (CSWMSP) must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (c) describe all erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
 - (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (e) detail all off-Site flows from the Site; and
 - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 5-year ARI.
- B16. The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:
- (a) the mitigation measures and actions set out in the Biodiversity Development Assessment Report dated 12 May 2020 and prepared by Eco Logical Australia; and
 - (b) additional mitigation measures and actions for Microbats set out in Table 2 of the supplementary letter dated 30 July 2020 and prepared by Eco Logical Australia.
- B17. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;

- (c) minimise road traffic noise; and
- (d) ensure truck drivers use specified routes.

Construction Parking

- B18. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be provided to the Planning Secretary for information.

Operational Noise – Design of Mechanical Plant and Equipment

- B19. Prior to installation of mechanical plant and equipment a detailed assessment of mechanical plant and equipment must be undertaken by a suitably qualified person as recommended in the SSDA Acoustic Assessment dated 4 June 2020 and prepared by Acoustic Logic. Noise from mechanical plant and equipment must achieve no greater than background noise +5db.
- B20. Evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under B19 have been incorporated into the design.

Archaeological Inspection– Historic Archaeology

- B21. Prior to the commencement of construction in the south-west corner of the site evidence must be submitted to the Certifier that the following recommendations contained in the Historical Archaeological Assessment dated 6 September 2019 and prepared by Casey and Lowe are to be implemented:
- (a) the south-west corner of the site be inspected and tested by an archaeologist after demolition;
 - (b) if relics are found then:
 - (i) archaeological recording recommended in accordance with the Archaeological research design in section 6.0 of the Casey and Lowe Report; and
 - (ii) a report is to be prepared on the results of the archaeological program (including an analysis of the artefacts recovered from the study area) in accordance with Heritage Council guidelines.
- B22. Historical archaeological testing and inspection required under condition B21 must be undertaken by a suitably qualified and experienced professional. Any salvage excavation is to be undertaken in accordance with the requirements of Heritage NSW and section 6 of the Historical Archaeological Assessment.

Biodiversity

- B23. Prior to the commencement of vegetation clearing, the class and number of ecosystem credits in the table below must be retired to offset the residual biodiversity impacts of the development.
- B24. The requirement to retire credits in condition B23 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.
- B25. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B23 must be provided to the Planning Secretary prior to carrying out development that will impact on biodiversity values.

A PCT as specified below	Number of Credits	In the below IBRA subregions
PCT 1281 Turpentine – Grey Ironbark open forest on shale in the lower Blue Mountains, Sydney Basin Bioregion	2	Sydney Basin IBRA region and Cumberland subregion

Construction and Demolition Waste Management

- B26. Prior to the commencement of the removal of any waste material from the site, the Applicant must notify the TfNSW Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site.

Operational Waste Storage and Processing

- B27. Prior to the commencement of construction of waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the operational waste storage area:
- (a) is constructed using solid non-combustible materials;
 - (b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
 - (c) includes a hot and cold water supply with a hose through a centralised mixing valve;
 - (d) is naturally ventilated or an air handling exhaust system must be in place; and
 - (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

Construction Access Arrangements

- B28. Prior to the commencement of construction, evidence of compliance of construction parking and access arrangements with the following requirements must be submitted to the Certifier:
- (a) all vehicles must enter and leave the site in a forward direction;
 - (b) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, is in accordance with the latest version of AS 2890.2; and
 - (c) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, has been addressed.

Public Domain Works

- B29. Prior to the commencement of construction of any footpath or public domain works, a Public Domain Works Deposit must be submitted to Council as an unconditional bank guarantee or insurance bond as per Council's Performance Bond Policy in favour of Council as security for completion of the obligations under this consent (Guarantee). The Guarantee amount will be determined in accordance with Council's adopted fees and charges and the Public Domain Manual and other relevant Council policy. The amount will be based on the approved works. The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to Council's standards and approval and the required certifications, warranties and works-as executed documentation are submitted and approved by Council in writing. Upon obtaining Council's approval, 90% of the security will be released and 10% will be retained for the duration of the specified Defects Liability Period.
- B30. Prior to the commencement of construction of public domain works, a detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council. The Public Domain Plan must document:
- (a) a set of hold points for approved public domain, civil and drainage work in accordance with the Council's Public Domain Manual and Sydney Streets Technical Specification;
 - (b) all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Code and Sydney Streets Technical Specification, including requirements for road pavement, footway pavement, kerb and gutter, drainage, vehicle crossovers, signage and other public domain elements; and
 - (c) any approved or amended Alignment Levels if applicable.
- Note: All works to Council's public domain, including rectification of identified defects, are subject to a 6-month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Practical Completion for public domain works.*

Site Contamination

- B31. Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

Hazardous Materials and Asbestos Management Plan

- B32. Prior to the commencement of construction, a Hazardous Materials and Asbestos Management Plan prepared by a suitably qualified and experienced consultant must be submitted to the satisfaction of the Certifier. The plan must:
- (a) comply with the recommendations of the Hazardous Materials Survey prepared by Douglas Partners and dated 20 April 2018;
 - (b) apply to the entire site (the entirety of existing Lot 100 DP 623500 and Lot 592 DP 752049); and
 - (c) include arrangements and procedures to be implemented prior to and during construction as well as on an ongoing operational basis.

Archival recording

- B33. Prior to the commencement of construction and while the school is operational, or alternative timing as agreed to in writing by the Planning Secretary, a photographic archival record of the external and internal areas of the school must be made in accordance with the recommendations contained in the Heritage Impact Statement prepared by GML Heritage and dated June 2020. The archival recording must be prepared in accordance with the NSW Heritage Branch guidelines titled Photographic Recording of Heritage Items using Film or Digital Capture. The record must include views from key vantage points.

PART C DURING CONSTRUCTION

Site Notice

- C1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer and must satisfy the following requirements:
 - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice a minimum of 30-point type size;
 - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (d) 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 complaints, must be displayed on the site notice; and
 - (e) the notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must to state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- C2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Demolition

- C3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition B10.

Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C5. Notwithstanding condition C4, provided noise levels do not exceed the existing background noise level plus 5dB, works may be undertaken during the following hours:
- (a) between 6pm and 7pm, Mondays to Fridays inclusive; and
 - (b) between 1pm and 4pm, Saturdays.
- C6. Construction activities may be undertaken outside of the hours in condition C4 and C5 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers; or
 - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- C7. Notification of such construction activities as referenced in condition C6 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and

- (c) 9am to 12pm, Saturday.

Implementation of Management Plans

- C9. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

Construction Traffic

- C10. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

Hoarding Requirements

- C11. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
 - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

No Obstruction of Public Way

- C12. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Construction Noise Limits

- C13. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- C14. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C4.
- C15. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

- C16. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C17. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C16.
- C18. The limits in conditions C16 and C17 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B14 of this consent.

Trees approved for removal

- C19. Unless otherwise agreed by the Planning Secretary under condition C21, tree removal must be limited to trees numbered 1, 2, 7, 8, 16, 26-32, 47-48, and 52-55 in the Arboricultural Impact Assessment Report dated 24 November 2020 and prepared by Moore Trees.

Trees to be retained

C20. Trees numbered 6, 12, 13, 14, 15, 17, 18, 19, 35, 36, 37, 38, 39, 44, 45, 46 in the Arboricultural Impact Assessment Report dated 24 November 2020 and prepared by Moore Trees are to be retained. All street trees are to be retained.

Arboricultural investigations

C21. Prior to the commencement of works that would encroach into the tree protection zones of trees numbered 4, 5, 9, 10 and 11 in the Arboricultural Impact Assessment Report dated 24 November 2020 and prepared by Moore Trees, the Applicant must:

- (a) undertake further investigations to determine the landscape design changes and measures and methods required to retain the trees. These investigations are to incorporate advice from a Level 5 (Australian Qualification Framework) qualified arborist, and include non-destructive root investigations undertaken in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites (AS4970), where required to inform the landscape design changes;
- (b) submit a report documenting the findings of the investigations for the approval of the Planning Secretary that details the design changes and methods and measures to retain the trees. Where it has been concluded that the retention of a tree would prevent the objectives of the landscape design and/or project overall being achieved, sufficient details must be provided to support the conclusions, including:
 - (i) alternative landscape design options considered;
 - (ii) details of levels or other critical factors;
 - (iii) advice from appropriately qualified persons; and
- (c) submit an updated Tree Protection Plan (scaled drawing) to the Planning Secretary that reflects the outcome of the investigations and shows the tree protection zones, structural root zones and canopies for trees affected by the proposed development.

Tree Protection

C22. For the duration of the construction works:

- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- (b) all street trees immediately adjacent to the approved disturbance area / property boundary/ies must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree which is damaged or removed during construction due to an emergency must be replaced to the satisfaction of Council;
- (c) the following trees must be protected during construction in accordance with the Australian Standard AS 4970-2009 Protection of Trees on Development Sites (AS4970):
 - (i) trees to be retained in accordance with condition C20;
 - (ii) trees numbered 4, 5, 9, 10 and 11 in the Arboricultural Impact Assessment Report dated 24 November 2020 and prepared by Moore Trees, unless otherwise agreed by the Planning Secretary under condition C21;
 - (iii) trees numbered 35, 36, 37, 38, 39, 44, 45 and 46 in the Arboricultural Impact Assessment Report dated 24 November 2020 and prepared by Moore Trees.
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Landscaping

C23. Prior to the installation of landscaping, the Applicant must prepare a revised Landscape Plan to the satisfaction of the Planning Secretary. The plan must:

- (a) include planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity;
- (b) provide for:
 - (i) the retention of trees under condition C20;
 - (ii) the retention of additional trees to be retained under condition C21, unless otherwise agreed by the Planning Secretary under that condition;
 - (iii) a minimum 62% canopy cover within the site as stated in the 'Response letter to DPIE' by Ethos Urban dated 15 October 2020;
 - (iv) a new *Eucalyptus saligna* (to replace tree 48) in garden bed between COLA fire stairs pavement and kickabout area;
 - (v) six *Flindersia australis* (200L pot size), three *Banksia integrifolia* (200L pot size) and one *Magnolia grandiflora* (400L pot size);
 - (vi) compensatory tree planting of at least 36 trees with 30% of the tree species having a mature height of at least 6 metres, 30% mature heights of at least 10 metres and 40% mature heights of at least 20 metres;
- (c) include trees:
 - (i) that represent a diverse range of species consistent with the expected mature heights and growth within the Sydney area and avoid palms, fruit trees and species recognised to have a short life span;
 - (ii) that are grown to Australian Standard 2303:2015 'Tree stock for landscape use' and have a pot size at installation of at least 200 litres (except as otherwise stated in these conditions) and a minimum height of 3 metres;
 - (iii) that are planted in natural ground with adequate soil volumes to allow maturity to be achieved;
 - (iv) that are appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
- (d) include details of earthworks and soil depths including finished levels and any mounding, with minimum soil depths for planting on slab of 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers; and
- (e) include details of planting procedures, drainage, waterproofing and watering systems.

Air Quality

C24. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

C25. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Imported Soil

C26. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

Disposal of Seepage and Stormwater

- C27. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management

- C28. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

Stormwater Management System

- C29. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with applicable Australian Standards and the City of Sydney's Stormwater Drainage Manual, technical specifications, standards and policies;
 - (d) incorporate on-site detention in accordance with Sydney Water requirements;
 - (e) incorporate appropriate water quality measures; and
 - (f) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;

Unexpected Finds Protocol – Aboriginal Heritage

- C30. 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 Heritage NSW and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage NSW.

Unexpected Finds Protocol – Historic Heritage

- C31. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

Waste Storage and Processing

- C32. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- C33. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C34. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- C35. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- C36. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Outdoor Lighting

- C37. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Site Contamination

- C38. The Applicant must conduct site investigations to confirm the full nature and extent of the contamination at the project area and comply with the following requirements:
- (a) the site investigations must be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
 - (b) the reports must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme; and
 - (c) the recommendations of the Remedial Action Plan prepared by Douglas Partners dated August 2020, the Interim Advice 2 (IA2) (prepared by Zoic Environmental, dated 21 August 2020) and the unexpected finds procedure must be updated following results of further site investigations and implemented throughout duration of project work.
- C39. Remediation of the site must be carried out in accordance with:
- (a) the Remedial Action Plan prepared by Douglas Partners dated August 2020; or
 - (b) any variations approved by an NSW EPA-accredited Site Auditor and/or the recommendations of the site investigations undertaken under condition C38 or the unexpected finds protocol prepared in accordance with condition B12(c).
- C40. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- C41. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

Independent Environmental Audit

- C42. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the or commencement of an Independent Audit.
- C43. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C44. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 week's notice to the Applicant of the date or timing upon which the audit must be commenced.
- C45. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C43 of this consent, or condition C44 where notice is given;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- C46. Independent Audit Reports and the applicant/proponent's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary.
- C47. Notwithstanding the requirements of the Independent Audit Post Approval Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be

ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

Operational Readiness Work

- C48. Operational readiness work must not commence on site until the following details have been submitted to the Certifier:
- (a) a plan and description of the area(s) of the site to be used for operational readiness work (including pedestrian access) and areas still under construction (including construction access);
 - (b) the maximum number of staff to be involved in operational readiness work on site at any one time;
 - (c) arrangements to ensure the safety of school staff on the site, including how:
 - (i) areas to be used for operational readiness work will be clearly and securely separated from the areas of the site still under construction;
 - (ii) pedestrian access to and within the site will be managed to ensure no conflict with construction vehicle movements; and
 - (d) access and parking arrangements to minimise impacts on the surrounding street network having regard to number of staff involved in operational readiness work on site at any one time and parking arrangements for construction workers on site.
- C49. Operational readiness work must only be undertaken in accordance with the details submitted under condition C48 and the following requirements:
- (a) no more than 15 staff are involved in operational readiness work on site at any one time;
 - (b) no more than 5 vehicles may access the school related to the operational readiness work;
 - (c) no students or parents are permitted on the site; and
 - (d) the Applicant has implemented appropriate arrangements to ensure the safety of school staff on the site.

Art Strategy

- C50. Within three months of the commencement of construction, an elevation must be prepared in consultation with the Government Architect NSW and submitted to the Certifier showing the location and dimensions of an artwork to be installed on the elevation of the building at the corner of Golden Grove Street and Abercrombie Street. This must be of a scale and elevated location that assists in breaking-up the blank portion of the facade of the building and provides additional visual interest.
- C51. Within three months of the commencement of construction, an Art Strategy prepared by a suitably qualified person in consultation with the Government Architect NSW, must be submitted to the Certifier. The Strategy must include the details for the installation of artwork required under condition C50.

Aboriginal Cultural Heritage

- C52. The development must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by GML Heritage and dated 9 June 2020 in relation to the:
- (a) continuation of Aboriginal community engagement for internal design;
 - (b) archival recording of the existing school prior to demolition;
 - (c) transferring the existing movable art collection to the new school;
 - (d) photographing of murals which cannot be retained, and printing on large canvasses; and
 - (e) incorporation of spaces in the new school for the creation of new art.

PART D PRIOR TO COMMENCEMENT OF OPERATION

Notification of Occupation

- D1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

External Walls and Cladding

- D2. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- D3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Works as Executed Plans

- D4. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Warm Water Systems and Cooling Systems

- D5. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Outdoor Lighting

- D6. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Mechanical Ventilation

- D7. Prior to commencement of operation, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
 - (b) any dispensation granted by Fire and Rescue NSW.

Operational Noise – Design of Mechanical Plant and Equipment

- D8. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition B19 have been incorporated into the design of mechanical plant and equipment.

Fire Safety Certification

- D9. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- D10. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Compliance with Food Code

- D11. Prior to the commencement of operation, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

Post-construction Dilapidation Report

- D12. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - (c) to be forwarded to Council for information.

Protection of Public Infrastructure

- D13. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to any damage to roads caused as a result of general road usage.

Road Damage

- D14. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Protection of Property

- D15. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Bicycle Parking and End-of-Trip Facilities

- D16. Prior to occupation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the Certifier:
- (a) the provision of a minimum 63 bicycle and 82 scooter parking spaces;
 - (b) the layout, design and security of bicycle facilities must comply with the minimum requirements and design intent of the latest version of AS 2890.3:2015 *Parking facilities* -

Bicycle parking, and be located in easy to access, well-lit areas that incorporate passive surveillance;

- (c) the provision of end-of-trip facilities for staff; and
- (d) appropriate pedestrian and cyclist advisory signs are to be provided.

Note: All works/regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority.

School Zones

- D17. Prior to the commencement of operation, any required changes to School Zone signage, speed management signage and associated pavement markings must be installed, inspected by TfNSW and handed over to TfNSW.

Note: Any required approvals for altering public road speed limits, design and signage are required to be obtained from the relevant consent authority.

- D18. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

Drop-off/pick-up facilities

- D19. Prior to the commencement of operation, the Applicant must undertake changes to on-street drop-off/pick-up facilities (where approved by Council) to the satisfaction of Council. The Applicant must obtain approval for any works under section 138 of the *Roads Act 1993*.

Note: All costs associated with the proposed works must be borne by the Applicant.

School Transport Plan

- D20. Prior to the commencement of operation, a School Transport Plan (STP), must be submitted to the satisfaction of the Planning Secretary. The plan must:

- (a) be prepared by a suitably qualified consultant in consultation with Council and TfNSW;
- (b) include arrangements to promote the use of active and sustainable transport modes, including:
 - (i) objectives and modes share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation);
 - (ii) specific tools and actions to help achieve the objectives and mode share targets;
 - (iii) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.
- (c) include operational transport access management arrangements, including:
 - (i) detailed pedestrian analysis including the identification of safe route options to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the site in a safe and efficient manner during school start and finish;
 - (ii) the location and operational management procedures of the drop-off and pick-up parking, including staff management/traffic controller arrangements;
 - (iii) the location and operational management procedures for the drop-off and pick-up of students by buses and coaches including staff management/traffic controller arrangements;
 - (iv) delivery and services vehicle and bus access and management arrangements;
 - (v) management of approved access arrangements;
 - (vi) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing drop-off and pick-up zones;
 - (vii) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (d) measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the plan; and

- (e) a monitoring and review program.

Utilities and Services

- D21. Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

Stormwater Operation and Maintenance Plan

- D22. Prior to the commencement of operation, an Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the Certifier along with evidence of compliance with the SOMP. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Signage

- D23. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that any installed digital signage board is capable of having the intensity of its illumination adjusted and that it is capable of being switched off automatically.
- D24. Prior to the commencement of operation, way-finding signage must be installed within the site.
- D25. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

Operational Waste Management Plan

- D26. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) restrict waste collection to daytime hours only;
 - (c) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - (d) detail the materials to be reused or recycled, either on or off site; and
 - (e) include the Management and Mitigation Measures included in Section 7 of the EIS.

Site Contamination

- D27. Prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

Landscaping

- D28. Prior to the commencement of operation, landscaping of the site must be completed in accordance with landscape plan(s) approved under condition C23.
- D29. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping on-site, to the Certifier. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and

- (b) be consistent with the Applicant's Management and Mitigation Measures at Section 7 in the EIS.

Heritage Interpretation Plan

- D30. Prior to the commencement of operation, the Applicant must submit a Heritage Interpretation Plan in accordance with the recommendations of the Heritage Impact Statement prepared by GML Heritage and dated June 2020, to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Heritage NSW and Council; and
 - (b) incorporate the relevant recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by GML Heritage and dated April 2020.

Archaeological Salvage – Historic Archaeology

- D31. The Applicant must prepare an archaeological report of any salvage excavation undertaken in accordance with condition B21 and B22 (if salvage is required to be undertaken under that condition). An interim report of the salvage excavation must be provided for the information of the Planning Secretary within one month of completion of the salvage work and a final report provided within 12 months of completion of the salvage work or within another timeframe agreed with the Planning Secretary. Copies of the report must also be provided to the Heritage NSW and Council.

Consolidation of Lots

- D32. Prior to the commencement of operation, unless otherwise agreed by the Planning Secretary, Lot 100 in DP 623500 and Lot 592 in DP 7523049 must be consolidated into one lot on title and the plan lodged with the NSW Land Registry Services.

Aboriginal Cultural Heritage

- D33. Prior to the commencement of operation, evidence must be submitted to the Certifier that the recommendations set out in Section 7 of the Aboriginal Cultural Heritage Assessment Report prepared by GML Heritage dated 9 June 2020 have been implemented, as required under condition C52.

PART E POST OCCUPATION

Out of Hours Event Management Plan

- E1. Prior to the commencement of the first out of hours events (School Use) run by the school that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (School Use) in consultation with Council and submit it to the Council and Planning Secretary for information. The plan must include the following:
- (a) the number of attendees, time and duration;
 - (b) arrival and departure times and modes of transport;
 - (c) where relevant, a schedule of all annual events;
 - (d) measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
 - (e) details of the use of the school hall and sports court, where applicable, restricting use before 8am and after 10pm;
 - (f) measures to minimise localised traffic and parking impacts; and
 - (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- E2. The Out of Hours Event Management Plan (School Use) must be implemented by the Applicant for the duration of the identified events or use.
- E3. Prior to the commencement of out of hours events (Community Use) run by the external parties that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (Community Use) in consultation with Council and submit it to the Council and Planning Secretary for information. The plan must include the following:
- (a) the number of attendees, time and duration;
 - (b) arrival and departure times and modes of transport;
 - (c) where relevant, a schedule of all annual events;
 - (d) measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
 - (e) details of the use of the school hall and sports court, where applicable, restricting use before 8am and after 10pm;
 - (f) measures to minimise localised traffic and parking impacts; and
 - (g) measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- E4. The Out of Hours Event Management Plan (Community Use) must be implemented by the Applicant for the duration of the identified community event or use.

Operation of Plant and Equipment

- E5. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

- E6. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Community Communication Strategy

- E7. The Community Communication Strategy, as submitted to the Certifier, must be implemented for a minimum of 12 months following the completion of construction.

Environmental Management Plan

- E8. Upon completion of remediation works, the Applicant must manage the site in accordance with the Environmental Management Plan approved by the Site Auditor (if any) under condition D27 and any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997*.

Operational Noise Limits

- E9. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in SSDA Acoustic Assessment dated 4 June 2020 and prepared by Acoustic Logic.
- E10. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of the final stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement of use of the final stage of the development or other timeframe agreed to by the Planning Secretary to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in condition B19. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Unobstructed Driveways and Parking Areas

- E11. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

School Transport Plan

- E12. The School Transport Plan required by condition D20 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Ecologically Sustainable Development

- E13. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition B8, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting and Signage

- E14. Notwithstanding condition D6, should outdoor lighting (including from signage) result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.
- E15. The Applicant must ensure that any digital signage board is illuminated only between the hours of 7am and 5pm. Should the illumination of the signage board result in amenity impacts, the illumination must be adjusted to reduce the impacts to an acceptable level.

Landscaping

- E16. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D29 for the duration of occupation of the development.

Heritage Interpretation Plan

- E17. The Applicant must implement the most recent version of the Heritage Interpretation Plan approved under condition D30.

Installation of Artwork

E18. Within 12 months of the commencement of operation, evidence must be provided to the Certifier that artwork has been installed in accordance with the details submitted under condition C50.

Archival recording

E19. Within 12 months of completing the archival recording prepared under condition B33, a digital copy must be provided to Heritage NSW and Council.

APPENDIX 1 ADVISORY NOTES

General

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

Long Service Levy

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

Access for People with Disabilities

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

Utilities and Services

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

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

Road Design and Traffic Facilities

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

Road Occupancy Licence

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

SafeWork Requirements

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

Hoarding Requirements

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

Handling of Asbestos

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

Speed limit authorisation

AN12. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (a) a copy of the conditions of consent;

- (b) the proposed school commencement/opening date;
- (c) two sets of detailed design plans showing the following:
 - (i) accurate Site boundaries;
 - (ii) details of all road reserves, adjacent to the Site boundaries;
 - (iii) all proposed access points from the Site to the public road network and any additional conditions imposed/proposed on their use;
 - (iv) all existing and proposed pedestrian crossing facilities on the adjacent road network;
 - (v) all existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings); and
 - (vi) all existing and proposed street furniture and street trees.

Fire Safety Certificate

AN13. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A24 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-9914 Darlington Public School Redevelopment
Applicant	Department of Education
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

30 November 2020

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016*;
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including expanded and improved educational facilities, over \$41 million capital investment, 127 construction jobs and an additional 12 full time equivalent operational jobs;
- the project is permissible with development consent under the Sydney Local Environmental Plan 2012 and is consistent with NSW Government policies including the:
 - o Greater Sydney Region Plan;
 - o Eastern City District Plan;
 - o State Infrastructure Strategy 2018 – 2038 Building the Momentum;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards, as identified in the Department's Assessment Report;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent. The consent authority has imposed conditions relating to implementation of a School Transport Plan including sustainable transport measures, bicycle and scooter parking, operational noise management, biodiversity offset requirements, tree protection, tree replacement planting, landscaping, heritage, contamination and construction management; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 16 June 2020 to 13 July 2020 (28 days) and received 11 submissions, comprising seven submissions from public authorities (including Council) and four public submissions. Of the four submissions, one was an objection.

The Department also undertook a number of site inspections to inform its assessment of the proposal.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include tree removal and active transport. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Tree Removal</i> - Removal of an unacceptable number of trees. - Reduction in tree canopy. - Insufficient depth to support the planting or future growth of large trees replacement trees.	<i>Assessment</i> - The Department acknowledges the proposal would result in: - direct impacts to 0.16ha of native vegetation. - the removal of the majority of existing trees on the site. - The Department is satisfied that the scale of tree removal can be mitigated through amended landscape plans, replacement tree planting and retention of additional trees. <i>Conditions</i> - Retirement of two ecosystem credits as set out in the Biodiversity Development Assessment Report. - Eight trees are to be retained. - Further investigations are required to inform changes to the landscape plan with the objective of retaining a further five trees. - Replacement planting of 36 trees with 30 per cent of the tree species having a mature height of at least 6 metres, 30 per cent mature heights of at least 10 metres and 40 per cent mature heights of at least 20 metres.
<i>Active Transport</i> Not enough bicycle and scooter parking spaces have been proposed to cater to the increased school capacity.	<i>Assessment</i> - Amended plans provided with the Applicant's Response to Submissions increased the proposed number of bicycle and scooter spaces from 67 to 145 (63 bicycle spaces and 82 scooter spaces). The new bicycle parking facilities proposed on site would be sufficient to accommodate the increased school capacity. <i>Conditions</i> - A minimum of 63 bicycle and 82 scooter parking spaces are required to be provided. - The layout, design and security of bicycle facilities must comply with the minimum requirements and design intent of Australian Standard 2890.3:2015 Parking facilities - Bicycle parking.



NOTICE OF STATE SIGNIFICANT DEVELOPMENT DETERMINATION

Darlington Public School Redevelopment

Application No	SSD-9914
Description	Redevelopment and expansion of Darlington Public School including: • Demolition of existing buildings, tree removal and excavation works; • Construction of a new three storey building to accommodate the school and pre-school; • Associated works including landscaping, signage, fencing and public domain improvements; • Modification to the existing on-street pick-up / drop-off zones; and • Consolidation of two lots into one lot.
Location	Lot 100 in DP 623500 and Lot 592 in DP 7523049
Applicant	NSW Department of Education
Council Area	City of Sydney
Determination	Approval subject to conditions
Determination Date	30 November 2020
Registration Date	14 December 2020
Consent Authority	Minister for Planning and Public Spaces

On 30 November 2020 the Executive Director, Infrastructure Assessments as delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020 granted consent for the development application (SSD-9914) for the Darlington Public School Redevelopment in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act).

The development consent is subject to conditions, which are available on the Department's website. The reasons for approval and conditions are provided in the assessment report and the Notice of Decision. These documents, including any endorsed plans can be found on the Department's Major Projects website at: <https://www.planningportal.nsw.gov.au/major-projects/project/9671>.

The consent has effect on and from 14 December 2020.

The consent lapses on 14 December 2025 unless the development has physically commenced before that date (in the case of development consent for the erection of a building, subdivision of land or the carrying out of a work) or if the use of land, building or work has actually commenced before that date.

Reviews/Appeals

Certain appeal and review rights are available to applicants and objectors following determination of a development application.

The applicant does not have a right to request a review of the determination under section 8.2 of the Act.

If the applicant is dissatisfied with the determination of the application, the applicant has the right, under section 8.7 of the Act, to appeal to the Land and Environment Court within 12 months of the date the determination was notified or registered on the NSW planning portal.



GENERAL NOTES

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- ALL LEVELS RELATIVE TO AUSTRALIAN HEIGHT DATUM.
- DO NOT SCALE DRAWINGS.
- USE FIGURED DIMENSIONS ONLY.

- Legend
- PS401 Homebase Unit
 - PS501 Library Unit
 - PS502 Special Programs Unit
 - PS503 Communal Hall Unit
 - PS504 COLA
 - PS601 Administration Unit
 - PS602 Staff Unit
 - PS604 Canteen
 - PS613 OSHC
 - PS605 Storage Unit
 - Pre-School Unit
 - Wet Areas
 - Circulation
 - External Circulation
 - Services

Planning, Industry & Environment

Issued under the Environmental Planning and Assessment Act 1979

Approved Application no: SSD-9914 Signed: *[Signature]*

Granted on: 30 November 2020 Sheet no: 2 of 10

05	10/11/20	SSDA - Response to Submissions	CD
04	20/8/20	SSDA - Response to Submissions	Final
03	28/4/20	SSDA Submission	CD
02	11/4/20	SSDA Submission	CD
01	9/4/20	For 70% Schematic Design	IL
A	1/4/20	For 70% Schematic Design	CD
rev	date	name	by chk

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Project
Darlington Public School
Golden Grove Street
Darlington NSW 2008

Title
General Arrangement Plans
Upper Ground Plan - S2

scale	1:200 @ A1 - 1:400 @ A3	first issued	1/4/20
project code	sheet no.	revision	
DTPS	2051		05

GENERAL NOTES

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Legend

- PS401 Homebase Unit
- PS501 Library Unit
- PS502 Special Programs Unit
- PS503 Communal Hall Unit
- PS504 COLA
- PS601 Administration Unit
- PS602 Staff Unit
- PS604 Canteen
- PS613 OSHC
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- Services



**Planning,
Industry &
Environment**

Issued under the Environmental Planning and Assessment Act 1979

Approved Application no: SSD-9914 Signed: *[Signature]*

Granted on: 30 November 2020 Sheet no: 3 of 10

04	20/8/20	SSDA - Response to Submissions	Int	Gene
03	28/4/20	SSDA Submission	CD	rel
02	17/4/20	SSDA Submission	CD	
01	9/4/20	For 70% Schematic Design	IL	
A	1/4/20	For 70% Schematic Design	CD	
rev	date	name	by	chk

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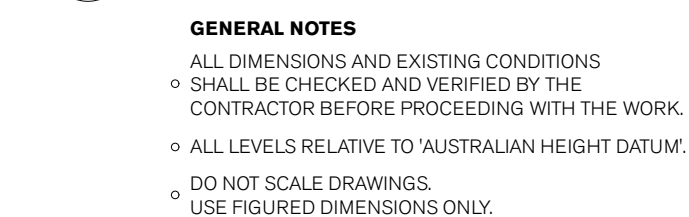
project
Darlington Public School
Golden Grove Street
Darlington NSW 2008

title
General Arrangement Plans
Level 1 Plan - S2

scale 1:200 @ A1 - 1:400 @ A3 first issued 1/4/20

project code sheet no. revision

DTPS 2052 04



PS401	Homebase Unit
PS501	Library Unit
PS502	Special Programs Unit
PS503	Communal Hall Unit
PS504	COLA
PS601	Administration Unit
PS602	Staff Unit
PS604	Canteen
PS613	OSH/C
PS605	Storage Unit
	Pre-School Unit
	Wet Areas
	Circulation
	External Circulation
	Services



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fjmt

DTPS 2053 04

02

05

10m

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- Legend
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- PS501 Library Unit
- PS502 Special Programs Unit
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- PS504 COLA
- PS601 Administration Unit
- PS602 Staff Unit
- PS604 Canteen
- PS613 OSHC
- PS605 Storage Unit
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- Wet Areas
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- Services

NSW

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Planning,
Industry &
Environment

Issued under the *Environmental Planning and Assessment Act 1979*

Approved Application no: SSD-9914 Signed: 

Granted on: 30 November 2020 Sheet no: 5 of 10

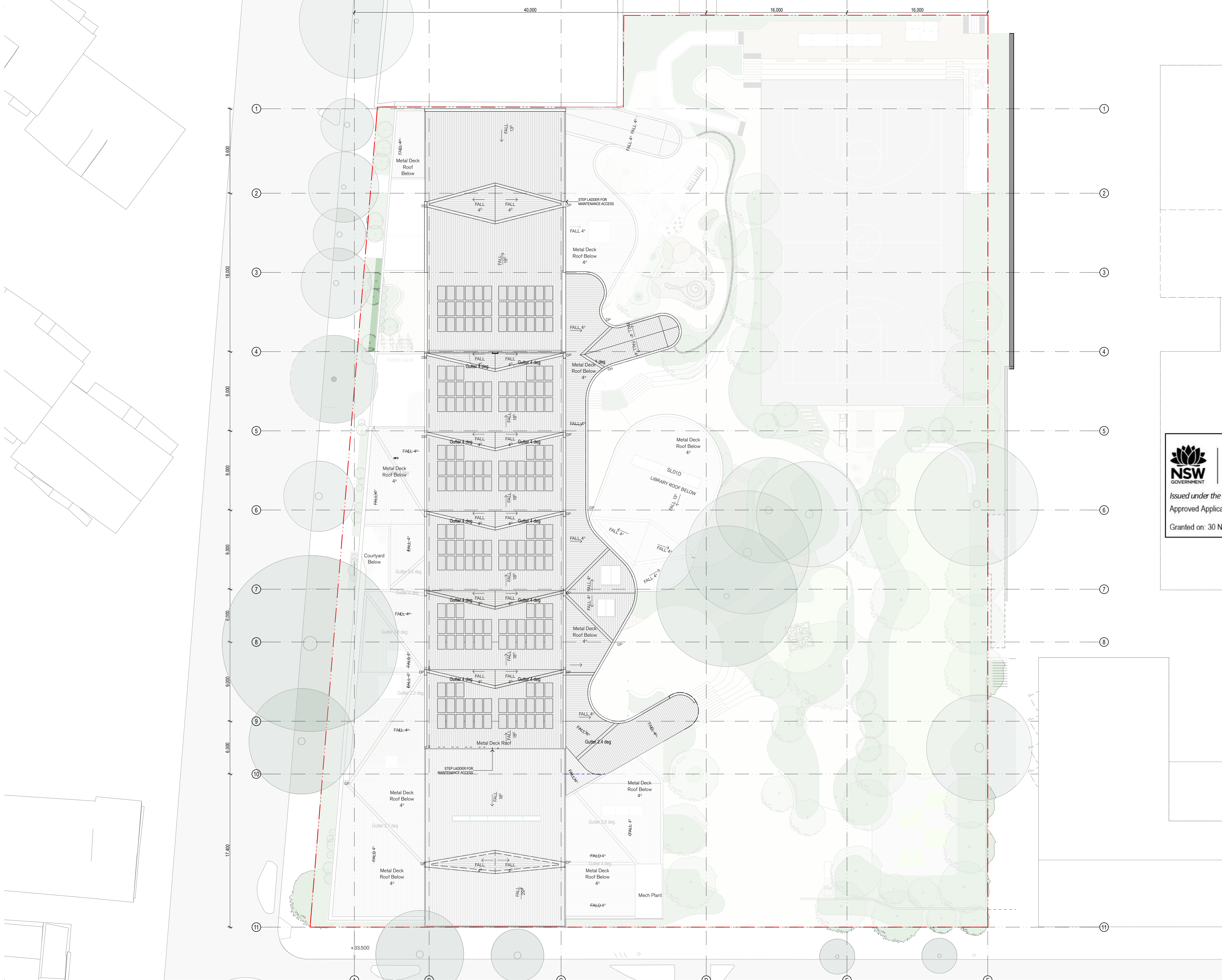
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03	28/4/20	SSDA Submission	General
02	17/4/20	SSDA Submission	CD
01	9/4/20	For 70% Schematic Design	IL
A	1/4/20	For 70% Schematic Design	CD
rev	date	name	by chk

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project
Darlington Public School
Golden Grove Street
Darlington NSW 2008

title
General Arrangement Plans
Roof Plan - S2

scale	1:200 @ A1 - 1:400 @ A3	first issued	1/4/20
project code	sheet no.	revision	
DTPS	2054	04	



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 DEMOLITION

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Approved Application no: SSD-9914 Signed:

Granted on: 30 November 2020

Sheet no: 6 of 10

02	28/4/20	SSDA Submission	CD	
01	17/4/20	SSDA Submission	CD	
rev	date	name	by	chk

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project
Darlington Public School
Golden Grove Street
Darlington NSW 2008

title
Demolition Plan - SSDA
Demolition Plan - SSDA

scale	1:200 @ A1	first issued	17/4/20
project code	sheet no.	revision	
DTPS	2101	02	

02510

GENERAL NOTES

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Legend

FT01

New dark-coloured face-brick with recessed aluminium glazing

FT02

New light coloured face-brick

FT03

Perforated Brickwork to match adjacent brick type

FT04

New face-brick to match FT02 with aluminium framed recessed glazing

FT05

metal mesh / perforated facade

FT06

New dark coloured face brick with aluminium framed glazing system

FT07

Metal mesh with blockwork wall behind

FT08

Aluminium framed glazing system with prefinished FC cladding

FT09

Aluminium framed glazing in recessed FT01 brickwork

FT10

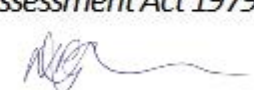
New light coloured face brick with recessed aluminium framed windows

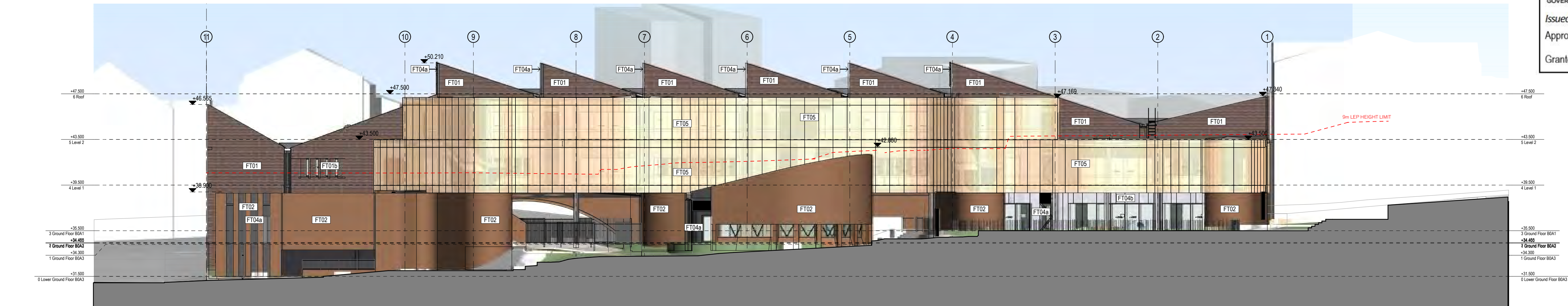


1 ELEVATION Golden Grove St Elevation 1:200
1:200

NSW GOVERNMENT

Planning, Industry & Environment

Issued under the Environmental Planning and Assessment Act 1979
Approved Application no: SSD-9914 Signed: 
Granted on: 30 November 2020 Sheet no: 7 of 10



2 ELEVATION Play Area Elevation 1:200
1:200



3 ELEVATION Abercrombie St Elevation 1:200
1:200

05	10/11/20	SSDA - Response to Submissions	CD
04	20/8/20	SSDA - Response to Submissions	Final General
03	28/4/20	SSDA Submission	CD
02	17/4/20	SSDA Submission	CD
01	9/4/20	For 70% Schematic Design	IL
A	1/4/20	For 70% Schematic Design	CD
rev	date	name	by chk

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project

Darlington Public School
Golden Grove Street
Darlington NSW 2008

title

Elevations - 1:200
Elevations - 1:200

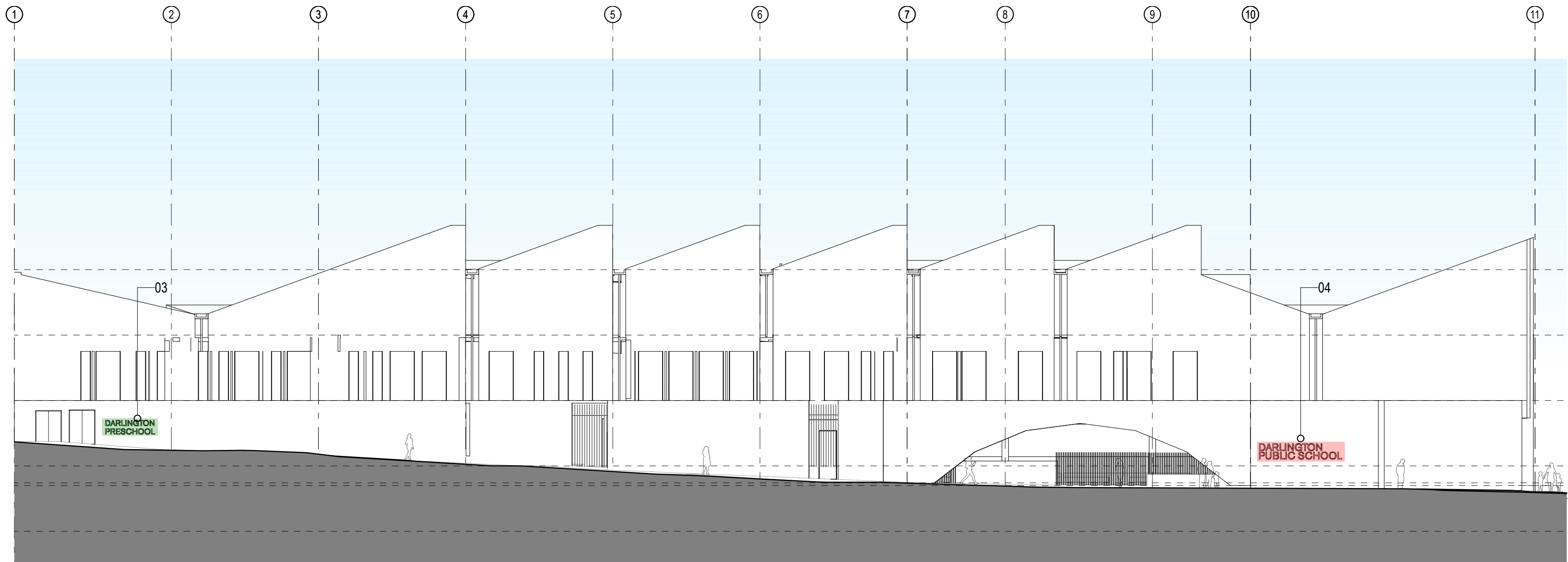
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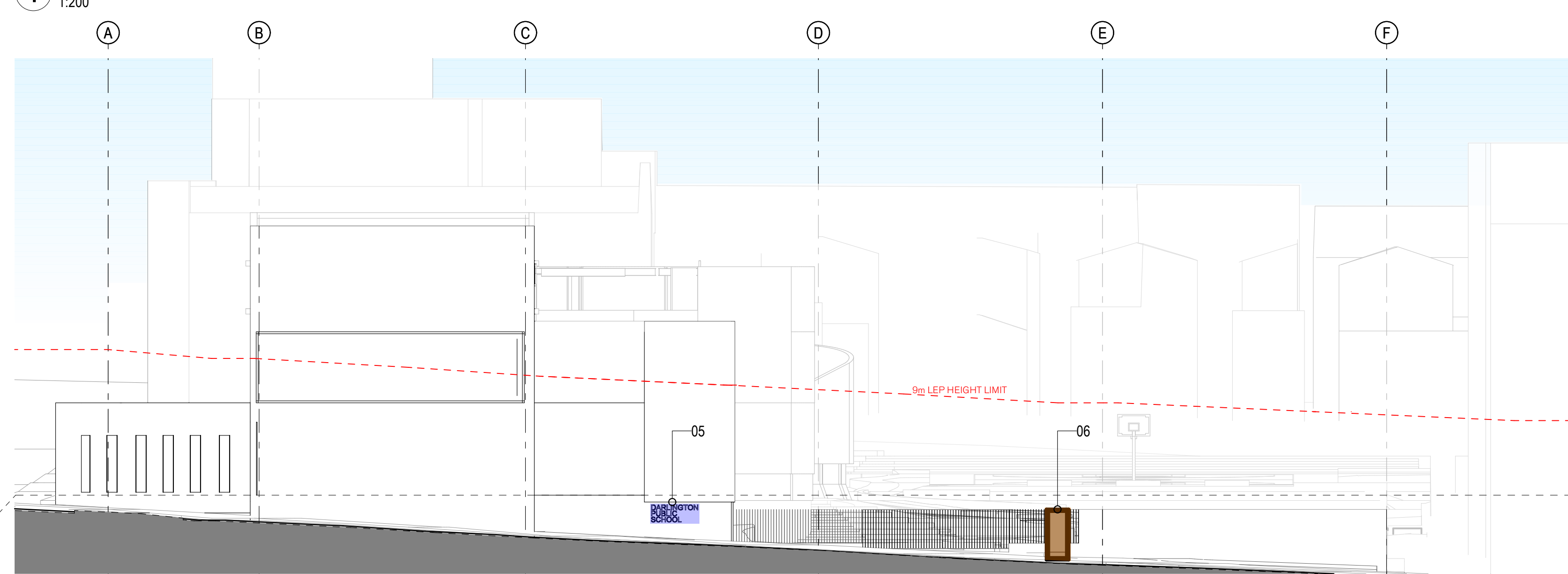
GENERAL NOTES

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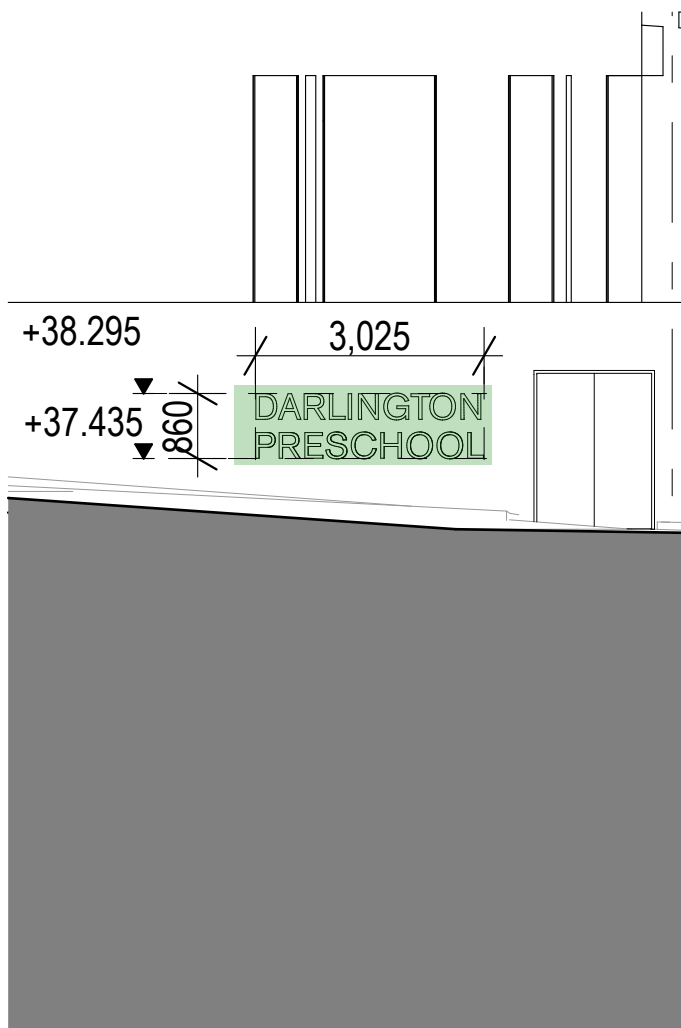
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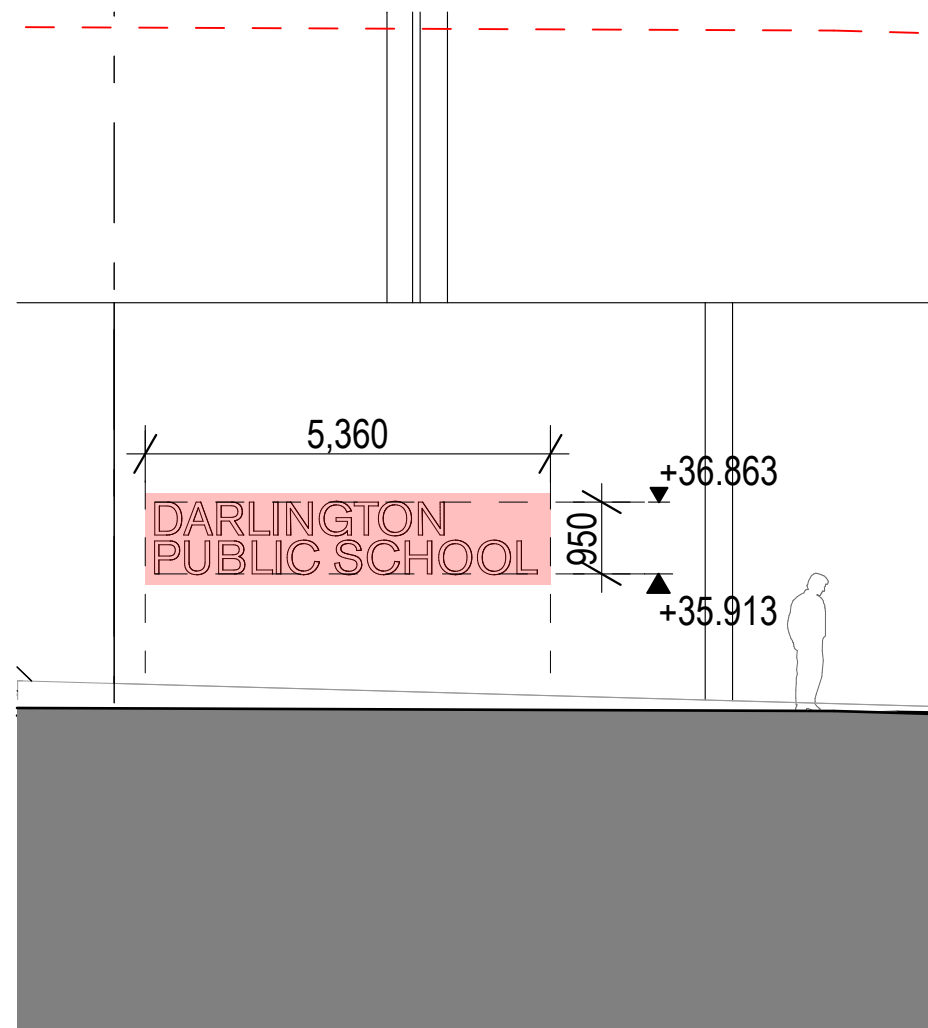
1 ELEVATION Golden Grove St Elevation
1:200



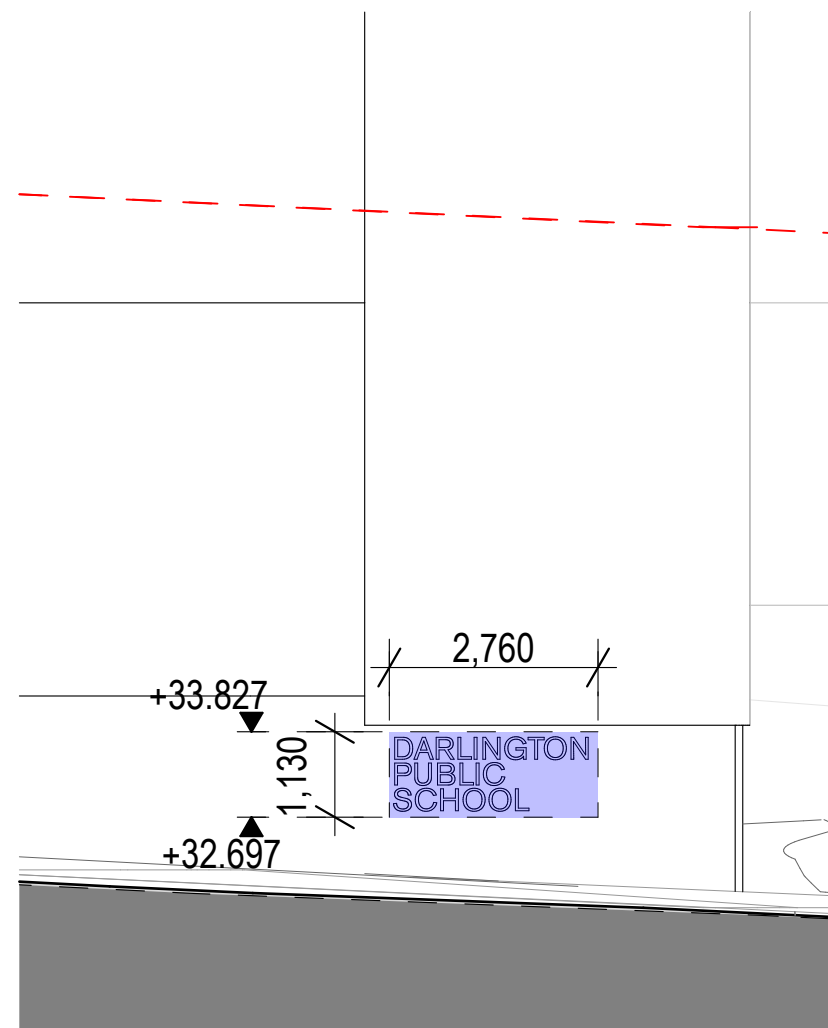
2 ELEVATION Abercrombie St Elevation
1:200



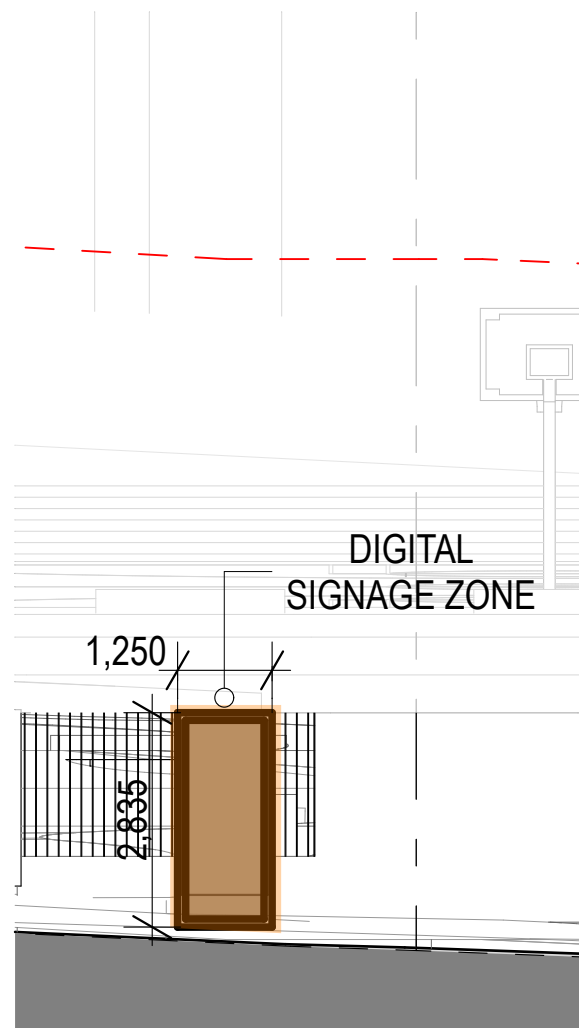
3 ELEVATION Darlington Preschool Signage Zone
1:100



4 ELEVATION Primary School Signage Zone 1
1:100



5 ELEVATION Primary School Zone 2
1:100



6 ELEVATION Abercrombie St Elevation 1:50
1:100



02	28/4/20	SSDA Submission	CD
01	17/4/20	SSDA Submission	CD
rev	date	name	by chk

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project
Darlington Public School
Golden Grove Street
Darlington NSW 2008

title
Elevations - Signage
Elevations - Signage

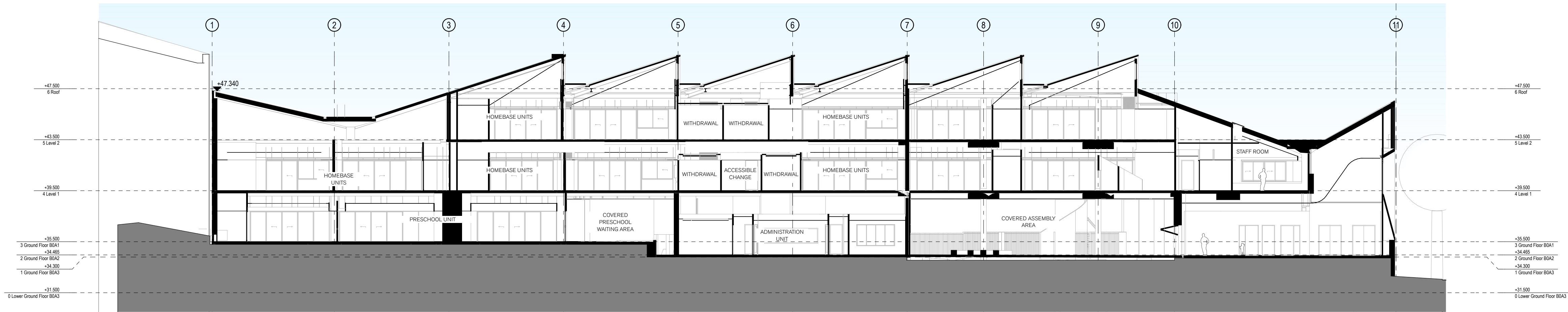
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project code	sheet no.	revision	
DTPS	3300	02	

02510

GENERAL NOTES

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legend

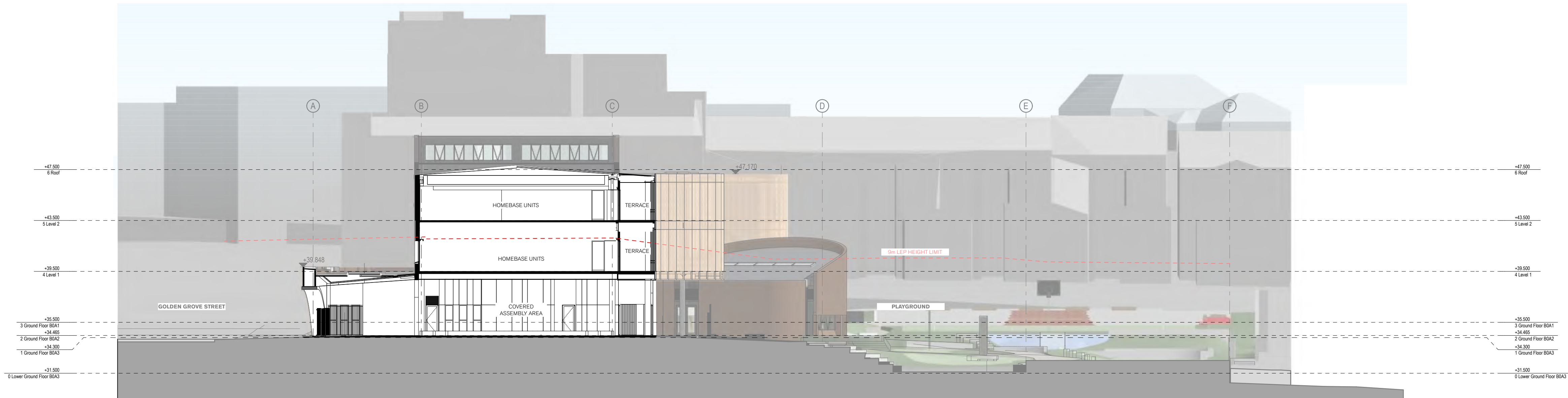


1 SECTION Long Section - Golden Grove St
1:200

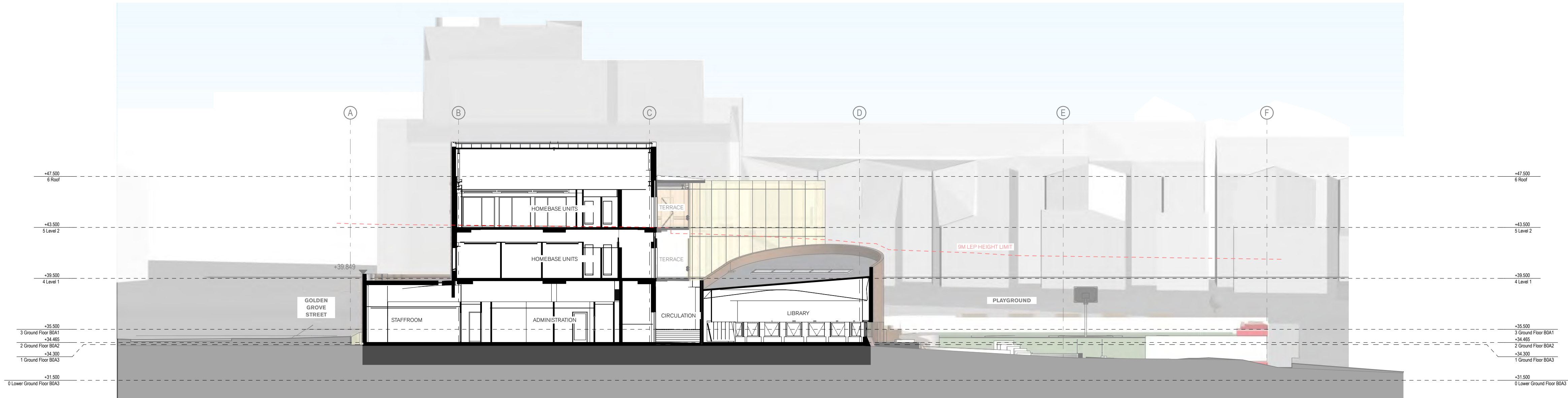
NSW
GOVERNMENT

Planning,
Industry &
Environment

Issued under the *Environmental Planning and Assessment Act 1979*
Approved Application no: SSD-9914 Signed:
Granted on: 30 November 2020 Sheet no: 9 of 10



2 ELEVATION Short Section through Entry Space
1:200



3 SECTION Short Section Through Admin and Library
1:200

04	20/8/20	SSDA - Response to Submissions	fjmt
03	28/4/20	SSDA Submission	General
02	17/4/20	SSDA Submission	CD
01	9/4/20	For 70% Schematic Design	IL
A	1/4/20	For 70% Schematic Design	CD
rev	date	name	by chk

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project
Darlington Public School
Golden Grove Street
Darlington NSW 2008

title
Sections - 1:200
Sections - 1:200

scale	1:200 @ A1	first issued	1/4/20
project code		sheet no.	revision
DTPS		4200	04

02510m

GENERAL NOTES

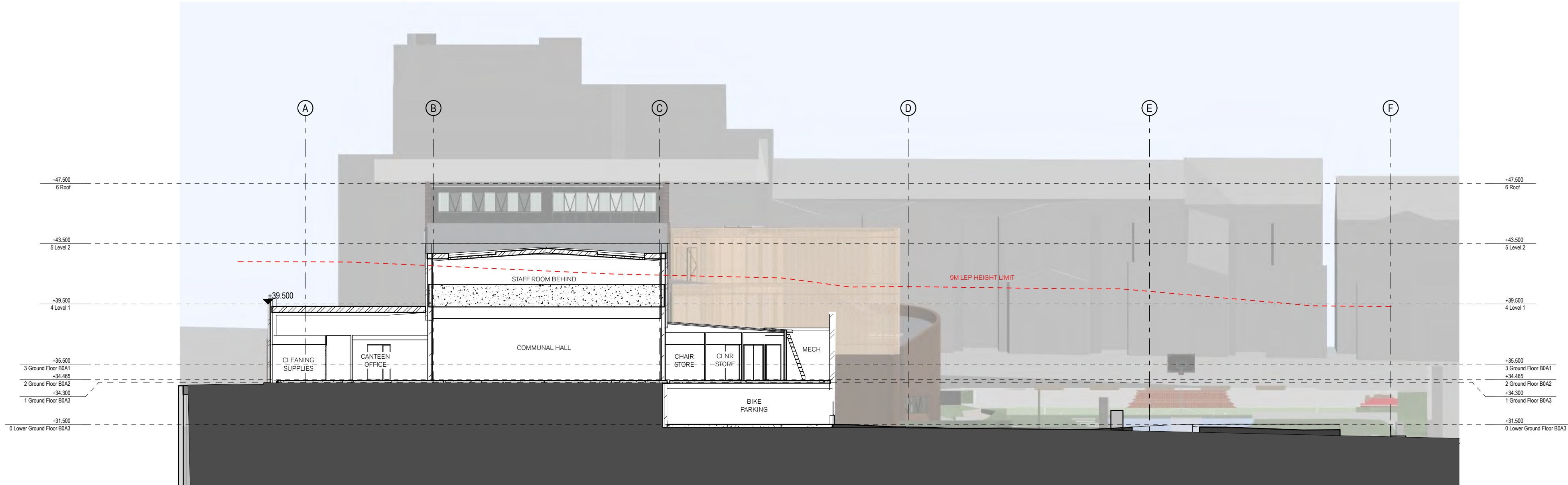
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ALL LEVELS RELATIVE TO AUSTRALIAN HEIGHT DATUM.

DO NOT SCALE DRAWINGS

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legend



1 SECTION Section through Hall
1:200

NSW

GOVERNMENT

Planning,
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Environment

Issued under the *Environmental Planning and Assessment Act 1979*

Approved Application no: SSD-9914 Signed:

Granted on: 30 November 2020 Sheet no: 10 of 10

rev	date	name	by	chk
04	20/8/20	SSDA - Response to Submissions	fjmt	Gene ral
03	28/4/20	SSDA Submission	CD	
02	17/4/20	SSDA Submission For 70% Schematic Design	CD	
01	9/4/20		IL	

fjmt studio architecture interiors landscape urban community

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fjmt

project

Darlington Public School
Golden Grove Street
Darlington NSW 2008

title

Sections - 1:200
Sections - 1:200

scale

1:200 @ A1

first issued

9/4/20

project code

sheet no.

revision

DTPS

4201

04

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Erica van den Honert
A/Executive Director
Infrastructure Assessments

Sydney

30 November 2020

SCHEDULE 1

Application Number:	SSD 9914
Applicant:	NSW Department of Education
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 100 in DP 623500 and Lot 592 in DP 7523049 Golden Grove Street, Darlington
Development:	Redevelopment and expansion of Darlington Public School including: • Demolition of existing buildings, tree removal and excavation works; • Construction of a new three storey building to accommodate the school and pre-school; • Associated works including landscaping, signage, fencing and public domain improvements; and • Modification to the existing on-street pick-up / drop-off zones • Consolidation of two lots into one lot.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Department of Education or any other person carrying out any development to which this consent applies
Approved disturbance area	The area identified as such on the development layout
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including (unless specifically excluded by a condition) but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following: • building and road dilapidation surveys; • investigative drilling or investigative excavation; • Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)
Council	City of Sydney

Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising the redevelopment of Darlington Public School, as modified by the conditions of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled Environmental Impact Statement, prepared by Ethos Urban dated 9 June 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
IBRA	Interim Biogeographic Regionalisation for Australia
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
EMP	Environmental Management Plan
Management and mitigation measures	The management and mitigation measures set out in Section 7 of the EIS
Material harm	Is harm that:

	a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction excluding operational readiness work
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Operational readiness work	Use of the completed areas of the site by school staff to prepare for the operation of the school.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to submissions	The Applicant’s response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS and Response to Submissions;
 - (d) in accordance with the approved plans in the table below:

Architectural drawings prepared by fjmt studio			
Dwg No.	Rev	Name of Plan	Date
DTPS-2050	04	General Arrangement Plans Lower Ground Plan – S2	20/08/2020
DTPS-2051	05	General Arrangement Plans Upper Ground Plan – S2	10/11/2020
DTPS-2052	04	General Arrangement Plans Level 1 Plan – S2	20/08/2020
DTPS-2053	04	General Arrangement Plans Level 2 Plan – S2	20/08/2020
DTPS-2054	04	General Arrangement Plans Roof Plan – S2	20/08/2020
DTPS-2101	02	Demolition Plan – SSDA	28/04/2020
DTPS-3200	05	Elevations – 1:200	10/11/2020
DTPS-3300	02	Elevations – Signage	28/04/2020
DTPS-4200	04	Sections – 1:200	20/08/2020
DTPS-4201	04	Sections – 1:200	20/08/2020

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

Limits of Consent

- A5. This consent lapses five years after the date of consent unless work is physically commenced.

Prescribed Conditions

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

Planning Secretary as Moderator

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

Evidence of Consultation

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging

- A9. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction (unless otherwise agreed by the Planning Secretary) of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

Note: Works may commence upon the Planning Secretary's approval of the Staging Report and satisfaction of all relevant conditions.

- A10. A Staging Report prepared in accordance with condition A9 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A12. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

Staging, Combining and Updating Strategies, Plans or Programs

- A13. The Applicant may:

- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
 - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A14. Any strategy, plan or program prepared in accordance with condition A13, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A15. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A16. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Structural Adequacy

- A17. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

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

External Walls and Cladding

- A18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

- A19. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A20. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- A21. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Access to Information

- A22. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary and publicly available for 12 months after the commencement of operations.

Compliance

- A23. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

- A24. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A25. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

- A26. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A27. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A28. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

- A29. Within three months of:
- (a) the submission of a compliance report under condition A32;
 - (b) the submission of an incident report under condition A25;
 - (c) the submission of an Independent Audit under condition C43 or C44;

- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

- A30. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

Compliance Reporting

- A31. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements.
- A32. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed by the Planning Secretary.
- A33. The Applicant must make each Compliance Report publicly available within 60 days of submitting it to the Planning Secretary.
- A34. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- B1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- B2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- B3. Prior to the commencement of construction (excluding the demolition and removal of buildings, bulk earthworks and tree removal) the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

External Walls and Cladding

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

Protection of Public Infrastructure

- B5. Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- B6. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, heritage items and Council assets that are likely to be impacted by the proposed works.

Community Communication Strategy

- B7. No later than 48 hours before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and

- (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

Ecologically Sustainable Development

- B8. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
 - (b) seeking approval from the Planning Secretary for an alternative certification process.

Outdoor Lighting

- B9. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Demolition

- B10. Prior to the commencement of demolition, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

Environmental Management Plan Requirements

- B11. Management plans required under this consent must be prepared having regard to the relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

Note:

- The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>
- The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

Construction Environmental Management Plan

- B12. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary for information. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (v) community consultation and complaints handling as set out in the Community Communication Strategy required by condition B7;
 - (b) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed;
 - (c) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
 - (d) Construction Traffic and Pedestrian Management Sub-Plan (see condition B13);
 - (e) Construction Noise and Vibration Management Sub-Plan (see condition B14);
 - (f) Construction Soil and Water Management Sub-Plan (see condition B15);
 - (g) Biodiversity Management Sub-Plan (see condition B16);

- B13. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
 - (d) detail heavy vehicle routes, access and parking arrangements.
- B14. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition B14;
 - (f) include a complaints management system that would be implemented for the duration of the construction; and
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition B11.
- B15. The Construction Soil and Water Management Sub-Plan (CSWMSP) must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (c) describe all erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
 - (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (e) detail all off-Site flows from the Site; and
 - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 5-year ARI.
- B16. The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:
- (a) the mitigation measures and actions set out in the Biodiversity Development Assessment Report dated 12 May 2020 and prepared by Eco Logical Australia; and
 - (b) additional mitigation measures and actions for Microbats set out in Table 2 of the supplementary letter dated 30 July 2020 and prepared by Eco Logical Australia.
- B17. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;

- (c) minimise road traffic noise; and
- (d) ensure truck drivers use specified routes.

Construction Parking

- B18. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be provided to the Planning Secretary for information.

Operational Noise – Design of Mechanical Plant and Equipment

- B19. Prior to installation of mechanical plant and equipment a detailed assessment of mechanical plant and equipment must be undertaken by a suitably qualified person as recommended in the SSDA Acoustic Assessment dated 4 June 2020 and prepared by Acoustic Logic. Noise from mechanical plant and equipment must achieve no greater than background noise +5db.
- B20. Evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under B19 have been incorporated into the design.

Archaeological Inspection– Historic Archaeology

- B21. Prior to the commencement of construction in the south-west corner of the site evidence must be submitted to the Certifier that the following recommendations contained in the Historical Archaeological Assessment dated 6 September 2019 and prepared by Casey and Lowe are to be implemented:
- (a) the south-west corner of the site be inspected and tested by an archaeologist after demolition;
 - (b) if relics are found then:
 - (i) archaeological recording recommended in accordance with the Archaeological research design in section 6.0 of the Casey and Lowe Report; and
 - (ii) a report is to be prepared on the results of the archaeological program (including an analysis of the artefacts recovered from the study area) in accordance with Heritage Council guidelines.
- B22. Historical archaeological testing and inspection required under condition B21 must be undertaken by a suitably qualified and experienced professional. Any salvage excavation is to be undertaken in accordance with the requirements of Heritage NSW and section 6 of the Historical Archaeological Assessment.

Biodiversity

- B23. Prior to the commencement of vegetation clearing, the class and number of ecosystem credits in the table below must be retired to offset the residual biodiversity impacts of the development.
- B24. The requirement to retire credits in condition B23 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.
- B25. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B23 must be provided to the Planning Secretary prior to carrying out development that will impact on biodiversity values.

A PCT as specified below	Number of Credits	In the below IBRA subregions
PCT 1281 Turpentine – Grey Ironbark open forest on shale in the lower Blue Mountains, Sydney Basin Bioregion	2	Sydney Basin IBRA region and Cumberland subregion

Construction and Demolition Waste Management

- B26. Prior to the commencement of the removal of any waste material from the site, the Applicant must notify the TfNSW Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site.

Operational Waste Storage and Processing

- B27. Prior to the commencement of construction of waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the operational waste storage area:
- (a) is constructed using solid non-combustible materials;
 - (b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
 - (c) includes a hot and cold water supply with a hose through a centralised mixing valve;
 - (d) is naturally ventilated or an air handling exhaust system must be in place; and
 - (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

Construction Access Arrangements

- B28. Prior to the commencement of construction, evidence of compliance of construction parking and access arrangements with the following requirements must be submitted to the Certifier:
- (a) all vehicles must enter and leave the site in a forward direction;
 - (b) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, is in accordance with the latest version of AS 2890.2; and
 - (c) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, has been addressed.

Public Domain Works

- B29. Prior to the commencement of construction of any footpath or public domain works, a Public Domain Works Deposit must be submitted to Council as an unconditional bank guarantee or insurance bond as per Council's Performance Bond Policy in favour of Council as security for completion of the obligations under this consent (Guarantee). The Guarantee amount will be determined in accordance with Council's adopted fees and charges and the Public Domain Manual and other relevant Council policy. The amount will be based on the approved works. The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to Council's standards and approval and the required certifications, warranties and works-as executed documentation are submitted and approved by Council in writing. Upon obtaining Council's approval, 90% of the security will be released and 10% will be retained for the duration of the specified Defects Liability Period.
- B30. Prior to the commencement of construction of public domain works, a detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council. The Public Domain Plan must document:
- (a) a set of hold points for approved public domain, civil and drainage work in accordance with the Council's Public Domain Manual and Sydney Streets Technical Specification;
 - (b) all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Code and Sydney Streets Technical Specification, including requirements for road pavement, footway pavement, kerb and gutter, drainage, vehicle crossovers, signage and other public domain elements; and
 - (c) any approved or amended Alignment Levels if applicable.
- Note: All works to Council's public domain, including rectification of identified defects, are subject to a 6-month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Practical Completion for public domain works.*

Site Contamination

- B31. Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

Hazardous Materials and Asbestos Management Plan

- B32. Prior to the commencement of construction, a Hazardous Materials and Asbestos Management Plan prepared by a suitably qualified and experienced consultant must be submitted to the satisfaction of the Certifier. The plan must:
- (a) comply with the recommendations of the Hazardous Materials Survey prepared by Douglas Partners and dated 20 April 2018;
 - (b) apply to the entire site (the entirety of existing Lot 100 DP 623500 and Lot 592 DP 752049); and
 - (c) include arrangements and procedures to be implemented prior to and during construction as well as on an ongoing operational basis.

Archival recording

- B33. Prior to the commencement of construction and while the school is operational, or alternative timing as agreed to in writing by the Planning Secretary, a photographic archival record of the external and internal areas of the school must be made in accordance with the recommendations contained in the Heritage Impact Statement prepared by GML Heritage and dated June 2020. The archival recording must be prepared in accordance with the NSW Heritage Branch guidelines titled Photographic Recording of Heritage Items using Film or Digital Capture. The record must include views from key vantage points.

PART C DURING CONSTRUCTION

Site Notice

- C1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer and must satisfy the following requirements:
 - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice a minimum of 30-point type size;
 - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (d) 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 complaints, must be displayed on the site notice; and
 - (e) the notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must to state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- C2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Demolition

- C3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition B10.

Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C5. Notwithstanding condition C4, provided noise levels do not exceed the existing background noise level plus 5dB, works may be undertaken during the following hours:
- (a) between 6pm and 7pm, Mondays to Fridays inclusive; and
 - (b) between 1pm and 4pm, Saturdays.
- C6. Construction activities may be undertaken outside of the hours in condition C4 and C5 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers; or
 - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- C7. Notification of such construction activities as referenced in condition C6 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and

- (c) 9am to 12pm, Saturday.

Implementation of Management Plans

- C9. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

Construction Traffic

- C10. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

Hoarding Requirements

- C11. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
 - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

No Obstruction of Public Way

- C12. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Construction Noise Limits

- C13. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- C14. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C4.
- C15. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

- C16. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C17. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C16.
- C18. The limits in conditions C16 and C17 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B14 of this consent.

Trees approved for removal

- C19. Unless otherwise agreed by the Planning Secretary under condition C21, tree removal must be limited to trees numbered 1, 2, 7, 8, 16, 26-32, 47-48, and 52-55 in the Arboricultural Impact Assessment Report dated 24 November 2020 and prepared by Moore Trees.

Trees to be retained

C20. Trees numbered 6, 12, 13, 14, 15, 17, 18, 19, 35, 36, 37, 38, 39, 44, 45, 46 in the Arboricultural Impact Assessment Report dated 24 November 2020 and prepared by Moore Trees are to be retained. All street trees are to be retained.

Arboricultural investigations

C21. Prior to the commencement of works that would encroach into the tree protection zones of trees numbered 4, 5, 9, 10 and 11 in the Arboricultural Impact Assessment Report dated 24 November 2020 and prepared by Moore Trees, the Applicant must:

- (a) undertake further investigations to determine the landscape design changes and measures and methods required to retain the trees. These investigations are to incorporate advice from a Level 5 (Australian Qualification Framework) qualified arborist, and include non-destructive root investigations undertaken in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites (AS4970), where required to inform the landscape design changes;
- (b) submit a report documenting the findings of the investigations for the approval of the Planning Secretary that details the design changes and methods and measures to retain the trees. Where it has been concluded that the retention of a tree would prevent the objectives of the landscape design and/or project overall being achieved, sufficient details must be provided to support the conclusions, including:
 - (i) alternative landscape design options considered;
 - (ii) details of levels or other critical factors;
 - (iii) advice from appropriately qualified persons; and
- (c) submit an updated Tree Protection Plan (scaled drawing) to the Planning Secretary that reflects the outcome of the investigations and shows the tree protection zones, structural root zones and canopies for trees affected by the proposed development.

Tree Protection

C22. For the duration of the construction works:

- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- (b) all street trees immediately adjacent to the approved disturbance area / property boundary/ies must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree which is damaged or removed during construction due to an emergency must be replaced to the satisfaction of Council;
- (c) the following trees must be protected during construction in accordance with the Australian Standard AS 4970-2009 Protection of Trees on Development Sites (AS4970):
 - (i) trees to be retained in accordance with condition C20;
 - (ii) trees numbered 4, 5, 9, 10 and 11 in the Arboricultural Impact Assessment Report dated 24 November 2020 and prepared by Moore Trees, unless otherwise agreed by the Planning Secretary under condition C21;
 - (iii) trees numbered 35, 36, 37, 38, 39, 44, 45 and 46 in the Arboricultural Impact Assessment Report dated 24 November 2020 and prepared by Moore Trees.
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Landscaping

C23. Prior to the installation of landscaping, the Applicant must prepare a revised Landscape Plan to the satisfaction of the Planning Secretary. The plan must:

- (a) include planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity;
- (b) provide for:
 - (i) the retention of trees under condition C20;
 - (ii) the retention of additional trees to be retained under condition C21, unless otherwise agreed by the Planning Secretary under that condition;
 - (iii) a minimum 62% canopy cover within the site as stated in the 'Response letter to DPIE' by Ethos Urban dated 15 October 2020;
 - (iv) a new *Eucalyptus saligna* (to replace tree 48) in garden bed between COLA fire stairs pavement and kickabout area;
 - (v) six *Flindersia australis* (200L pot size), three *Banksia integrifolia* (200L pot size) and one *Magnolia grandiflora* (400L pot size);
 - (vi) compensatory tree planting of at least 36 trees with 30% of the tree species having a mature height of at least 6 metres, 30% mature heights of at least 10 metres and 40% mature heights of at least 20 metres;
- (c) include trees:
 - (i) that represent a diverse range of species consistent with the expected mature heights and growth within the Sydney area and avoid palms, fruit trees and species recognised to have a short life span;
 - (ii) that are grown to Australian Standard 2303:2015 'Tree stock for landscape use' and have a pot size at installation of at least 200 litres (except as otherwise stated in these conditions) and a minimum height of 3 metres;
 - (iii) that are planted in natural ground with adequate soil volumes to allow maturity to be achieved;
 - (iv) that are appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
- (d) include details of earthworks and soil depths including finished levels and any mounding, with minimum soil depths for planting on slab of 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers; and
- (e) include details of planting procedures, drainage, waterproofing and watering systems.

Air Quality

C24. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

C25. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Imported Soil

C26. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

Disposal of Seepage and Stormwater

- C27. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management

- C28. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

Stormwater Management System

- C29. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with applicable Australian Standards and the City of Sydney's Stormwater Drainage Manual, technical specifications, standards and policies;
 - (d) incorporate on-site detention in accordance with Sydney Water requirements;
 - (e) incorporate appropriate water quality measures; and
 - (f) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;

Unexpected Finds Protocol – Aboriginal Heritage

- C30. 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 Heritage NSW and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage NSW.

Unexpected Finds Protocol – Historic Heritage

- C31. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

Waste Storage and Processing

- C32. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- C33. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C34. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- C35. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- C36. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Outdoor Lighting

- C37. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Site Contamination

- C38. The Applicant must conduct site investigations to confirm the full nature and extent of the contamination at the project area and comply with the following requirements:
- (a) the site investigations must be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
 - (b) the reports must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme; and
 - (c) the recommendations of the Remedial Action Plan prepared by Douglas Partners dated August 2020, the Interim Advice 2 (IA2) (prepared by Zoic Environmental, dated 21 August 2020) and the unexpected finds procedure must be updated following results of further site investigations and implemented throughout duration of project work.
- C39. Remediation of the site must be carried out in accordance with:
- (a) the Remedial Action Plan prepared by Douglas Partners dated August 2020; or
 - (b) any variations approved by an NSW EPA-accredited Site Auditor and/or the recommendations of the site investigations undertaken under condition C38 or the unexpected finds protocol prepared in accordance with condition B12(c).
- C40. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- C41. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

Independent Environmental Audit

- C42. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the or commencement of an Independent Audit.
- C43. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C44. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 week's notice to the Applicant of the date or timing upon which the audit must be commenced.
- C45. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C43 of this consent, or condition C44 where notice is given;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- C46. Independent Audit Reports and the applicant/proponent's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary.
- C47. Notwithstanding the requirements of the Independent Audit Post Approval Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be

ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

Operational Readiness Work

- C48. Operational readiness work must not commence on site until the following details have been submitted to the Certifier:
- (a) a plan and description of the area(s) of the site to be used for operational readiness work (including pedestrian access) and areas still under construction (including construction access);
 - (b) the maximum number of staff to be involved in operational readiness work on site at any one time;
 - (c) arrangements to ensure the safety of school staff on the site, including how:
 - (i) areas to be used for operational readiness work will be clearly and securely separated from the areas of the site still under construction;
 - (ii) pedestrian access to and within the site will be managed to ensure no conflict with construction vehicle movements; and
 - (d) access and parking arrangements to minimise impacts on the surrounding street network having regard to number of staff involved in operational readiness work on site at any one time and parking arrangements for construction workers on site.
- C49. Operational readiness work must only be undertaken in accordance with the details submitted under condition C48 and the following requirements:
- (a) no more than 15 staff are involved in operational readiness work on site at any one time;
 - (b) no more than 5 vehicles may access the school related to the operational readiness work;
 - (c) no students or parents are permitted on the site; and
 - (d) the Applicant has implemented appropriate arrangements to ensure the safety of school staff on the site.

Art Strategy

- C50. Within three months of the commencement of construction, an elevation must be prepared in consultation with the Government Architect NSW and submitted to the Certifier showing the location and dimensions of an artwork to be installed on the elevation of the building at the corner of Golden Grove Street and Abercrombie Street. This must be of a scale and elevated location that assists in breaking-up the blank portion of the facade of the building and provides additional visual interest.
- C51. Within three months of the commencement of construction, an Art Strategy prepared by a suitably qualified person in consultation with the Government Architect NSW, must be submitted to the Certifier. The Strategy must include the details for the installation of artwork required under condition C50.

Aboriginal Cultural Heritage

- C52. The development must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by GML Heritage and dated 9 June 2020 in relation to the:
- (a) continuation of Aboriginal community engagement for internal design;
 - (b) archival recording of the existing school prior to demolition;
 - (c) transferring the existing movable art collection to the new school;
 - (d) photographing of murals which cannot be retained, and printing on large canvasses; and
 - (e) incorporation of spaces in the new school for the creation of new art.

PART D PRIOR TO COMMENCEMENT OF OPERATION

Notification of Occupation

- D1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

External Walls and Cladding

- D2. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- D3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Works as Executed Plans

- D4. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Warm Water Systems and Cooling Systems

- D5. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Outdoor Lighting

- D6. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Mechanical Ventilation

- D7. Prior to commencement of operation, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
 - (b) any dispensation granted by Fire and Rescue NSW.

Operational Noise – Design of Mechanical Plant and Equipment

- D8. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition B19 have been incorporated into the design of mechanical plant and equipment.

Fire Safety Certification

- D9. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- D10. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Compliance with Food Code

- D11. Prior to the commencement of operation, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

Post-construction Dilapidation Report

- D12. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - (c) to be forwarded to Council for information.

Protection of Public Infrastructure

- D13. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to any damage to roads caused as a result of general road usage.

Road Damage

- D14. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Protection of Property

- D15. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Bicycle Parking and End-of-Trip Facilities

- D16. Prior to occupation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the Certifier:
- (a) the provision of a minimum 63 bicycle and 82 scooter parking spaces;
 - (b) the layout, design and security of bicycle facilities must comply with the minimum requirements and design intent of the latest version of AS 2890.3:2015 *Parking facilities* -

Bicycle parking, and be located in easy to access, well-lit areas that incorporate passive surveillance;

- (c) the provision of end-of-trip facilities for staff; and
- (d) appropriate pedestrian and cyclist advisory signs are to be provided.

Note: All works/regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority.

School Zones

- D17. Prior to the commencement of operation, any required changes to School Zone signage, speed management signage and associated pavement markings must be installed, inspected by TfNSW and handed over to TfNSW.

Note: Any required approvals for altering public road speed limits, design and signage are required to be obtained from the relevant consent authority.

- D18. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

Drop-off/pick-up facilities

- D19. Prior to the commencement of operation, the Applicant must undertake changes to on-street drop-off/pick-up facilities (where approved by Council) to the satisfaction of Council. The Applicant must obtain approval for any works under section 138 of the *Roads Act 1993*.

Note: All costs associated with the proposed works must be borne by the Applicant.

School Transport Plan

- D20. Prior to the commencement of operation, a School Transport Plan (STP), must be submitted to the satisfaction of the Planning Secretary. The plan must:

- (a) be prepared by a suitably qualified consultant in consultation with Council and TfNSW;
- (b) include arrangements to promote the use of active and sustainable transport modes, including:
 - (i) objectives and modes share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation);
 - (ii) specific tools and actions to help achieve the objectives and mode share targets;
 - (iii) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.
- (c) include operational transport access management arrangements, including:
 - (i) detailed pedestrian analysis including the identification of safe route options to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the site in a safe and efficient manner during school start and finish;
 - (ii) the location and operational management procedures of the drop-off and pick-up parking, including staff management/traffic controller arrangements;
 - (iii) the location and operational management procedures for the drop-off and pick-up of students by buses and coaches including staff management/traffic controller arrangements;
 - (iv) delivery and services vehicle and bus access and management arrangements;
 - (v) management of approved access arrangements;
 - (vi) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing drop-off and pick-up zones;
 - (vii) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (d) measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the plan; and

- (e) a monitoring and review program.

Utilities and Services

- D21. Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

Stormwater Operation and Maintenance Plan

- D22. Prior to the commencement of operation, an Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the Certifier along with evidence of compliance with the SOMP. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Signage

- D23. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that any installed digital signage board is capable of having the intensity of its illumination adjusted and that it is capable of being switched off automatically.
- D24. Prior to the commencement of operation, way-finding signage must be installed within the site.
- D25. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

Operational Waste Management Plan

- D26. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) restrict waste collection to daytime hours only;
 - (c) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - (d) detail the materials to be reused or recycled, either on or off site; and
 - (e) include the Management and Mitigation Measures included in Section 7 of the EIS.

Site Contamination

- D27. Prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

Landscaping

- D28. Prior to the commencement of operation, landscaping of the site must be completed in accordance with landscape plan(s) approved under condition C23.
- D29. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping on-site, to the Certifier. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and

- (b) be consistent with the Applicant's Management and Mitigation Measures at Section 7 in the EIS.

Heritage Interpretation Plan

- D30. Prior to the commencement of operation, the Applicant must submit a Heritage Interpretation Plan in accordance with the recommendations of the Heritage Impact Statement prepared by GML Heritage and dated June 2020, to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Heritage NSW and Council; and
 - (b) incorporate the relevant recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by GML Heritage and dated April 2020.

Archaeological Salvage – Historic Archaeology

- D31. The Applicant must prepare an archaeological report of any salvage excavation undertaken in accordance with condition B21 and B22 (if salvage is required to be undertaken under that condition). An interim report of the salvage excavation must be provided for the information of the Planning Secretary within one month of completion of the salvage work and a final report provided within 12 months of completion of the salvage work or within another timeframe agreed with the Planning Secretary. Copies of the report must also be provided to the Heritage NSW and Council.

Consolidation of Lots

- D32. Prior to the commencement of operation, unless otherwise agreed by the Planning Secretary, Lot 100 in DP 623500 and Lot 592 in DP 7523049 must be consolidated into one lot on title and the plan lodged with the NSW Land Registry Services.

Aboriginal Cultural Heritage

- D33. Prior to the commencement of operation, evidence must be submitted to the Certifier that the recommendations set out in Section 7 of the Aboriginal Cultural Heritage Assessment Report prepared by GML Heritage dated 9 June 2020 have been implemented, as required under condition C52.

PART E POST OCCUPATION

Out of Hours Event Management Plan

- E1. Prior to the commencement of the first out of hours events (School Use) run by the school that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (School Use) in consultation with Council and submit it to the Council and Planning Secretary for information. The plan must include the following:
- (a) the number of attendees, time and duration;
 - (b) arrival and departure times and modes of transport;
 - (c) where relevant, a schedule of all annual events;
 - (d) measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
 - (e) details of the use of the school hall and sports court, where applicable, restricting use before 8am and after 10pm;
 - (f) measures to minimise localised traffic and parking impacts; and
 - (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- E2. The Out of Hours Event Management Plan (School Use) must be implemented by the Applicant for the duration of the identified events or use.
- E3. Prior to the commencement of out of hours events (Community Use) run by the external parties that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (Community Use) in consultation with Council and submit it to the Council and Planning Secretary for information. The plan must include the following:
- (a) the number of attendees, time and duration;
 - (b) arrival and departure times and modes of transport;
 - (c) where relevant, a schedule of all annual events;
 - (d) measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
 - (e) details of the use of the school hall and sports court, where applicable, restricting use before 8am and after 10pm;
 - (f) measures to minimise localised traffic and parking impacts; and
 - (g) measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- E4. The Out of Hours Event Management Plan (Community Use) must be implemented by the Applicant for the duration of the identified community event or use.

Operation of Plant and Equipment

- E5. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

- E6. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Community Communication Strategy

- E7. The Community Communication Strategy, as submitted to the Certifier, must be implemented for a minimum of 12 months following the completion of construction.

Environmental Management Plan

- E8. Upon completion of remediation works, the Applicant must manage the site in accordance with the Environmental Management Plan approved by the Site Auditor (if any) under condition D27 and any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997*.

Operational Noise Limits

- E9. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in SSDA Acoustic Assessment dated 4 June 2020 and prepared by Acoustic Logic.
- E10. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of the final stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement of use of the final stage of the development or other timeframe agreed to by the Planning Secretary to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in condition B19. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Unobstructed Driveways and Parking Areas

- E11. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

School Transport Plan

- E12. The School Transport Plan required by condition D20 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Ecologically Sustainable Development

- E13. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition B8, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting and Signage

- E14. Notwithstanding condition D6, should outdoor lighting (including from signage) result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.
- E15. The Applicant must ensure that any digital signage board is illuminated only between the hours of 7am and 5pm. Should the illumination of the signage board result in amenity impacts, the illumination must be adjusted to reduce the impacts to an acceptable level.

Landscaping

- E16. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D29 for the duration of occupation of the development.

Heritage Interpretation Plan

- E17. The Applicant must implement the most recent version of the Heritage Interpretation Plan approved under condition D30.

Installation of Artwork

E18. Within 12 months of the commencement of operation, evidence must be provided to the Certifier that artwork has been installed in accordance with the details submitted under condition C50.

Archival recording

E19. Within 12 months of completing the archival recording prepared under condition B33, a digital copy must be provided to Heritage NSW and Council.

APPENDIX 1 ADVISORY NOTES

General

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

Long Service Levy

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

Access for People with Disabilities

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

Utilities and Services

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

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

Road Design and Traffic Facilities

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

Road Occupancy Licence

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

SafeWork Requirements

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

Hoarding Requirements

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

Handling of Asbestos

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

Speed limit authorisation

AN12. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (a) a copy of the conditions of consent;

- (b) the proposed school commencement/opening date;
- (c) two sets of detailed design plans showing the following:
 - (i) accurate Site boundaries;
 - (ii) details of all road reserves, adjacent to the Site boundaries;
 - (iii) all proposed access points from the Site to the public road network and any additional conditions imposed/proposed on their use;
 - (iv) all existing and proposed pedestrian crossing facilities on the adjacent road network;
 - (v) all existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings); and
 - (vi) all existing and proposed street furniture and street trees.

Fire Safety Certificate

AN13. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A24 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-9914 Darlington Public School Redevelopment
Applicant	Department of Education
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

30 November 2020

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016*;
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including expanded and improved educational facilities, over \$41 million capital investment, 127 construction jobs and an additional 12 full time equivalent operational jobs;
- the project is permissible with development consent under the Sydney Local Environmental Plan 2012 and is consistent with NSW Government policies including the:
 - o Greater Sydney Region Plan;
 - o Eastern City District Plan;
 - o State Infrastructure Strategy 2018 – 2038 Building the Momentum;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards, as identified in the Department's Assessment Report;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent. The consent authority has imposed conditions relating to implementation of a School Transport Plan including sustainable transport measures, bicycle and scooter parking, operational noise management, biodiversity offset requirements, tree protection, tree replacement planting, landscaping, heritage, contamination and construction management; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 16 June 2020 to 13 July 2020 (28 days) and received 11 submissions, comprising seven submissions from public authorities (including Council) and four public submissions. Of the four submissions, one was an objection.

The Department also undertook a number of site inspections to inform its assessment of the proposal.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include tree removal and active transport. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Tree Removal</i> - Removal of an unacceptable number of trees. - Reduction in tree canopy. - Insufficient depth to support the planting or future growth of large trees replacement trees.	<i>Assessment</i> - The Department acknowledges the proposal would result in: - direct impacts to 0.16ha of native vegetation. - the removal of the majority of existing trees on the site. - The Department is satisfied that the scale of tree removal can be mitigated through amended landscape plans, replacement tree planting and retention of additional trees. <i>Conditions</i> - Retirement of two ecosystem credits as set out in the Biodiversity Development Assessment Report. - Eight trees are to be retained. - Further investigations are required to inform changes to the landscape plan with the objective of retaining a further five trees. - Replacement planting of 36 trees with 30 per cent of the tree species having a mature height of at least 6 metres, 30 per cent mature heights of at least 10 metres and 40 per cent mature heights of at least 20 metres.
<i>Active Transport</i> Not enough bicycle and scooter parking spaces have been proposed to cater to the increased school capacity.	<i>Assessment</i> - Amended plans provided with the Applicant's Response to Submissions increased the proposed number of bicycle and scooter spaces from 67 to 145 (63 bicycle spaces and 82 scooter spaces). The new bicycle parking facilities proposed on site would be sufficient to accommodate the increased school capacity. <i>Conditions</i> - A minimum of 63 bicycle and 82 scooter parking spaces are required to be provided. - The layout, design and security of bicycle facilities must comply with the minimum requirements and design intent of Australian Standard 2890.3:2015 Parking facilities - Bicycle parking.



NOTICE OF STATE SIGNIFICANT DEVELOPMENT DETERMINATION

Darlington Public School Redevelopment

Application No	SSD-9914
Description	Redevelopment and expansion of Darlington Public School including: • Demolition of existing buildings, tree removal and excavation works; • Construction of a new three storey building to accommodate the school and pre-school; • Associated works including landscaping, signage, fencing and public domain improvements; • Modification to the existing on-street pick-up / drop-off zones; and • Consolidation of two lots into one lot.
Location	Lot 100 in DP 623500 and Lot 592 in DP 7523049
Applicant	NSW Department of Education
Council Area	City of Sydney
Determination	Approval subject to conditions
Determination Date	30 November 2020
Registration Date	14 December 2020
Consent Authority	Minister for Planning and Public Spaces

On 30 November 2020 the Executive Director, Infrastructure Assessments as delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020 granted consent for the development application (SSD-9914) for the Darlington Public School Redevelopment in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act).

The development consent is subject to conditions, which are available on the Department's website. The reasons for approval and conditions are provided in the assessment report and the Notice of Decision. These documents, including any endorsed plans can be found on the Department's Major Projects website at: <https://www.planningportal.nsw.gov.au/major-projects/project/9671>.

The consent has effect on and from 14 December 2020.

The consent lapses on 14 December 2025 unless the development has physically commenced before that date (in the case of development consent for the erection of a building, subdivision of land or the carrying out of a work) or if the use of land, building or work has actually commenced before that date.

Reviews/Appeals

Certain appeal and review rights are available to applicants and objectors following determination of a development application.

The applicant does not have a right to request a review of the determination under section 8.2 of the Act.

If the applicant is dissatisfied with the determination of the application, the applicant has the right, under section 8.7 of the Act, to appeal to the Land and Environment Court within 12 months of the date the determination was notified or registered on the NSW planning portal.