

# 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.

David Gainsford  
**Deputy Secretary**  
**Assessment and System Performance**

Sydney

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***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application Number:</b>	SSD-10340
<b>Applicant:</b>	NSW Department of Education
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Fort Street Public School, Upper Fort Street, Millers Point (Lots 106, 107 and 108 DP748340, Lots 2, 3, 4 and 9 DP732592, Lot 2 DP244444, Lot 5 DP 258013)
<b>Development:</b>	Redevelopment of Fort Street Public School comprising demolition of selected buildings and structures, construction of four new buildings, refurbishment of existing retained buildings, alterations to drop-off and pick-up arrangements and associated works, including tree removal, landscaping and consolidation of lots.
<b>MOD 1:</b>	Design changes to buildings, including relocation of the lift from the Meteorology Building to Building J and new trafficable rooftop above Building J, amendment to landscape design, external lighting, stormwater management system and access arrangements including changes to the Bradfield Services Tunnel Building, Upper Fort Street width and drop-off and pick-up arrangement.

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## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-10340-Mod-1	22 December 2021	Deputy Secretary	Design changes to buildings, including relocation of the lift from the Meteorology Building to Building J and new trafficable rooftop above Building J, amendment to landscape design, external lighting, stormwater management system and access arrangements including changes to the Bradfield Services Tunnel Building, Upper Fort Street width and drop-off and pick-up arrangement.
SSD-10340-Mod-2	16 June 2023	Executive Director	Design changes including lowering the finished floor level of Building G, Building H and Building J; minor façade changes associated with the lower finished floor levels; lowering the Building F envelope including floor levels, parapet height and adjacent external finished levels; increased height of the Building J lift shaft and overrun; and increased height of the lobby roof to stair 4 in Building J.

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## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	NSW Department of Education or any other person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certification of Crown building work</b>	Certification under section 6.28(2) of the EP&A Act
<b>Certified Contaminated Land Consultant</b>	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
<b>Certifier</b>	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including (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:</p> <ul style="list-style-type: none"><li>• building and road dilapidation surveys;</li><li>• investigative drilling or investigative excavation;</li><li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li><li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li><li>• minor adjustments to services or utilities.</li></ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	City of Sydney
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site

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<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising the redevelopment of Fort Street Public School, as modified by the conditions of this consent.
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EES Group</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled Fort Street Public School Environmental Impact Statement, prepared by Ethos Urban dated 19 March 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	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
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Section 7 of the EIS.
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all</li> </ul>

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	reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions</b>	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.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

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## 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; and
  - (d) in accordance with the approved plans in the table below:

<b>Architectural drawings prepared by fjmt studio</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA-1211	SSDA02	Site Plan Proposed	<del>30/9/20</del> <u>29/10/21</u>
DA-2001	<del>SSDA01</del>	Proposed Plan – Lower Ground 1	<del>18/12/19</del>
	<del>SSDA02</del>		<u>29/10/21</u>
	<u>SSDA03</u>		<u>02/09/22</u>
DA-2002	<del>SSDA01</del>	Proposed Plan – Ground	<del>18/12/19</del>
	<del>SSDA02</del>		<u>29/10/21</u>
	<u>SSDA03</u>		<u>02/09/22</u>
DA-2003	<del>SSDA01</del>	Proposed Plan – Level 1	<del>18/12/19</del>
	<del>SSDA02</del>		<u>29/10/21</u>
	<u>SSDA03</u>		<u>02/09/22</u>
DA-2004	<del>SSDA01</del>	Proposed Plan - Level 2	<del>18/12/19</del>
	<del>SSDA02</del>		<u>29/10/21</u>
<del>DA-2005</del>	<del>SSDA02</del>	<del>Proposed Plan – Level 3</del>	<del>29/10/21</del>
<del>DA-2005</del> <del>DA-2006</del>	<del>SSDA01</del>	Proposed Plan – Level Roof	<del>18/12/19</del>
	<del>SSDA02</del>		<u>29/10/21</u>
	<u>SSDA03</u>		<u>02/09/22</u>
DA-2101	<del>SSDA01</del>	Demolition Plan – Ground	<del>18/12/19</del>
	<u>SSDA03</u>		<u>02/09/22</u>
DA-2102	<del>SSDA01</del>	Demolition Plan – Level 1	<del>18/12/19</del>
	<u>SSDA03</u>		<u>02/09/22</u>
DA-2103	<del>SSDA01</del>	Demolition Plan – Level 2	<del>18/12/19</del>
	<u>SSDA03</u>		<u>02/09/22</u>
DA-2104	SSDA01	Demolition Plan - Roof	18/12/19
DA-2105	SSDA01	Services Excavation On Demolition Plan	18/12/19
DA-3001	<del>SSDA02</del>	Elevations North East	<del>29/5/20</del>
	<u>SSDA03</u>		<u>29/10/21</u> <u>07/03/23</u>
DA-3002	<del>SSDA02</del>	Elevations South West	<del>29/5/20</del>
	<u>SSDA03</u>		<u>29/10/21</u> <u>07/03/23</u>
DA-4001	<del>SSDA02</del>	Sections 1	<del>29/5/20</del>
	<u>SSDA03</u>		<u>29/10/21</u> <u>02/09/22</u>
DA-4002	<del>SSDA02</del>	Sections 2	<del>29/5/20</del>
	<u>SSDA03</u>		<u>29/10/21</u>



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			<a href="#">02/09/22</a>
DA-4003	<del>SSDA02</del> <a href="#">SSDA03</a>	Sections 3	<del>29/5/20</del> <a href="#">02/09/22</a>
DA-4004	<del>SSDA02</del> <a href="#">SSDA03</a>	Sections 4	<del>29/5/20</del> <del>29/10/21</del> <a href="#">02/09/22</a>
DA-5001	SSDA01	Detailed Areas – Heritage Wall	18/12/19
DA-5002	SSDA01	Detailed Areas – Heritage Wall Details	18/12/19
DA-5003	SSDA01	Detailed Areas – Bradfield Mechanical Exhaust	18/12/19
DA-5004	SSDA01	Detailed Areas – Surgeon's Cottage	18/12/19
DA-5005	SSDA01	Detailed Areas – MET Elevator shaft	18/12/19
DA-5006	SSDA01	Detailed Areas – FSPS Existing Hall Skylight	18/12/19
A-03002	SSDA02	Exterior Finishes Schedule	29/5/20
DA-5901	SSDA01	FT01 / FT02 Building A	18/12/19
DA-5902	SSDA01	FT03 Building D	18/12/19
DA-5903	SSDA01	FT04 N / FT04 W Building D	18/12/19
DA-5904	SSDA01	FT05 / FT06 Building C	18/12/19
DA-5905	SSDA01	FT07 Building F/G	18/12/19
DA-5906	SSDA01	FT08 / FT09 / FT14 N Building M	18/12/19
DA-5907	SSDA01	FT10 Building J/H	18/12/19
DA-5908	SSDA01	FT11 C.O.L.A.	18/12/19
DA-5909	SSDA01	FT12 Services Enclosure	18/12/19
DA-5910	SSDA01	FT13 Glass Infill Building J/HG	18/12/19
DA-9011	SSDA01	Exterior Finishes Samples	18/12/19
<b>Landscape Plans prepared by fjmt studio</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA-8001	SSDA02	Landscape Design Plan	2/6/20
DA-8002	<del>SSDA04</del> <a href="#">SSDA02</a>	<del>Landscape Ground Floor – Phase 2</del> <a href="#">Landscape Ground Floor</a>	<del>17/9/20</del> <a href="#">29/10/21</a>
DA-8003	SSDA02	Landscape Roof Plan	2/6/20
DA-8004	SSDA03	Tree Management Plan	17/9/20
DA-8005	SSDA03	Landscape Planting Ground Plan – Phase 2	17/9/20
DA-8006	SSDA03	Landscape Planting Roof Plan	17/9/20
DA-8007	SSDA03	Landscape Soil Depth Ground Plan – Phase 2	17/9/20
DA-8008	SSDA02	Landscape Soil Depth Roof Plan	2/6/20
DA-8009	SSDA02	Landscape Ground Floor – Phase 1	<del>17/9/20</del> <a href="#">29/10/21</a>
DA-8010	SSDA01	Landscape Planting Ground Plan – Phase 1	17/9/20
DA-8011	SSDA01	Landscape Soil Depth Ground Plan – Phase 1	17/9/20
DA-8101	SSDA02	Landscape Sections	2/6/20
DA-8201	SSDA02	Landscape Details	2/6/20

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,



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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) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict

## Limits of Consent

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

## 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 to in writing 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 a Staging Report and satisfaction of all relevant conditions.*

- A10. Should the staging of the project (for construction or operation) change from that set out in a Staging Report approved under condition A9, a revised Staging Report must be submitted to the satisfaction of the Planning Secretary.
- A11. A Staging Report prepared in accordance with condition A9 or A10, 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

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- 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.
- A12. Where a Staging Report is approved under conditions A9 or A10, the project must be staged in accordance with the latest Staging Report approved by the Planning Secretary.
- A13. Where construction or operation is being staged in accordance with a Staging Report approved under conditions A9 or A10, 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 latest Staging Report approved by the Planning Secretary.

## Staging, Combining and Updating Strategies, Plans or Programs

- A14. 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).
- A15. Any strategy, plan or program prepared in accordance with condition A14, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A16. 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.
- A17. 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

- A18. 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.

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

## External Walls and Cladding

- A19. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

## Applicability of Guidelines

- A20. 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.

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A21. 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

A22. 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

A23. 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.

## Compliance

A24. 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

A25. 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.

A26. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

## Non-Compliance Notification

A27. 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

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Planning Secretary through the major projects portal within seven days after they identify any non-compliance.

- A28. 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.
- A29. 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

- A30. Within three months of:
- (a) the submission of a compliance report under condition A33;
  - (b) the submission of an incident report under condition A26;
  - (c) the submission of an Independent Audit under condition C44 or C45;
  - (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.

- A31. 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

- A32. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements.
- A33. 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.
- A34. The Applicant must make each Compliance Report publicly available a minimum of 60 days and maximum of 90 days after submitting it to the Planning Secretary.
- A35. 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.

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## PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

### Rooftop design and equipment

- B1. Prior to the commencement of the relevant works the following must be prepared by a suitably qualified and experienced heritage consultant in consultation with Heritage NSW and be submitted to the Certifier:
- a) detailed drawings and specifications for the attachment of the photovoltaic panels to the roof of the Fort Street Public School Building; ~~and~~
  - c) detailed drawings, specifications, colours and materials of the ~~lift overrun~~, mechanical plant enclosures and raised walkways proposed on the Meteorology Building and Buildings H ~~and J~~; and
  - c) detailed drawings, specifications, colours and materials of the lift overrun, enclosed stair and balustrade proposed on the rooftop of Building J in accordance with the following requirements:**
    - i) the lowest height possible for each structure while also complying with the applicable standards and guidelines;**
    - ii) glazing with the highest possible transparency while also complying with the applicable standards and guidelines; and**
    - iii) glazing with an external reflectivity which complies with the limit set out in the Reflectivity Statement Fort Street Public School, Section 4.55(2) Modification Application (SSD-10340) prepared by Arup and dated 8 November 2021.**

### Notification of Commencement

- B2. 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.
- B3. 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

- B4. Prior to the commencement of construction (excluding earthworks and demolition), 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

- B5. Prior to the commencement of construction (excluding earthworks and demolition), 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

- B6. 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, with photographic recordings, identifying the condition of all public infrastructure in the vicinity of the site (including the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs);



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- (c) submit a copy of the dilapidation report, signed by the Applicant and the photographer, to the Planning Secretary, Certifier and Council.

## Pre-Construction Dilapidation Report

- B7. Prior to the commencement of construction, or an alternative timing as approved by the Planning Secretary, the Applicant must submit a pre-commencement dilapidation report to Council, Heritage NSW 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.

## Protection of Survey Infrastructure

- B8. Prior to the commencement of construction, a statement prepared by a surveyor registered under the *Surveying and Spatial Information Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any permanent marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the NSW Land Registry Services.

## Preservation of Survey Marks

- B9. At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark, contact must be made with the Council's Project Manager Survey / Design Services / Senior Surveyor to arrange for the recovery of the mark. All works in Council's streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box).
- B10. Prior to the commencement of construction, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

*Note: The replacement of any permanent survey mark removed or damaged must be in accordance with the Council's Schedule of Fees and Charges (Reinstatement of Survey Box).*

## Site Auditor

- B11. 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.

## Community Communication Strategy

- B12. 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

- B13. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- registering for a minimum 4-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
  - seeking approval from the Planning Secretary for an alternative certification process.

## Outdoor Lighting

- B14. 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

- B15. 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

- B16. Management plans required under this consent must be prepared in accordance with relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

### Note:

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

## Construction Environmental Management Plan

- B17. 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:
- Details of:
    - hours of work;
    - 24-hour contact details of site manager;
    - management of dust and odour to protect the amenity of the neighbourhood;
    - stormwater control and discharge;
    - measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
    - groundwater management plan including measures to prevent groundwater contamination;
    - external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
    - community consultation and complaints handling;
  - an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed;
  - an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
  - waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site;
  - Construction Traffic and Pedestrian Management Sub-Plan (see condition B18);
  - Construction Noise and Vibration Management Sub-Plan (see condition B19);



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- (g) Construction Waste Management Sub-Plan (see condition B20); and
  - (h) Construction Soil and Water Management Sub-Plan (see condition B21).
- B18. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council and the Sydney Coordination Office within TfNSW;
  - (c) be submitted to the Coordinator General, Transport within TfNSW for endorsement, unless otherwise agreed to in writing by the Planning Secretary;
  - (d) include details of:
    - (i) crane arrangement including the location of any crane(s);
    - (ii) commitment to providing the site manager's direct contact number to business adjoining or impacted by the construction work, the Transport Management Centre and the Sydney Coordination office within TfNSW to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access in real time;
    - (iii) the predicted number of construction vehicle movements and detail of vehicle types, nothing that vehicle movements are to be minimised during peak periods;
    - (iv) specific measures to ensure the arrival of construction vehicles to the site do not cause queuing on public roads;
    - (v) a monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site;
    - (vi) measures to avoid construction worker vehicle movements within the Sydney Central Business District;
    - (vii) cumulative construction impacts of projects including Sydney Metro City and South West with reference to the construction traffic and pedestrian management plans for developments within or around the development site to ensure that coordination of work activities is managed to minimise impacts on the surrounding road network;
    - (viii) 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 light rail and bus services; and
    - (ix) heavy vehicle routes, access and parking arrangements.
- B19. 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) identify the following:
    - (i) noise and vibration objectives in the EPA's *Interim Construction Noise Guideline* (DECC, 2009);
    - (ii) each work area, site compound and access route (private and public);
    - (iii) specific activities that will be carried out and associated noise sources at the premises and access routes;
    - (iv) high noise generating works, including location; and
    - (v) potentially affected sensitive receivers;
  - (c) an assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified;
  - (d) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (e) where the noise and vibration objectives are predicted to be exceeded an analysis of feasible and reasonable noise and vibration mitigation measures that can be implemented to reduce construction noise and vibration impacts;

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- (f) describe the measures to be implemented to manage the high noise generating works identified, in close proximity to sensitive receivers;
  - (g) include strategies that have been developed with the community for managing the identified high noise generating works;
  - (h) describe the community consultation undertaken to develop the strategies in condition B19(g);
  - (i) include a complaints management system that would be implemented for the duration of the construction; and
  - (j) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition B16.
- B20. The Construction Waste Management Sub-Plan (CWMSWP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
  - (b) 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 in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of construction.
- B21. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication Managing Urban Stormwater: Soils & Construction (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) 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);
  - (d) detail all off-Site flows from the Site; and
  - (e) 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.
- B22. 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.

## **Kent Street-Sydney Harbour Bridge Cycleway**

- B23. Prior to the commencement of construction and site establishment works (including the establishment of temporary site offices), the Applicant must develop detailed plans for the diversion of the Kent Street-Sydney Harbour Bridge cycleway during construction in consultation with Council, Bicycle NSW and TfNSW and submit the details to the Certifier. The plans must:
- (a) provide evidence of consultation with Council, Bicycle NSW and TfNSW in the design of the diversion;
  - (b) include a map which details the diverted cycle route from Kent Street to the Sydney Harbour Bridge;
  - (c) identify sections of the diverted route which will be shared by pedestrians and/or drivers;

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- (d) identify and detail safe-making measures along the diversion route such as street signage for wayfinding, street lighting, etc.;
- (e) identify and details measures to minimise conflicts between cyclists and construction vehicles associated with this development;
- (f) detail measures to set out procedures and mechanisms through which the community can discuss or provide feedback to the Applicant; and
- (g) commit to a biennial monitoring and review program in consultation with TfNSW until six months prior to the commencement of operation or until the Sydney Harbour Bridge cycleway upgrade works are complete, whichever comes first.

B24. The diversion must be put in place prior to the commencement of construction and site establishment works (including the establishment of temporary site offices).

B25. Prior to commencement of construction, the Applicant must consult with TfNSW regarding the potential to coordinate and for TfNSW to undertake the Sydney Harbour Bridge cycleway upgrade work in conjunction with the school redevelopment work approved as part of this consent. Evidence of consultation must be provided to the Certifier. Consultation should continue as required until the Sydney Harbour Bridge cycleway upgrade is completed.

## Construction Parking

B26. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site for heavy vehicles, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

B27. 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 avoid 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

B28. Prior to installation of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the Noise and Vibration Assessment Report, prepared by ARUP dated 20 December 2019, into the detailed design of all mechanical plant and equipment, including mechanical ventilation equipment, public address systems, bells and alarms and other audible communication devices. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise and Vibration Assessment Report, prepared by ARUP and dated 20 December 2019.

## Air Quality and Noise Intrusion

B29. Prior to the commencement of construction (excluding earthworks and demolition), the Applicant must provide evidence to the satisfaction of the Certifier that:

- (a) the proposed building design, including facade, complies with the recommendations of the Noise and Vibration Assessment Report, prepared by ARUP dated 20 December 2019;
- (b) windows to learning areas would be non-opening; and
- (c) the design of mechanical ventilation systems complies with the recommendations of the Air Quality Assessment prepared by Arup and dated 18 March 2020.

## Nominated Heritage Consultant

B30. Prior to the commencement of construction, a suitably qualified and experienced heritage consultant must be nominated to be engaged throughout the construction (including earthworks and demolition) of the project. The heritage consultant should provide input into the detailed design, provide heritage information to the site manager to impart on all construction workers and oversee the construction works (including earthworks and demolition) to minimise impact on items of state and local heritage on the site.

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## Historical Archaeological Management

- B31. Prior to any excavation works that may disturb archaeological 'relics', the Applicant must nominate a suitably qualified Excavation Director who complies with the Heritage Council of NSW's Criteria for Assessment of Excavation Directors (2019) to oversee and advise on matters associated with historic archaeology and advise the Department and Heritage NSW. The archaeologist must meet the criteria for the proposed activity and significance level. The Excavation Director must be present to oversee the excavation and advise on archaeological issues. The Excavation Director must be given the authority to advise on the duration and extent of oversight required to ensure that archaeological 'relics' are recorded to an adequate standard. Details of the Excavation Director must be provided to Heritage NSW and the Planning Secretary.
- B32. Prior to any excavation works that may disturb archaeological 'relics', the Applicant must prepare an Archaeological Research Design and Excavation Methodology in consultation with Heritage NSW to monitor and manage archaeological remains on the site. The Archaeological Research Design and Excavation Methodology must be submitted to the satisfaction of the Planning Secretary and a copy of the approved Archaeological Research Design and Excavation Methodology provided to Heritage NSW.

## Archival Photographic Documentation

- B33. Prior to the commencement of demolition works, or alternative timing as agreed to in writing by the Planning Secretary, a photographic archival record of the external and internal areas of the heritage items on site (including the Fort Street Public School Building, the Meteorology Building and the Messenger's Cottage) and all other items of heritage significance on the site identified in the Heritage Impact Statement prepared by Curio Projects Pty Ltd dated March 2020 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 the site's setting on Observatory Hill and views from key vantage points.
- B34. The photographic archival record prepared under condition B33 must be updated (at least every 4 months from the commencement of construction, or otherwise advised in writing by the nominated heritage consultant, or alternative timing as agreed to in writing by the Planning Secretary) to record any major construction changes which have the potential to impact the site's setting on Observatory Hill and views from key vantage points.
- B35. Within 12 months of completing the archival recording prepared under conditions B33 and B34, a digital copy must be provided to Heritage NSW and Council.

## Biodiversity

- B36. Prior to the commencement of vegetation clearing, the class and number of species credits in the table below must be retired to offset the residual biodiversity impacts of the development.
- B37. The requirement to retire credits in condition B36 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.
- B38. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B36 must be provided to the Planning Secretary prior to carrying out development that will impact on biodiversity values.

Impacted species credit species	Number of species credits	IBRA subregion
Magenta Lilly Pilly	2	Anywhere in NSW

- B39. Prior to the commencement of demolition works, microbat surveys must be undertaken by a suitably qualified person in accordance with the recommendations of Section 2.2.4 of the Biodiversity Development Assessment Report.
- B40. If the surveys undertaken under condition B39 identify the presence of microbats, species credit requirements must be calculated in accordance with the Biodiversity Assessment Method.

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- B41. Prior to the commencement of demolition works, any class and number of species credits calculated in accordance B40 must be retired to offset the residual biodiversity impacts of the development.
- B42. The requirement to retire species credits in condition B41 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.
- B43. Evidence of the retirement of species credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B41 must be provided to the Planning Secretary prior to carrying out development that will impact on biodiversity values.

## Tree Protection

- B44. Prior to the commencement of any works that impact Tree No. 16 and Tree No. 20 (as identified in the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy dated 11 September 2020), the Applicant must:
- (a) engage a Level 5 (Australian Qualification Framework) arborist to undertake an evaluation to determine the methods and measures required to retain Tree No. 16 and Tree No. 20; and
  - (b) submit a report documenting the findings of the evaluation to the satisfaction of the Planning Secretary that includes methods and measures to retain the trees.
- B45. Prior to the commencement of any works that impact Tree No. 1 (as identified in the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy dated 11 September 2020), the Applicant must engage a Level 5 (Australian Qualification Framework) arborist to undertake a detailed risk assessment of Tree No. 1 and recommend tree protection measures sufficient to enable the long-term health and stability of the tree. A report documenting findings and recommendations, including any design modifications required to ensure the long-term health and stability of Tree No. 1 must be submitted to the satisfaction of the Planning Secretary.

## Construction and Demolition Waste Management

- B46. 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

- B47. 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

- B48. Prior to the commencement of construction, evidence of compliance of construction 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.

## Operational Access Arrangements

- B49. Prior to the commencement of construction of operational access facilities, evidence of compliance of the design of operational access arrangements with the following requirements must be submitted to the Certifier:
- (a) the swept path of the largest service vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, must be in accordance with the latest version of AS 2890.2.

## Upper Fort Street / Bradfield Tunnel Services Building Alterations

- B50. Prior to the commencement of works to the Bradfield Tunnel Services Building and associated widening of Upper Fort Street proposed in the EIS and refined in the Response to Submissions, the Applicant must submit plans and technical specifications for the proposed works to the satisfaction of the relevant roads authority.

Note:

- Approval must be obtained for roadworks under section 138 of the Roads Act 1993.
- Any proposals for alterations to the public road involving traffic and parking arrangements must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee.
- All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's 'Sydney Streets Technical Specification' including amendments and 'Sydney Streets Design Code'

## Road Safety Audit

- B51. Within three months of the commencement of construction, a Road Safety Audit of the access arrangements for the school, including the drop-off and pick-up area, in accordance with *Austrroads Guide to Road Safety Part 6: Managing Road Safety Audits* and *Austrroads Guide to Road Safety Part 6A: Implementing Road Safety Audits* must be undertaken by an independent TfNSW accredited road safety auditor. Based on the results of the road safety audit, the Applicant must review the school drop-off and pick-up arrangements and implement safety measures, if required, in consultation with the Sydney Coordination Office within TfNSW.

## Alignment Levels

- B52. Prior to the commencement of construction (excluding earthworks and demolition), alignment levels for the buildings and site frontages, as prepared by a Registered Surveyor and designed by a suitably qualified engineer, must be submitted to and approved by Council. The approved alignment levels must be incorporated into all plans relating to civil, draining and public domain works.
- B53. If the proposed detailed design of the public domain requires changes to any the approved alignment levels, then the amended alignment levels must be submitted to and approved by Council prior to the construction of any footpath or public domain works.

Note: The submission of alignment levels to Council must be in accordance with the City of Sydney's Public Domain Manual and accompanied with a completed Levels and Gradients Approval Application form.

## Public Domain Works

- B54. 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 by Council's Public Domain section. 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.

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B55. Prior to the commencement of construction of works impacting the public domain, 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.*

B56. Prior to the commencement of construction works impacting the existing stone kerbs on the Upper Fort Street frontage of the site, appropriate measures are to be implemented to retain and protect the stone kerbs during excavation and construction. Stone kerbs which:

- (a) require cutting or temporary removal must obtain approval from Council; and
- (b) are damaged by the excavation and construction work, are to be replaced to match existing stones to Council's satisfaction or as otherwise advised by Council officer.

*Note:*

- *A temporary concrete kerb will need to be constructed to retain the Upper Fort Street footpath until the stone kerbs can be reinstalled.*
- *The removed stone kerbs are to be reinstalled prior to the commencement of use in accordance with the Council's standard details and specifications.*
- *All costs associated with the stone kerb shall be borne by the developer.*

## Outdoor Lighting Strategy

B57. Prior to the installation of external lighting, an outdoor lighting strategy must be prepared for all external lighting, including the rooftop terrace. The strategy must be prepared in consultation with the Sydney Observatory and must detail the location and type of lighting proposed, along with the details of the proposed operational hours and management arrangements. The strategy must seek to minimise light spill from the site, particularly from rooftop terraces and related impacts to the Sydney Observatory and surrounding residential properties. The strategy must be submitted to the Certifier.

## Revised Landscape Plans

**B58 Prior to commencement of construction, all landscape plans referenced in Condition A2 must be revised by a suitably qualified landscape architect and be submitted to the satisfaction of the Planning Secretary. The revised landscape plans must:**

- a) be consistent with the modifications to the architectural drawings approved under SSD-10340 Mod 1; and**
- b) achieve a tree canopy coverage of no less than 22% of the site (once all newly planted trees reach maturity). The 22% tree canopy coverage requirement must be achieved through amending the tree species to trees with a larger canopy and/or planting additional trees and comply with the following requirements:**
  - i) include trees of varying mature heights including heights of 6-8 metres, 10-15 metres and 20-30 metres**
  - ii) the trees are to be grown to Australian Standard 2303:2015 'Tree stock for landscape use', and**



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- iii) trees must be provided with adequate soil volumes to allow maturity to be achieved;
- c) demonstrate the integration of proposed site landscaping, existing and proposed surface materials and structures on the site including furniture, paving, levels, services, drainage and watering systems;
- d) provide details of earthworks and soil depths including finished levels and any mounding; and
- e) provide 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.

FOR INFORMATION

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## 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 is to satisfy the following requirements;
  - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be 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 construction/ noise complaint must be displayed on the site notice; and
  - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is 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 B15.

### Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C5. Notwithstanding condition C4, provided noise levels do not exceed the existing background noise level plus 5dB, works may also 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 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 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 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.
- C11. Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building. For special operations (such as delivery of materials, hoisting of equipment, etc) permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- C12. Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

## Hoarding Requirements

- C13. 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

- C14. 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

- C15. 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.
- C16. 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.
- C17. 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

- C18. 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).
- C19. 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 C18.

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C20. The limits in conditions C18 and C19 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B19 of this consent.

## Tree Protection

C21. 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 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) all trees on the site that are not approved for removal, including Tree No.s 1, 16, 18, 19 and 20 must be suitably protected during construction in accordance with the recommendations of the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy dated 11 September 2020 and *AS4970-2009 Protection of Trees on Development Sites*; and
- (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.

## Air Quality

C22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

C23. 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.

## Erosion and Sediment Control

C24. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

## Imported Soil

C25. 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

- C26. 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

- C27. 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

- C28. 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 Council and TfNSW where required, unless otherwise agreed to by the Planning Secretary in writing. The system must:
- be designed by a suitably qualified and experienced person(s);
  - be generally in accordance with the conceptual design in the EIS;
  - be in accordance with applicable Australian Standards and the City of Sydney's Stormwater Drainage Manual, technical specifications, standards and policies;
  - incorporate on-site detention in accordance with Sydney Water requirements;
  - incorporate appropriate water quality measures; and
  - 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

- C29. 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 EES Group 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 EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.
- C30. Construction works must be carried out in accordance with the recommendations of Section 6 of the Aboriginal Cultural Heritage Assessment Report (ACHAR), prepared by Curio Projects Pty Ltd and dated 15 July 2020.

## 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 assess, 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.

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- 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. Remediation of the site must be carried out in accordance with:
- (a) the Remedial Action Plan prepared by JBS&G and dated 19 June 2020; and
  - (b) any variations to the Remediation Action Plan (which must be approved by the Site Auditor) or unexpected find protocol (condition B17).
- C39. If work is to be carried out / completed in stages, the Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- C40. 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.

## Historical Archaeological Management

- C41. Archaeological excavation must be undertaken in accordance with the Archaeological Research Design and Excavation Methodology approved under condition B31 and be directed by a suitably qualified and experienced excavation director who fulfils Heritage Council of NSW's Criteria for Assessment of Excavation Directors (2019). Areas of state significant archaeology and substantially intact archaeological evidence must be appropriately managed and avoided wherever possible in the design.

**C41A. All excavation works related to Buildings F, G, H and J are to be in accordance with the Archaeological Research Design and Excavation Methodology approved under Condition B32, and must also comply with the following requirements:**

- (a) Archaeological management in areas considered to contain low archaeological potential (Buildings G and H) must comply with the Unexpected Finds Protocols outlined in Condition C31.**
- (b) Archaeological management in areas assessed as having moderate potential (Building F) must comply with the Archaeological Research Design and Excavation Methodology approved under Condition B32 throughout the duration of subsurface excavations. This includes archaeological monitoring across the building footprint under an archaeological monitoring program supervised by a State Significant Excavation Director. Where intact or significant archaeological resources are uncovered, works should cease and the appropriate archaeological recording and investigation as outlined in the Archaeological Research Design and Excavation Methodology must be followed.**
- (c) Should intact archaeological resources be encountered during subsurface excavations in Buildings G, H and J, they must be considered for inclusion in the Heritage Interpretation Plan required by Condition D25.**
- (d) All development works with potential for physical impact to heritage items must be overseen and/or undertaken by qualified and experienced conservation professionals, including but not limited to, built heritage experts, archaeologists, structural engineers, heritage tradespeople, where required.**

- C42. A final excavation report must be prepared within 12 months of the completion of the archaeological works on site. It should include details of any artefacts recovered, where they are located and details for their ongoing conservation and protection in perpetuity by the land owner. Copies must be provided to the Planning Secretary and Heritage NSW.



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## Independent Environmental Audit

- C43. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the or commencement of an Independent Audit.
- C44. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C45. 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.
- C46. 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 C44 of this consent, or condition C45 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.
- C47. 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.
- C48. 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.



## 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.

### Works as Executed – Public Domain

- D5. Prior to the commencement of operation, works-as-executed drawings in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period, signed by a registered surveyor must be submitted to and accepted by Council for all public domain works.

### Warm Water Systems and Cooling Systems

- D6. 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

- D7. 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:
- complies with the Outdoor Lighting Strategy prepared in accordance with condition B57 and the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - 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

- D8. 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:
- AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
  - any dispensation granted by Fire and Rescue NSW.

## Operational Noise – Design of Mechanical Plant and Equipment

- D9. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Noise and Vibration Impact Assessment prepared by ARUP and dated 20 December 2019 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

## Fire Safety Certification

- D10. 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

- D11. 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

- D12. 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

- D13. 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.

## Protection of Public Infrastructure

- D14. 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

- D15. 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

D16. 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.

## Roadworks and Parking Restrictions

D17. Prior to the commencement of operation, the proposed works to the Bradfield Tunnel Services Building and widening of Upper Fort Street must be completed in accordance with the details approved under condition B50.

D18. Prior to the commencement of operation, the proposed changes to parking restrictions on Upper Fort Street and Watson Road proposed in the EIS and refined in the Response to Submissions must be completed in accordance with the approval of Council.

Note:

- Any changes to kerb side parking arrangements requires a separate submission to be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit. There is no guarantee kerb side parking will be changed or that any change will remain in place for the duration of the use.
- The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include changes to all signs and stems from the kerb line of the nearest intersection.
- All costs associated with the parking proposal will be borne by the Applicant.
- Please contact the City's Traffic Engineer to discuss the proposal before making a submission.

## Kent Street-Sydney Harbour Bridge cycleway

D19. Prior to the commencement of operation, the diversion of the Kent Street-Sydney Harbour Bridge cycleway must be discontinued and access along Upper Fort Street reinstated.

## Bicycle Parking and End-of-Trip Facilities

D20. Prior to occupation, compliance with the following requirements for secure bicycle and scooter parking and end-of-trip facilities must be submitted to the Certifier:

- (a) the provision of a minimum 5 staff and 30 student bicycle parking spaces;
- (b) the provision of a minimum 30 student scooter parking spaces;
- (c) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking* (with the exception of providing bicycle lockers), and be located in easy to access, well-lit areas that incorporate passive surveillance;
- (d) the provision of end-of-trip facilities for staff;
- (e) appropriate pedestrian and cyclist advisory signs are to be provided; and
- (f) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

## School Zones

D21. Prior to the commencement of operation, all required School Zone signage, speed management signage and associated pavement markings along Upper Fort Street 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.

D22. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

## School Transport Plan

D23. 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:

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- (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 of all bicycle and scooter parking spaces on the site;
  - (iii) location and operational management procedures of the marshalling of students to prepare for drop-off and pick-up, including measures to physically separate the drop-off and pick-up zone from play areas, such as bollards and/or retractable barrier fencing;
  - (iv) the location and operational management procedures of the drop-off and pick-up parking, including staff management/traffic controller arrangements;
  - (v) location and operation management procedures of accessible drop-off and pick-up parking, including staff management/traffic controller arrangements, during and outside of drop-off and pick-up times;
  - (vi) management of conflicts of the drop-off and pick-up zone and cyclists;
  - (vii) 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;
  - (viii) delivery and services vehicle and bus access and management arrangements;
  - (ix) management of approved access arrangements;
  - (x) 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;
  - (xi) 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.

## Conservation Management Plan

- D24. Prior to the commencement of operation, the Applicant must revise the Conservation Management Plan prepared by Curio Projects Pty Ltd and dated March 2020. The Plan must:
- (a) be finalised by a suitably qualified and experienced heritage consultant in consultation with Heritage NSW;
  - (b) be submitted to the Certifier; and
  - (c) be submitted to the Planning Secretary and Heritage NSW for information.

## Heritage Interpretation Plan

- D25. Prior to the commencement of operation, the Applicant must submit a Heritage Interpretation Plan to acknowledge the heritage of the site to the Certifier. The plan must:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Heritage NSW and Council;
  - (b) include provision for naming elements within the development that acknowledges the site's heritage; and

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- (c) incorporates interpretive information on the site.

## Utilities and Services

- D26. 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 Quality Management Plan

- D27. Prior to the commencement of operation, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the SOMP. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

## Signage

- D28. 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

- D29. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development in consultation with Council and TfNSW and submit it to the Certifier. The Waste Management Plan must:
- (a) include a collection vehicle path analysis;
  - (b) detail the waste collection service times outside of school hours, including before and after care services;
  - (c) detail measures to mitigate conflicts between pedestrian, cyclists and drivers during waste collection activities;
  - (d) detail the type and quantity of waste to be generated during operation of the development;
  - (e) 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);
  - (f) detail the materials to be reused or recycled, either on or off site; and
  - (g) include the Management and Mitigation Measures included in Operational Waste Management Plan, dated 10 January 2020.

## Site Audit Statement

- D30. 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. A copy of the Site Audit Statement and any Environmental Management Plan must be provided to the Certifier, Planning Secretary and Council for information.

## Landscaping

- D31. Prior to the commencement of operation, landscaping and fencing of the site must be completed in accordance with the:
- (a) Phase 1 landscape plan(s) listed in condition A2(d), **as amended by condition B58**, if the Kent Street-Sydney Harbour Bridge Cycleway upgrade has not been completed; or

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- (b) Phase 2 landscape(s) plan listed in condition A2(d), **as amended by condition B58**, if the Kent Street-Sydney Harbour Bridge Cycleway upgrade has been completed, or alternative access to a cycleway (as provided by TfNSW) is available, such that the cycleway/walkway has been permanently diverted around the boundaries of the site.
- D32. 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 of the EIS.

### Consolidation of Lots

- D33. Prior to the commencement of operation, Lots 106,107 and 108 in DP 748340, Lots 2,3,4 and 9 in DP 73259 and Lot 2 in DP 244444 must be consolidated into one lot on title in accordance with the Plan of Lot Consolidation, prepared by RPS Aust. East Pty Ltd, and the plan lodged with the NSW Land Registry Services.



## 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) and submit it to the Council and Planning Secretary in consultation with Council. 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) demonstrate 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, where applicable, restricting use before 8am and after 10pm;
  - (f) details of the use of the rooftop terrace, where applicable, restricting use before 8am and after 8pm;
  - (g) measures to minimise localised traffic and parking impacts; and
  - (h) 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. 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) demonstrate 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, where applicable, restricting use before 8am and after 10pm;
  - (f) details of the use of the rooftop terrace, where applicable, restricting use before 8am and after 8pm;
  - (g) measures to minimise localised traffic and parking impacts; and
  - (h) include 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.



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## 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.

## Heritage Interpretation Plan

- E8. The Applicant must implement the most recent version of the Heritage Interpretation Plan approved under condition D25.

## Conservation Management Plan

- E9. The Applicant must implement the most recent version of the Conservation Management Plan approved under condition D24.

## Environmental Management Plan

- E10. 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 D30 and any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997*.

## Operational Noise Limits

- E11. The Applicant must ensure that noise generated by operation of the development, including noise from use of rooftop areas, all mechanical plant and equipment, public address systems, bells and alarms and other audible communication devices does not exceed the noise limits set out in Noise and Vibration Assessment Report, prepared by ARUP dated 20 December 2019 **and S4.55 Modification Acoustic Cover Statement, prepared by Stantec and dated 9 February 2021.**
- E12. 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 each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development or other timeframe approved by the Planning Secretary to verify that operational noise levels do not exceed the noise limits set out in Noise and Vibration Assessment Report, prepared by ARUP dated 20 December 2019. 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.

## School Transport Plan

- E13. The School Transport Plan required by condition D23 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

## Ecologically Sustainable Development

- E14. 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 B13, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

## Outdoor Lighting

- E15. Notwithstanding condition D7, should outdoor lighting 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.

## Landscaping

- E16. Unless already completed in accordance with condition D31(b), within three months of the completion of the Kent Street-Sydney Harbour Bridge Cycleway upgrade (by TfNSW), such that

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the cycleway/walkway has been permanently diverted around the boundaries of the site, landscaping and fencing must be altered to comply with the Phase 2 landscape plan(s) listed in condition A2(d), unless otherwise agreed to by the Planning Secretary in writing.

E17. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D31 for the duration of occupation of the development.

## **Operational Waste Management Plan**

E18. The Operational Waste Management Plan required by condition D23 must be implemented unless otherwise agreed by the Planning Secretary.

## **Trafficable rooftops**

### **E19 Use of the trafficable rooftops must be limited as follows:**

- a) **the rooftop of the Meteorology Building must not be used for student outdoor play but can be used for student outdoor learning;**
- b) **the Level 2 rooftop, shared between Building J and Building H, can be used for student outdoor play and learning;**
- c) **the Level 3 rooftop of Building J must not be used for student outdoor play but can be used for student outdoor learning; and**
- d) **the rooftop of the Meteorology Building can be used for community use subject to the relevant requirements of Conditions E1, E2, E3 and E11.**

**E20 Prior to the installation of any safety protection structures required on the trafficable rooftops, the design of the structures must be prepared in consultation with a suitably qualified and experienced heritage consultant and Heritage NSW and be submitted to the Planning Secretary for approval.**

## 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 A25 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.