

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

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

These conditions are required to:

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

Erica van den Honert
Acting Executive Director
Infrastructure Assessments

Sydney

9 October 2020

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

Application Number:	SSD 10393
Applicant:	Monte Sant' Angelo Mercy College Limited
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lots 3, 4, 5 and 6 in DP 262534 128 Miller Street North Sydney
Development:	<p>The redevelopment of Monte Sant Angelo Mercy College, comprising:</p> <ul style="list-style-type: none">• the demolition of two existing sports courts and associated under-croft staff carpark;• the construction of a new four-storey Sports and Science Building (Scientia Building) including:<ul style="list-style-type: none">○ two basement sports courts and a gymnasium;○ 13 science laboratory teaching spaces and an innovation hub;○ internal connection of the Scientia Building with the existing McQuoin Centre with associated refurbishment;○ kitchen area, staff facilities, basement carpark and associated landscaping; and○ internal connection of the building with the existing McQuoin Centre with associated refurbishment.• demolition of part of a boundary wall on Miller Street and relocation of an existing driveway;• associated landscaping works to create a landscaped courtyard, tree removal and replacement planting; and• stormwater drainage works and a new vehicular access.

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SCHEDULE 1

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-10393 Mod-1	15 June 2021	Team Leader, School Infrastructure Assessments	<ul style="list-style-type: none">• Minor internal and external design and landscaping changes to the Scientia Building.• Demolition and reconstruction of additional portions of the Miller Street boundary wall.
SSD-10393 Mod-2	7 February 2022	Team Leader, School Infrastructure Assessments	Internal layout and external facade modifications to the built form levels 0-6, for the Scientia Building at the Monte Sant' Angelo Mercy College North Sydney.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Monte Sant' Angelo Mercy College Limited or any other person carrying out any development to which this consent applies
ASA	Asset Standards Authority
BCA	Building Code of Australia
BC ACT	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certifier	Means a council or accredited certifier
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. <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>
Council	North Sydney Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising of the demolition of existing sports facilities and the construction of the proposed Sports and Science Building and associated works, as modified by the conditions of this consent.

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Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement – Monte Sant’ Angelo Mercy College Sports and Science Building</i> , prepared by Urbis dated 8 April 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	A place, building, work, relic, archaeological site, tree, moveable object or precinct of heritage significance, that is listed under one or more of the following registers: the Heritage Act 1977 (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW)
HIS	Heritage Interpretation Strategy
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: “material harm” is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department’s website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in Section 9 of the EIS.
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring

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Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
OMP	Operational Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Rail Corridor	Sydney Metro rail corridor
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
RL	Relative level
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
SWMS	Safe Work Method Statement
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

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

Architectural Drawing prepared by <i>Hayball</i>			
Dwg No.	Rev	Name of Plan	Date
D.01.01	8	Existing & Demolition Site Plan	30/04/2021
D.01.02	10	Proposed Site Plan	24/11/2021
D.02.00	9	Proposed Level 0 Plan	24/11/2021
D.02.01	9	Proposed Level 1 Plan	24/11/2021
D.02.02	9	Proposed Level 2 Plan	24/11/2021
D.02.03	9	Proposed Level 3 Plan	24/11/2021
D.02.04	9	Proposed Level 4 Plan	24/11/2021
D.02.05	9	Proposed Level 5 Plan	24/11/2021
D.02.06	9	Proposed Level 6 Plan	24/11/2021
D.03.01	9	Street Elevations	24/11/2021
D.03.03	9	Elevations	24/11/2021
D.03.11	8	Sections	24/11/2021
A13.01	E	Miller Street Wall	14/05/2021
A13.02	B	Miller Street Wall Details	11/05/2021
Landscape Response to Submissions and Updates since SSD submission - Drawing Package prepared by Spackman Mossop Michaels			
Dwg No.	Rev	Name of Plan	Date
Figure 1	-	Landscape Plan – Levels 3 and 4	18/11/2021
Figure 3	-	Section	18/11/2021
Figure 4	-	Roof Top Terrace	18/11/2021

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.

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- 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) and 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.
- A6. This consent does not permit:
- (a) any amendments (including increase) in staff or student numbers; and
 - (b) alterations and / or demolition of any items of heritage significance apart from that approved by the plans listed in condition A2.

Prescribed Conditions

- A7. 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

- A8. 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

- A9. 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

- A10. 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 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).
- A11. A Staging Report prepared in accordance with condition 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 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 required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A13. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

Staging, Combining and Updating Strategies, Plans or Programs

- 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.

Notes:

- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.
- Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.

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.
- 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; and
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

Compliance

- 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 in writing to compliance@planning.nsw.gov.au 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 2**.

Non-Compliance Notification

- A27. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au 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 A27;
- (c) the submission of an Independent Audit under condition D44;
- (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 60 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.
- A36. The applicant must report back to the Planning Secretary within six months of the date of this consent being granted on how the project has commenced in line with its inclusion in the Planning System Acceleration Program

Consultation with Sydney Metro

- A37. Where a condition of consent requires consultation with and/or the approval of Sydney Metro, the Applicant must forward all requests and/or documentation to the relevant Sydney Metro external party interface team via email at SydneyMetroCorridorProtection@transport.nsw.gov.au.
- A38. Where a condition of consent requires Sydney Metro and / or Transport for NSW endorsement, the Certifier is not to issue a construction certificate or occupation certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with.
- A39. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to the Department of Planning, Industry and Environment for its records prior to the issue of a construction certificate.

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- A40. Notwithstanding condition A38, the issuing of staged construction certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions apply.

FOR INFORMATION

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Rail Related Information for Sydney Metro

- B1. Prior to the issue of construction certificate, the Applicant must submit the following information to Sydney Metro for review and endorsement:
- (a) a revised Numerical Modelling Report, confirming that the impacts are still acceptable when the detailed foundation layout and loads are available;
 - (b) demolition, excavation and construction methodology and staging;
 - (c) a construction methodology which includes construction details pertaining to structural support during excavation;
 - (d) machinery likely to be used during excavation and construction;
 - (e) cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All horizontal and relative level (RL) measurements are to be verified by a Registered Surveyor;
 - (f) a detailed Survey Plan showing the relationship of the proposed development with respect to the rail corridor boundary and any rail infrastructure (land and/or easements). The survey is to be undertaken by a registered surveyor;
 - (g) the common property boundary between the development site and the rail corridor and any Sydney Metro easements, pegged out by a registered surveyor, to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works;
 - (h) a services search to establish the existence and location of any rail services and provide the results to Sydney Metro;
 - (i) unless otherwise agreed by Sydney Metro, a Risk Assessment / Management Plan and detailed Safe Work Method Statement (SWMS) which details any impacts on the rail corridor; and
 - (j) unless otherwise agreed by Sydney Metro, a Track (and/or ground vibration) Monitoring Plan which details the instrumentation and the monitoring regime to be used during the excavation and construction phases.
- B2. Prior to the issue of the construction certificate, all reports required by condition B1 of this consent and the endorsement from Sydney Metro must be submitted to the Certifier for information.
- B3. Prior to the issue of any relevant construction certificate the Applicant must contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required.
- B4. Unless otherwise agreed by Sydney Metro the Applicant must obtain insurance for the sum determined by Sydney Metro. Such insurance must not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro.
- B5. Prior to issuing a construction certificate, a copy of this insurance must be submitted to the satisfaction of the Certifier.

Waste Management and Processing

- B6. Prior to the issue of a construction certificate for the operational 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, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

Amended Acoustic Report and treatments

- B7. Prior to the issue of the construction certificate, the *DA Acoustic Report Revision E*; dated April 2020 and addendum dated 23 July 2020 prepared by Wilkinson Murray must be amended to include:
- (a) an assessment against the relevant provisions of State Environmental Planning Policy (Infrastructure) 2007, as the property adjoins a future rail corridor;
 - (b) an assessment of the impact levels of the proposal on Sydney Metro infrastructure addressing the requirements of the Sydney Metro Underground Corridor Protection Guidelines (available on www.sydneymetro.info);
 - (c) the details of compliance of the building in accordance with *Development Near Rail Corridors and Busy Roads - Interim Guidelines (Department of Planning 2008)* and the Sydney Metro At Grade Elevated Sections Corridor Protection Guidelines (available at www.sydneymetro.info);
 - (d) demonstration that the development can be designed and constructed to avoid any damage or other interference due to air-borne noise, ground-borne noise and vibration effects due to the rail corridor, during the rail construction and future operation;
 - (e) any impacts of vibration due to the adjoining rail corridor in accordance with *Development Near Rail Corridors and Busy Roads - Interim Guidelines (Department of Planning 2008)*;
 - (f) acoustic treatments that would ensure that the recommended internal noise levels within the learning areas of the proposed building are achieved; and
 - (g) any additional treatment to ensure that the noise and vibration impacts due to the rail corridor are appropriately mitigated.
- B8. The construction certificate plans must demonstrate that the recommended measures in *DA Acoustic Report Revision E*; dated April 2020 and addendum dated 23 July 2020 prepared by Wilkinson Murray, as revised by condition B7, have been incorporated in the design of the building to prevent noise and vibration intrusion into the development due to the adjoining rail corridor.
- B9. A suitably qualified Acoustic Consultant must certify that the construction certificate plans comply with condition B7. A copy of this certification must be submitted to the Certifier for their information.

Certified Drawings

- B10. Prior to the issue of the construction certificate, 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.
- B11. A copy of the endorsement from Sydney Metro must be submitted to the Certifier for information, prior to the issue of the construction certificate.

Amended Design of the solid brick wall

- B12. Prior to the issue of the construction certificate for the boundary wall fronting Miller Street, the Applicant must submit an amended design of the reconstructed section of the wall to the satisfaction of the Planning Secretary, by:
- (a) deleting the proposed perforated metal screen (infill panels) from the wall;
 - (b) replacing the screen with a solid wall with brickwork matching the existing heritage significant wall;
 - (c) ensuring that the design of the reconstructed section of the wall is slightly different from the original wall so that the new work can be differentiated from the original wall fabric, upon closer inspection; and
 - (d) incorporating the current gate, where reasonable and feasible.
- B13. The required plan in condition B12, must be accompanied by a certificate from a suitably qualified heritage consultant supporting the proposed design of the wall.

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External colours and finishes

- B14. The construction certificate plans must demonstrate, to the satisfaction of the Certifier, that:
- (a) the external colours and finishes comply with the list provided in 'Elevations' Dwg D.3.03 Rev 9, prepared by Hayball dated **24 November 2021**;
 - (b) the reflectivity index (expressed as a percent of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes, **including the "skymax" roof louvre, as identified in 'Elevations' Dwg D.3.03 Rev 9, prepared by Hayball dated 24 November 2021** is no greater than 20%; and
 - (c) the roofing and façade materials, **including the "skymax" roof louvre** do not cause glare nuisance or excessive reflectivity to adjoining neighbouring properties.

Roadworks

- B15. Prior to the commencement of any road works (where applicable) outside the site's boundary or driveway crossings, the Applicant must obtain separate approvals from Council or the relevant roads authority under section 138 of the *Road Act 1993*. The construction certificate plans must be prepared by a suitably qualified engineer and demonstrate that:
- (a) the vehicular access would comply with the latest version of AS2890.1, Council's current Vehicular Access Application Guidelines and Specifications and Public Domain Style Manual and Design Code;
 - (b) the redundant vehicular crossing would be reinstated as kerb and footpath in accordance with Council's relevant requirements;
 - (c) the road shoulder, kerb, gutter and layback would be reconstructed on the Miller Street frontage of the site in accordance with Council's Public Domain Style Manual and Design Codes;
 - (d) the maximum width of the new vehicular layback would be 7 metres (m) (including the wings);
 - (e) the existing vehicular crossing on Miller Street, that is to remain, would be reconstructed in accordance with Council's requirements; and
 - (f) both crossings (between the layback and the property boundary) would be designed per Council's requirements and all utilises adjusted.

Accessibility

- B16. The construction certificate plans must demonstrate compliance with the recommendations of *Access Report (AN019-213847)* prepared by Philip Chun Building Compliance dated 25 February 2020.

Amended Landscape Plans

- B17. **Prior to the issue of any construction certificate, the Applicant must submit the following information to the satisfaction of the certifier:**
- (a) **the landscape plan Figure 1 dated 18 November 2021 as prepared by Spackman Mossop Michaels must be updated to identify the trees which are approved for removal as was shown on the Figure 1 plan dated 12 May 2021.**

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- C1. The Applicant must notify the Planning Secretary and Council in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- C2. The Applicant must notify Sydney Metro in writing at least 5 business days before any of the following events occur within 25 metres of the rail corridor:
- (a) Site investigations;
 - (b) foundation, pile and anchor set out;
 - (c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
 - (d) foundation, pile and anchor excavation;
 - (e) other excavation;
 - (f) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
 - (g) other concreting; or
 - (h) any other event that Sydney Metro has notified to the Applicant in writing.
- so that Sydney Metro may, as required, inspect the carrying out or completion of those works on the development site.
- C3. For works occurring adjacent to the rail corridor, the Applicant must notify Sydney Metro in writing at least 5 business days before, and on the day of, commencing works.
- C4. 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.

External Walls and Cladding

- C5. Prior to the commencement of construction of external walls and cladding of the building, 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

- C6. Prior to the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- C7. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.

Community Communication Strategy

- C8. No later than two weeks 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

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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

- C9. Prior to the commencement of construction of the ground level of the building, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 4-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
 - (b) submit evidence to the satisfaction of the Certifier from a suitably qualified ESD Accredited Professional that the ESD measures equivalent to a minimum of 4-star rating have been incorporated into the design of the works proposed.

Outdoor Lighting

- C10. 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

- C11. Prior to the commencement of the demolition works, all relevant 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

- C12. 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>

Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

Construction Environmental Management Plan

- C13. 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

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Secretary. The CEMP must be consistent with the preliminary *Construction Management Plan* prepared by Cornerstone dated 5 April 2020 and include, but not be limited to, the following:

- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; and
 - (vii) community consultation and complaints handling.
 - (b) Construction Noise and Vibration Management Sub-Plan (see condition C15);
 - (c) Construction Waste Management Sub-Plan (see condition C16);
 - (d) Construction Soil and Water Management Sub-Plan (see condition C17);
 - (e) an unexpected finds protocol for contamination and associated communications procedure;
 - (f) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
 - (g) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.
- C14. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary, Council and Sydney Metro (where applicable).
- C15. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) be prepared in consultation with Sydney Metro;
 - (c) be consistent with the recommended measures within *DA Acoustic Report Revision E*, dated April 2020 and addendum dated 23 July 2020 prepared by Wilkinson Murray in relation to construction noise and vibration management;
 - (d) describe procedures for achieving and complying with the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (e) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (f) include strategies that have been developed with the community for managing high noise generating works;
 - (g) describe the community consultation undertaken to develop the strategies in condition C15 (f);
 - (h) describe details of noise mitigation measures installed to ensure that the students and users of the school are not impacted by the construction noise;
 - (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 management measures in accordance with condition C15(f).
- C16. The Construction Waste Management Sub-Plan (CWMSP) 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.
- C17. The Construction Soil and Water Management Sub-Plan (CSWMSP) must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) describe all erosion and sediment controls to be implemented during construction and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th 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 event (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 1-year ARI, 1 in 5-year ARI.

Construction Traffic and Pedestrian Management Plan

- C18. Prior to the commencement of construction, a Construction Traffic and Pedestrian Management Plan (CTPMP) must be prepared in consultation with Council and the Sydney Coordination Office of the TfNSW to achieve the objective of ensuring safety and efficiency of the road network. The CTPMP must be consistent with the preliminary Construction Traffic Management Plan prepared by Cornerstone dated 18 August 2020 and include (but not be limited to):
- (a) a description of the development;
 - (b) details of crane arrangements including location of any cranes(s) and crane movement plan;
 - (c) construction traffic haulage routes;
 - (d) details of predicted number of construction vehicle movements, construction vehicle types, heavy vehicle routes, access and parking arrangements;
 - (e) construction program, methodology and any construction staging;
 - (f) details of proposed hoardings or scaffoldings;
 - (g) measures to avoid construction vehicle movements within the surrounding area;
 - (h) consultation strategy for liaison with the surrounding stakeholders including any adjoining developments under construction and Sydney Metro City and Southwest;
 - (i) location of proposed construction zones and proposed management measures in these zones;
 - (j) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services.
- C19. The CTPMP must be prepared by a suitably qualified and experienced person(s) and be endorsed by the Sydney Coordination Office of TfNSW prior to the commencement of construction and a copy submitted to the Certifier and Council for information.
- C20. The Applicant must provide the builder's direct contact number to the Transport Management Centre within the Sydney Coordination Office of TfNSW.

Driver Code of Conduct

- C21. 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 vehicles on the local and regional road network;

- (b) minimise conflicts with other road users;
- (c) minimise road traffic noise; and
- (d) ensure truck drivers use specified routes.

Construction Access and Parking Arrangements

- C22. Prior to the commencement of construction, evidence must be submitted to the Certifier that the construction access and parking arrangements comply with the following requirements:
- (a) all vehicles must be able to 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, must be 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, is to be addressed.

Soil and Water

- C23. Prior to the commencement of construction, the Applicant must install erosion and sediment controls on the site to manage wet weather events in accordance with the CSWMSP.

Construction Worker Transportation Strategy

- C24. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary and Council for information.

Project Heritage Architect

- C25. Prior to the commencement of any works, an appropriately qualified and experienced heritage architect must be commissioned to assist the construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to heritage matters. Written details of the engagement of the experienced heritage architect must be submitted to the Certifier for information.

Photographic archival recording

- C26. Prior to the commencement of any works on the site, a photographic archival recording is to be prepared for the following buildings under the supervision of the project heritage architect as required by condition C25, and in consultation with Council's historian. The photographic archival recording must include the following and be provided to Council for information within six months of commencement of construction:
- (a) the brick wall on Miller Street frontage and its context; and
 - (b) the entry driveway to the Holy Grass and the exterior of the historic buildings that relate to the Holy Grass.

Heritage Interpretation Strategy

- C27. Prior to the commencement of works for the ground level of the building, a Heritage Interpretation Strategy (HIS) must be prepared by an appropriately qualified and experienced heritage architect, in consultation with Council (Council's Team Leader Arts and Culture and Council's Conservation Planner) and the Registered Aboriginal parties. The HIS must include the detailed design of any decorative screening and artwork (where relevant) that is proposed in association with the development and be consistent with North Sydney Council's Public Art Policy and Master Plan. Details of the HIS and evidence of consultation must be submitted to the satisfaction of the Certifier prior to commencement of work.
- C28. Prior to the issue of a construction certificate for above ground works, a Heritage Interpretation Strategy (HIS) must be prepared by an appropriately qualified and experienced heritage architect, in consultation with Council (Council's Team Leader Arts and Culture and Council's Conservation Planner) and the Registered Aboriginal parties. The HIS must include the detailed design of any decorative screening and artwork that is proposed in association with the development and be consistent with North Sydney Council's Public Art Policy and Master Plan.

Details of the HIS and evidence of consultation must be submitted to the satisfaction of the Certifier prior to commencement of work.

Operational Noise – Design of Mechanical Plant and Equipment

- C29. Prior to installation of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the *DA Acoustic Report Revision E; dated April 2020* and addendum dated 23 July 2020 prepared by Wilkinson Murray, into the detailed design drawings and submit the drawings to the satisfaction of the Certifier.

Operational Waste Storage and Processing

- C30. Prior to the of the operation waste storage 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, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier for information.

Stormwater Management System

- C31. Prior to the commencement construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the plans contained in Stormwater Management Plan, Proposed New sports and Science Building at Monte Sant Angelo Mercy College, dated 18 March 2020 and prepared by Webber Design;
 - (c) be in accordance with applicable Australian Standards;
 - (d) the capacity of the proposed on-site stormwater detention tank be designed in accordance with Council's civil works requirements;
 - (e) the pump-out system for the basement area comprises two pumps, connected in parallel with each pump being capable of emptying the holding at the rate equal to the rate of inflow for the one-hour duration stormwater (of the 1 in 20 year storm);
 - (f) drainage disposal to the street gutter from the pump system (if applicable) comprise a stilling pump at the property line, connected to the street gutter by a suitable line;
 - (g) 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;
 - (h) ensure that any rainwater tank (if proposed) be connected to the stormwater system; and
 - (i) ensure that no fence / building structures are constructed to impede the stormwater flow.
- C32. Prior to the commencement of construction of the stormwater works, the Applicant must demonstrate that the stormwater system can be connected to a newly constructed grated gully pit (with lintel) fronting the site on Miller Street. The design of the connection must include the following details of works outside the site's boundary (within Council's land):
- (a) a standard grated gully pit with extended kerb inlet (1.8m lintel) provided in the kerb fronting the site at Miller Street, designed in accordance with Council's "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works";
 - (b) the pipes within the footpath constructed of reinforced concrete class 2 with a minimum pipe diameter of 300mm diameter and have bedding in accordance with AS3725 – Loads of buried concrete pipes;
 - (c) the private underground pipeline within the footpath provided with a minimum cover of 400mm; and
 - (d) details of affected utility services and street trees (a survey may be needed for this).
- C33. The Applicant must lodge separate construction certificates and obtain separate approvals from Council for all stormwater works within Council's land and provide evidence of such approvals to the Certifier for information, prior to the commencement of those works.

Operational Car Parking, Bicycle Parking and Service Vehicle Layout

- C34. Prior to the commencement of construction of the basement carpark and driveway, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles are able to enter and leave the Site in a forward direction;
 - (b) a minimum of 55 on-site car parking spaces for use during operation of the development are provided and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
 - (c) 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;
 - (d) the layout, design and security of bicycle facilities comply with the minimum requirements of the latest version of AS 2890.3:2015 Parking facilities - Bicycle parking;
 - (e) bicycle parking areas are located in easy to access, well-lit areas that incorporate passive surveillance; and
 - (f) end-of-trip facilities are included for staff and students in accordance with the EIS and approved plans.
- C35. A copy of the plans / documents must be provided to the Certifier for information, prior to the issue of the construction certificate.

Public Domain Works

- C36. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.
- C37. Prior to the commencement of public domain / footpath works, the design details for the following works must be submitted to Council for endorsement and a copy submitted to the Certifier for information:
- (a) details of construction of kerb / gutter, reconstructed footpath along the full proposed building footprint frontage of Miller Street and any areas required to transition the new works to existing structures, in accordance with Council's Public Domain Style Manual for North Sydney Centre including:
 - (i) longitudinal sections (at a scale of 1:50), extending 5m beyond the scope of works; and
 - (ii) design to ensure that the footpath has a single straight grade of 3% and is uniform with no dipping or rising levels.
- C38. Prior to the commencement of works in relation to the removal / relocation and / or temporary non-operation of any existing parking meters on the frontage of the site, a separate approval must be obtained from Council and evidence submitted to the Certifier for information.
- C39. Prior to the commencement of any footpath or public domain works all costs associated with relocating street signs, reinstatement of all parking meters and associated meter infrastructure must be paid in full to Council. Evidence of the payment (where applicable) must be submitted to the Certifier prior to the commencement of each of those works.
- C40. Council must be provided a notice of the proposed public domain works at least 10 working days prior to the commencement of such works.
- C41. Prior to the commencement of works on public land, the Applicant must submit a copy of the Public Risk Insurance (with a minimum cover of \$20 million) to Council for information.

Hazardous Material

- C42. Prior to any proposed demolition or refurbishment works, a hazardous materials register, and an Asbestos Management Plan must be prepared in accordance with the recommendations of *Asbestos and Hazardous Materials Limited Pre-Demolition Survey* prepared by Coffee dated 14 February 2020 and submitted to the satisfaction of the Certifier.

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- C43. Prior to commencement of any demolition or refurbishment works, all Synthetic Minerals Fibre (SMF) must be removed in accordance with the recommendations of *Asbestos and Hazardous Material Limited Pre-Demolition Survey* prepared by Coffee dated 14 February 2020 and evidence of such removal be provided to the satisfaction of the Certifier.

Compliance with geotechnical recommendations

- C44. Prior to the commencement of construction, a suitably qualified Geotechnical Engineer must certify that the development has been designed including all recommendations of the *Report on Geotechnical Investigation* prepared by Douglas Partners dated February 2020 and any additional recommendations required to be endorsed by Sydney Metro in condition B1.

Sydney Metro requirement

- C45. Unless otherwise agreed by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development must be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared.

Boundary alignment levels

- C46. Prior to the commencement of works at the site boundary (including driveway or the fence), the Applicant must demonstrate to the satisfaction of the Certifier that the site boundary alignment levels match the levels which existed prior to the commencement of works.

Bond to Council

- C47. Prior to the commencement of works outside the site boundary, a security deposit or bank guarantee (bond money) must be provided to Council for approved road works under Condition C37 and tree protection. Details of the security deposit and the amount must be obtained from Council prior to the commencement of works and the payment made. A copy of the receipt of payment of bond for roadworks and tree protection must be provided to the Certifier for information.

Note: The security deposit for roadworks and trees would be refundable within 6 months of the issue of the occupation certificate and following inspections by Council's engineers.

Site Contamination

- C48. 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.

Project Arborist

- C49. Prior to the commencement of construction, the Applicant must engage a suitably qualified Arborist to oversee the tree protection, retention and removal within the site. The Arborist must be appointed throughout the duration of the construction works.

Works Within Sydney Metro's Property

- C50. Prior to the issue of a construction certificate, evidence (including written confirmation from Sydney Metro) must be submitted to the satisfaction of the Certifier demonstrating that:
- (a) no rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces are planned to be installed in the rail corridor, within Sydney Metro property or easements; and
 - (b) no work is proposed within the rail corridor, or any easements which benefit Sydney Metro, at any time.
- C51. The requirements of condition C50(b) can be altered with prior approval of, or an Agreement between Sydney Metro and the Applicant.

PART D DURING CONSTRUCTION

Site Notice

- D1. 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 841mm x 594mm (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.
- D2. During construction, the Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with the correspondence issued by Sydney Metro;
 - (b) acts as the authorised representative of the Applicant; and
 - (c) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro, as notified by the Applicant.
- D3. Unless otherwise agreed by Sydney Metro (in writing), all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

Operation of Plant and Equipment

- D4. 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

- D5. 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 C11.

Construction Hours

- D6. 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.
- D7. Construction activities may be undertaken outside of the hours in condition D6 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers;
 - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works; or
 - (e) that are subject to the approval of an 'Out of Hours' permit by Council.

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- D8. Notification of such construction activities as referenced in condition D7 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D9. 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

- D10. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

Construction Traffic

- D11. All construction vehicles (excluding site personnel vehicles) must be contained wholly within the site (except for approved construction zones), except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

Hoarding Requirements

- D12. 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.

Sydney Metro Requirements

- D13. No scaffolding required for the proposed building works must face the rail corridor unless written approval has been obtained from Sydney Metro. If permitted, scaffolding must not be erected without the erection of isolation and protection panels.
- D14. No metal ladders, tapes, plant, machinery or conductive material must be used within 6 horizontal metres of any live electrical equipment with the rail corridor or infrastructure.
- Note: This applies to train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.*
- D15. Excess soil from the construction works is not allowed to enter, be spread or stockpiled within the rail corridor (or its easements) and must be adequately disposed of by the Applicant.

Geotechnical matters

- D16. All excavation works must be undertaken in accordance with the recommendations of the *Geotechnical Investigation* prepared by Douglas Partners dated February 2020 and any additional recommendations required to be endorsed by Sydney Metro in condition B1.
- D17. Unless otherwise agreed by Sydney Metro, all excavation, shoring and piling works within 25m of the rail corridor must be supervised by a suitably qualified geotechnical engineer.

No Obstruction of Public Way

- D18. 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

- D19. The construction noise and vibration during the building works must be managed and mitigated in accordance with the CNVMSP and comply with the noise levels in *the Interim Construction Noise Guideline* (DECC, 2009).
- D20. 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 D6.

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- D21. 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

- D22. 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).
- D23. Vibratory compactors must not be used closer than 30m from residential buildings or easements unless vibration monitoring confirms compliance with the vibration criteria specified in condition D22.
- D24. The limits in conditions D22 and D23 apply unless otherwise outlined in the CNVMSP, approved as part of the CEMP required by condition C15 of this consent.

Tree Protection

- D25. 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 property boundaries 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 must be suitably protected during construction as per the recommendations of the *Arboricultural Impact Assessment Report, Monte Sant Angelo Mercy College, 128 Miller Street, North Sydney*, dated 16 March 2020, the Monte Sant' Angelo Mercy College Monte Scientia Project Landscape Response to Submissions - Drawing Package, dated 7 July 2020 and **Landscape Drawing updated since SSD submission, prepared by Spackman Mossop Michaels and dated 12 May 2021 (Figure 1 only – for the purpose of identifying tree removal) and the landscape concept plans dated 18 November 2021 as prepared by Spackman Mossop Michaels and as required to be amended by condition B17;** 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 the Project 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

- D26. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D27. 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

- D28. All erosion and sediment control measures must be effectively implemented in accordance with the CSWMSP 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.

Imported Soil

- D29. 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

- D30. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of 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.
- D31. Unless prior written approval has been obtained by Sydney Metro, stormwater is not permitted to be discharged into the adjacent rail corridor.

Sandstone blocks and Existing Heritage Buildings

- D32. The sandstone blocks (if any) within the site, that are required to be removed must be re-used on the site or offered to Council in the first instance.
- D33. No building or landscaped element within the site, that has heritage significance, is to be damaged during construction works.

Unexpected Finds Protocol – Aboriginal Heritage

- D34. 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.

Unexpected Finds Protocol – Historic Heritage

- D35. 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.

Asbestos Management

- D36. Any identified asbestos containing material on the site must be managed in accordance with the Asbestos Management Plan required by condition C42 of this development consent.

Waste Storage and Processing

- D37. 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.

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- D38. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D39. 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.
- D40. 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.
- D41. 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

- D42. 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.

Independent Environmental Audit

- D43. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- D44. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- D45. 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.
- D46. 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 D44 of this consent;
 - (b) submit the response to the Planning Secretary and the Certifier; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- D47. Independent Audit Reports and the Applicant'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.
- D48. 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.

Site Contamination

- D49. 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.

PART E PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Notification of Occupation

- E1. At least one month before the issue of the occupation certificate, 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

- E2. Prior to the issue of the occupation certificate 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.
- E3. 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.

Post-construction Dilapidation Report

- E4. Prior to the issue of the occupation certificate, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report. This report is:
- a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c) to be forwarded to Council for information.

Protection of Public Infrastructure

- E5. 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 or otherwise addressed by contributions required by this consent.

Protection of Property

- E6. 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.

Utilities and Services

- E7. Prior to the issue of the occupation certificate, 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*.

Works as Executed Plans

- E8. Prior to the issue of the occupation certificate, 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 and Sydney Metro.

Restriction as to User

- E9. Prior to the issue of the occupation certificate for the proposed building an Instrument pursuant to section 88B and 88E of the *Conveyancing Act 1919*, in favour of North Sydney Council and burdening the site at 128 Miller Street must be submitted to Council. The Instrument must

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provide for a restriction-as-to-user and positive covenant on the title of 128 Miller Street requiring:

- (a) the on-going maintenance, retention and operation of the proposed on-site detention system, pump-out system and rainwater tank (if any);
- (b) nomination of North Sydney Council to be the only party authorised to release, vary or modify an instrument; and
- (c) the wording on the Instrument making reference to the "Work-as Executed" plans.

E10. The Applicant must consult with Council in the creation of the instrument under condition E9 and provide a copy of the registered restriction on the title to the Certifier and Council for information, prior to the issue of the occupation certificate for the proposed building.

Green Travel Plan

E11. Prior to the commencement of operation, a Green Travel Plan (GTP) must be submitted to the satisfaction of the Certifier to promote the use of active and sustainable transport modes. The plan must:

- (a) be generally consistent with the preliminary GTP (19.455r03v04) prepared by Traffix dated 6 April 2020, submitted with the application;
- (b) be prepared by a suitably qualified traffic consultant in consultation with Council and TfNSW;
- (c) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
- (d) include specific tools and actions to help achieve the objectives and mode share targets;
- (e) include 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 GTP; and
- (f) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

Mechanical Ventilation

E12. Prior to the issue of the occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:

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

Operational Noise – Design of Mechanical Plant and Equipment

E13. Prior to the issue of the occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the *DA Acoustic Report Revision E* dated April 2020 and addendum dated 23 July 2020 prepared by Wilkinson Murray, as amended by condition B7, have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

Car Parking, Bicycle Parking and Service Vehicle Arrangements

E14. Prior to the issue of the occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Certifier which demonstrates that:

- (a) the car parking, bicycle parking and service vehicle arrangements within the site comply with the requirements of condition C34 of this development consent;
- (b) an additional eight car parking spaces have been provided within a separate carpark (fronting McLaren Street or at any other location within the site) for exclusive use by staff;

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- (c) appropriate pedestrian and cyclist advisory signs have been provided; and
- (d) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority.

Road Damage

- E15. Prior to the issue of the occupation certificate, 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.

Fire Safety Certification

- E16. Prior to issue of an occupation certificate, 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

- E17. Prior to the occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of 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

- E18. Prior to the issue of the occupation certificate, the Applicant must 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* (where relevant) and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

Stormwater Quality Management Plan

- E19. Prior to the issue of the occupation certificate, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP 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.

Warm Water Systems and Cooling Systems

- E20. 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

- E21. 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:

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- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage

- E22. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- E23. 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

- E24. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
 - (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) 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);
 - (c) detail the materials to be reused or recycled, either on or off site; and
 - (d) include the Management and Mitigation Measures included in the EIS.

Landscaping

- E25. Prior to the issue of the occupation certificate, the Applicant must submit evidence to the Certifier that 42 trees / plants have been planted on the site including an amended landscape plan with:
 - (a) the details of the location, species, maturity and height at maturity of the 42 trees / plants to be planted on-site demonstrating that the species (trees, shrubs and groundcovers) are indigenous to the local area; and
 - (b) the provision of street tree planting with location and species determined in consultation with Council.
- E26. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must:
 - (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
 - (b) be consistent with the **approved** Landscape Plans prepared by Spackman Mossop Michaels **as listed in Condition A2 except as required to be amended as per Condition B17**, and the Arborist Report prepared by Truth About Trees.
- E27. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

Acoustic treatments

- E28. Prior to the issue of the occupation certificate, a suitably qualified Acoustic Consultant must certify that the acoustic treatments incorporated within the development comply with condition B7 of this development consent.
- E29. The report submitted by the Acoustic Consultant in condition E28 must include the identification of external and internal noise levels that are representative of the typical maximum levels that may occur at this development and a conclusion as to whether the internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, corrective measures must be identified to ensure that internal noise levels are compliant with the requirements of the Guideline.

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- E30. Prior to the commencement of operation, any corrective measures identified in Condition E28 must be implemented to the satisfaction of the Certifier.

Site Audit Statement

- E31. Prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan (if needed) to the Planning Secretary and the Certifier.

Sydney Metro requirements

- E32. Unless otherwise agreed by Sydney Metro, prior to the issue of an occupation certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a post-construction dilapidation survey prepared. The post-construction dilapidation survey must demonstrate the extent of any damage during construction (when compared to the pre-construction dilapidation survey needed by condition C45) and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an occupation certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- E33. The Applicant must submit a detailed post-construction dilapidation report for review and endorsement by Sydney Metro within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing. Any existing damage during construction of the development (and any ongoing / future deterioration during the operation of the development) must be rectified at the Applicant's cost, when identified.

Location of External Service Ducts

- E34. Prior to the issue of the occupation certificate, the Applicant must demonstrate to the satisfaction of the Certifier that all service ducts are provided within the building to keep the external walls free of plumbing, drainage or any other utility installations.

Accessibility report

- E35. A suitably qualified Accessibility consultant must certify that the proposed building and the associated works comply with the recommendations of the *Access Report (AN019-213847)* prepared by Philip Chun Building Compliance dated 25 February 2020.

External materials and finishes

- E36. Prior the issue of the occupation certificate for the proposed building, the project heritage architect and a suitably qualified consultant must certify that the external materials and finishes for the building comply with the requirements of condition C28.

Heritage Interpretation works

- E37. All works including (but not limited to) public artworks as recommended in the Heritage Interpretation Strategy, required by condition B15, must be completed prior to the commencement of operations of the proposed building.

Roadworks, vehicular access and public domain works

- E38. Prior to the issue of the occupation certificate, the Applicant must provide appropriate evidence to the Certifier to demonstrate that all roadworks, public domain works, street tree plantings and stormwater connections / piping and pits outside the boundary of the site have been completed in accordance with the conditions of this development consent and appropriate approvals obtained from Council.

Tree Protection

- E39. Prior to the issue of the occupation certificate, the Project Arborist must provide evidence to the satisfaction of the Certifier certifying that all trees not permitted to be removed, have been appropriately protected and retained in accordance with condition D25.

PART F POST OCCUPATION

Hours of Operation and usage

- F1. This consent does not permit any alterations to the existing operational hours of the school.
- F2. The use of the proposed building for the purpose of community uses or out-of-hours school activities must be undertaken in accordance with and within the hours specified in the Indicative Usage Profile for Monte Sant' Angelo Mercy College, submitted with the RtS.
- F3. The rooftop sports courts must not be hired out for community usage.

Out of Hours Event Management Plan

- F4. Prior to the commencement of the first out of hours events (school use) run by the school within the Scientia Building, that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (School Use) in consultation with Council and submit it to the Council for information. The plan must be made publicly available on the Mont Sant' Angelo Mercy College website at least one week prior to the event and 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 building including the rooftop sports facilities, where applicable, restricting use before 8am and after 10pm;
 - (f) measures to minimise localised traffic and parking impacts; and
 - (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- F5. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.
- F6. Prior to the commencement of out of hours events (community use) run by external parties that involve 100 or more people in the Scientia Building, the Applicant is to prepare an Out of Hours Event Management Plan (Community Use) in consultation with Council and submit it to Council for information. The plan must be made publicly available on the Mont Sant' Angelo Mercy College website at least one week prior to the event and 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 specifying that the rooftop sports court would not be available for community use (in accordance with the Indicative Usage Profile submitted with the RtS);
 - (f) measures to minimise localised traffic and parking impacts; and
 - (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- F7. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified community event or use.

Operation of Plant and Equipment

- F8. 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

- F9. 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

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Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Community Communication Strategy

- F10. The Community Communication Strategy must be implemented for a minimum of 12 months following the completion of construction.

Unobstructed Driveways and Parking Areas

- F11. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Green Travel Plan

- F12. The Green Travel Plan required by condition E11 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Ecologically Sustainable Development

- F13. 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 C9, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

- F14. Notwithstanding condition E21, 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.
- F15. No additional floodlighting or illuminated sign must be installed on the site in association with the proposed works approved under this development consent.

Landscaping

- F16. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E25 E26 for the duration of occupation of the development.

Sydney Metro requirement

- F17. The buildings approved under this development consent must be maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Sydney Metro City and Southwest rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Sydney Metro City and Southwest rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

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.
- AN2. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.
- AN3. The applicant may apply for specific permits available from Council's Customer Service Centre for the activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of forty-eight (48) hours notice is required for any permit.

Long Service Levy

- AN4. 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

- AN5. Any advice or notice to the consent authority must be served on the Planning Secretary.

Access for People with Disabilities

- AN6. 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

- AN7. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- AN8. 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

- AN9. 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

- AN10. 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

- AN11. 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

- AN12. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

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Handling of Asbestos

AN13. 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.

Fire Safety Certificate

AN14. 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.

Sydney Metro

AN15. With regard to the revised Numerical Modelling Report. Sydney Metro noted that the building loads applied are uniformly distributed pressures across the basement footprint, the movement and stresses change could be higher with the actual (concentrated) foundation loads. Furthermore, the information provided does not show either the type of foundation or founded levels.

AN16. Persons performing the rail service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Application must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site

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 at the following address: compliance@planning.nsw.gov.au 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.