

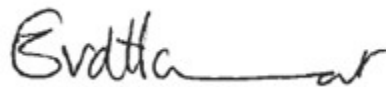
# Development Consent

## ***Section 4.38 of the Environmental Planning and Assessment Act 1979***

As delegate of the Minister for Planning and Public Spaces under delegation executed on 26 April 2021, 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  
**Executive Director**  
**Infrastructure Assessments**

Sydney

30 April 2021

### **SCHEDULE 1**

<b>Application Number:</b>	SSD-10451
<b>Applicant:</b>	Royal Institute for Deaf and Blind Children (RIDBC)
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Lot 191 DP 1157041 and Lot 8 DP 1047085, 105 Culloden Road and Talavera Road, MACQUARIE PARK NSW 2113
<b>Development:</b>	<p>Royal Institute for Deaf and Blind Children (RIDBC) Centre of Excellence, across two interconnecting pavilions, including:</p> <ul style="list-style-type: none"><li>• specialist pre-school (designed for 80 children) and primary school (designed for 120 students).</li><li>• clinical services and workplace building designed for 260 staff with public areas for staff and visitors, conferencing/ classroom facilities and business hub; resource centre; and medical facilities.</li><li>• total of 58 car parking spaces (including 38 in basement level; 18 drop-off/short duration parking spaces for school uses in porte-cochere from Culloden Road; and 2 short-term visitor parking spaces via porte-cochere from Gymnasium Road).</li><li>• concurrent amalgamation and subdivision of lots to create two lots.</li><li>• earthworks, removal of pedestrian path, removal of 118 trees, landscaping, and associated works.</li></ul>

## DEFINITIONS

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

<b>DIP</b>	Design Integrity Panel
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EES Group</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled <i>Royal Institute for Deaf and Blind Children (RIDBC) – Centre of Excellence</i> , Macquarie University, prepared by _planning Pty Ltd, dated 12 November 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: “material harm” is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department’s website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>LTEMP</b>	Long Term Environmental Management Plan
<b>Management and mitigation measures</b>	The management and mitigation measures set out in the EIS.
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)

<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1.
<b>TfNSW</b>	Transport for New South Wales
<b>TfNSW (RMS)</b>	Transport for New South Wales (Roads and Maritime Services)
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

## 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:

<b>Architectural drawings prepared by WMK Architecture Pty Ltd</b>			
<b>Dwg no.</b>	<b>Rev</b>	<b>Name of plan</b>	<b>Date</b>
A000	C	Cover sheet and location plan	16 April 2021
A010	C	Site plan	16 April 2021
A050	C	Site demolition plan	16 April 2021
A100	C	Overall plan – basement	16 April 2021
A101	C	Overall plan – ground	16 April 2021
A102	C	Overall plan – level 1	16 April 2021
A110	C	Floor plan – zone 1 – basement	16 April 2021
A111	C	Floor plan – zone 1 – lower ground	16 April 2021
A112	C	Floor plan – zone 2 – upper ground	16 April 2021
A113	C	Floor plan – zone 1 – level 1	16 April 2021
A114	C	Roof plan – zone 1	16 April 2021
A115	C	Roof plan – zone 2	16 April 2021
A500	C	Overall site elevations	16 April 2021
A510	C	Building elevations – zone 1	16 April 2021
A511	C	Building elevations – zone 1	16 April 2021
A512	C	Building elevations – zone 2	16 April 2021
A513	C	Building elevations – zone 2	16 April 2021
A600	C	Building sections – zone 1	16 April 2021
A601	C	Building sections – zone 1	16 April 2021
A602	C	Building sections – zone 2	16 April 2021
A960	C	Area diagrams	16 April 2021
A980	C	GFA and GBA diagrams	16 April 2021
A990	C	Room schedules	16 April 2021
<b>Proposed subdivision plans prepared by LTS Lockley</b>			
<b>Dwg no.</b>	<b>Rev</b>	<b>Name of plan</b>	<b>Date</b>
30431 223DP	-	Plan of subdivision of Lot 8 DP 1047085 & Lot 191 DP 1157041, sheet 1 of 2	24 September 2020

30431 223DP	-	Plan of subdivision of Lot 8 DP 1047085 & Lot 191 DP 1157041, sheet 2 of 2	24 September 2020
<b>Landscape plans prepared by <i>Oculus</i></b>			
<b>Dwg no.</b>	<b>Rev</b>	<b>Name of plan</b>	<b>Date</b>
L-000	D	Cover sheet	15 April 2021
L-001	D	Landscape masterplan	15 April 2021
L-002	D	Indicative planting schedule	15 April 2021
L-003	D	Indicative materials palette	15 April 2021
L-004	D	Tree management plan	15 April 2021
L-005	D	Levels and grading plan	15 April 2021
L-100	D	School key plan – upper ground	15 April 2021
L-101	D	Culloden Road frontage	15 April 2021
L-102	D	School entry	15 April 2021
L-103	D	Pre-school courtyard	15 April 2021
L-104	D	Primary school COLA	15 April 2021
L-105	D	Outdoor play area	15 April 2021
L-200	D	Consulting services building key plan – upper ground	15 April 2021
L-201	D	Staff terrace	15 April 2021
L-202	D	Café terrace	15 April 2021
L-203	D	Consulting services building – entry	15 April 2021
L-204	D	Gymnasium Road frontage	15 April 2021
L-205	D	Consulting services building – courtyard	15 April 2021
L-206	D	West Precinct Road frontage	15 April 2021
L-207	D	Eastern terrace	15 April 2021
L-208	B	Consulting services building courtyard – details	15 April 2021
L-209	B	Consulting services building key plan – level 1	15 April 2021
L-210	B	Consulting services building level 1 – balconies	15 April 2021
<b>Stormwater drainage infrastructure, civil drawings prepared by <i>LP Consulting Pty Ltd</i></b>			
<b>Dwg no.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA-STW-001	D	Title sheet and locality plan	17 February 2021
DA-STW-002	D	Legend, abbreviations and drawing list	17 February 2021
DA-STW-003	D	Stormwater drainage general notes	17 February 2021
DA-STW-004	D	Stormwater drainage survey plan services layout – sheet 1	17 February 2021
DA-STW-005	D	Stormwater drainage survey plan services layout – sheet 2	17 February 2021
DA-STW-006	D	Stormwater drainage survey plan services layout – sheet 3	17 February 2021
DA-STW-007	D	Stormwater drainage survey plan services layout – sheet 4	17 February 2021
DA-STW-008	D	Stormwater drainage survey plan services layout – sheet 5	17 February 2021

DA-STW-009	D	Stormwater drainage utility services plan – sheet 1	17 February 2021
DA-STW-010	D	Stormwater drainage utility services plan – sheet 2	17 February 2021
DA-STW-011	D	Stormwater drainage utility services plan – sheet 3	17 February 2021
DA-STW-012	D	Stormwater drainage utility services plan – sheet 4	17 February 2021
DA-STW-013	D	Stormwater drainage stormwater quantity – catchment plan	17 February 2021
DA-STW-014	D	Stormwater drainage stormwater quality – WSUD catchment plan	17 February 2021
DA-STW-015	D	Stormwater drainage erosion and sediment control	17 February 2021
DA-STW-016	D	Stormwater drainage erosion and sediment control detail sheet 1	17 February 2021
DA-STW-017	D	Stormwater drainage erosion and sediment control detail sheet 2	17 February 2021
DA-STW-018	D	Stormwater drainage erosion and sediment control detail sheet 3	17 February 2021
DA-STW-101	D	Stormwater drainage basement plan – zone 1	17 February 2021
DA-STW-102	D	Stormwater drainage lower ground floor plan – zone 1	17 February 2021
DA-STW-103	D	Stormwater drainage upper ground floor plan – zone 2	17 February 2021
DA-STW-104	D	Stormwater drainage level 1 – zone 1	17 February 2021
DA-STW-105	D	Stormwater drainage roof plan – zone 1	17 February 2021
DA-STW-106	D	Stormwater drainage roof plan – zone 2	17 February 2021
DA-STW-300	D	Stormwater drainage detention tank plan	17 February 2021
DA-STW-301	D	Stormwater drainage detention tank section	17 February 2021
DA-C-107	D	School building driveway entry layout plan	17 February 2021
DA-C-108	D	Consulting building driveway entry layout plan	17 February 2021
DA-C-109	D	School building CL 1 and 2 longitudinal sections	17 February 2021
DA-C-110	D	School building CL 3 and 4 longitudinal sections	17 February 2021
DA-C-111	D	Consulting building CL 5 and 6 longitudinal sections	17 February 2021
DA-C-112	D	Consulting building CL 7 and 8 longitudinal sections	17 February 2021
<b>Structural engineering and cut and fill drawings prepared by BG&amp;E Pty Ltd</b>			
<b>Dwg no.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
ST-0020	B	Site excavation plan	16 April 2021
ST-0021	B	Site fill plan	16 April 2021
ST-0025	B	Site retention elevations sheet 1	16 April 2021
ST-0026	B	Site retention elevations sheet 2	16 April 2021

ST-0027	B	Site retention sections sheet 2	16 April 2021
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- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) 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.

### **Student numbers**

- A6. The maximum number of students enrolled in the school is:
- (a) 80 pre-school children;
  - (b) 120 primary school children.
- A7. Notwithstanding Condition A6, the maximum number of children enrolled may exceed each of the respective maximum limits by up to 20 children, to allow for unanticipated fluctuations in student numbers on a temporary basis.
- With respect to increases to the maximum limit of 80 pre-school children, the additional children may only be enrolled where compliance with the unencumbered indoor and outdoor space requirements of the Education and Care Services National Regulations is maintained.

### **Tree removal**

- A8. This consent only permits the removal of trees marked for removal in the 'Tree Management Plan', drawing no. L-004 (revision D), prepared by Oculus and dated 15 April 2021. No other trees are permitted to be removed under this consent.

### **Signage zones**

- A9. This consent only authorises the building identification signage zones shown on the plans approved by condition A2 of this consent. No other signage is permitted unless separate approval is obtained, or the signage is exempt development as defined by State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

### **Prescribed Conditions**

- A10. 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**

- A11. 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

- A12. 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.

## Structural Adequacy

- A13. All new buildings and structures that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

*Notes:*

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

## External Walls and Cladding

- A14. The external walls of all buildings must comply with the relevant requirements of the BCA.

## Applicability of Guidelines

- A15. 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.
- A16. 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

- A17. 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

- A18. At least 48 hours before the commencement of construction, or at such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;

- (viii) a complaints register, updated monthly;
- (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
- (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

### **Compliance**

- A19. 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**

- A20. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A21. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

### **Non-Compliance Notification**

- A22. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A23. 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.
- A24. 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**

- A25. Within three months of:
- (a) the submission of a compliance report under condition A28;
  - (b) the submission of an incident report under condition A20;
  - (c) the approval of any modification of the conditions of this consent; or
  - (d) the issue of a direction of the Planning Secretary under condition A3 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.
- A26. 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 or Certifier for approval or information 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**

- A27. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements.

- A28. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- A29. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A30. 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.

#### **Public utilities and services alterations**

- A31. All public utilities and services that require alteration due to the works associated with the development shall be altered at the Applicant's expense. The Applicant shall comply with the requirements of the relevant utility provider in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public utilities or services affected by the development.
- A32. Any adjustment or relocation of underground utilities as a result of driveway construction must be carried out in accordance with the requirements of the relevant utility provider. Minimum cover requirements must be maintained.

#### **Construction staging**

- A33. For any staging of public domain works, the applicant must provide to the Certifier a detailed construction management and staging plan.

#### **Footpath crossings and gutter crossovers**

- A34. New vehicle footpath crossings and associated gutter crossovers within the Council road reserve must be constructed at the approved vehicular access locations. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required, to Council's satisfaction, so that it has a service life consistent with the development and is also compliant with Council's current standards and specifications.
- A35. The design and construction of vehicle footpath crossings and associated gutter crossovers within the Council road reserve must be in accordance with City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 – Public Civil Works and Australian Standard AS2890.1 – 2004 Offstreet Parking.

## **PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **Compliance for pre-school**

- B1. Prior to the issue of any relevant construction certificate, revised details for the pre-school component must be prepared and certified by a suitably qualified person to demonstrate that the procedures for emergency and evacuation are compliant with the Education and Care Services National Regulations.

### **External Walls and Cladding**

- B2. Prior to the issue of any construction certificate, 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.

### **Operational Noise – Design of Mechanical Plant and Equipment**

- B3. Prior to the issue of any construction certificate for the design of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the Noise Impact Assessment (reference no. 20172\_200917), prepared by White Noise Acoustics and dated 1 October 2020, into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the noise impact assessment.

### **Operational Waste Storage and Processing**

- B4. Prior to the issue of any 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.

### **Car Parking and Service Vehicle Layout**

- B5. Prior to the issue of a construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the site in a forward direction;
  - (b) a minimum of 58 on-site car parking spaces are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
  - (c) the swept path of the longest vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, are in accordance with the latest version of AS 2890.2;
  - (d) swept paths demonstrating that the largest heavy vehicle is capable of entering, manoeuvring and exiting the site in a forward direction without any issues;
  - (e) swept paths demonstrating that passenger vehicles can access and vacate all parallel and angled parking spaces within porte-cocheres without any issues; and
  - (f) the off-street car parking (including pick-up and drop-off zones within porte-cocheres) and heavy vehicle loading/unloading areas have been designed in accordance with the latest version of AS2890.1, AS2890.2 and AS2890.6.

### **Bicycle Parking and End-of-Trip Facilities**

- B6. Prior to the issue of a construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:
- a) the provision of a minimum 15 staff and 8 visitor bicycle parking spaces outlined in plans listed in condition A2;

- b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and;
- c) the provision of end-of-trip facilities for staff.

### **Landscaping**

- B7. Prior to the commencement of construction, the Applicant must prepare a revised Landscape Plan to manage the landscaping works required by this consent, to the satisfaction of the Certifier. The plan must:
- (a) provide for the planting of a minimum 118 trees;
  - (b) detail the location, species, maturity and height at maturity of plants to be planted on-site;
  - (c) include species (trees, shrubs and groundcovers) indigenous to the local area;
  - (d) include the planting of trees with a pot container of up to and including 100 litres or greater;
  - (e) include the provision of street tree planting with species and spacing of trees to be determined in consultation with Council.

### **Public Domain Works**

- B8. Prior to the issue of a construction certificate for footpath or public domain works within the Council road reserve, 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 construction stage from Council to the Certifier.

The public domain must be upgraded in the Culloden Road frontage of the development site generally in accordance with the City of Ryde Public Domain Technical Manual Chapter 6: Macquarie Park. The work must include paving, and plantings, and must be completed to Council's satisfaction and at no cost to Council.

- B9. A public domain plan for the following works must be submitted to, and approved, by Council's City Works & Infrastructure Directorate:

- (a) footpath paving;
- (b) street trees;  
*Note: In designing the street tree layout, the Applicant must ensure that all new street trees are positioned so there are no conflicts with streetlights, utilities and driveway accesses. Proposed streetlights will have priority over street trees. All costs associated with the removal of existing street trees, where required, must be borne by the Applicant.*
- (c) telecommunication and utility services must be placed underground along the development site; and
- (d) new street lighting using LED luminaires, designed and installed to Australian Standard AS1158:2010.

- B10. Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) must be submitted to, and approved by, Council's City Works & Infrastructure Directorate prior to the issue of the relevant construction certificate. Works must be in accordance with the City of Ryde Development Control Plan 2014 Part 8.5 – Public Civil Works and Part 8.2 – Stormwater Management, where applicable.

The Applicant must submit, for approval by Council as the Road Authority, design engineering plans and specifications for the following works in the public domain:

- (a) the construction of any new vehicular crossings;
- (b) the construction of new kerb and gutter along the Culloden Road frontage of the development site. Proposed kerb profiles must be provided to ensure proper connections to existing kerb and gutter;
- (c) construction of a new footway from the boundary line along the frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 6: Macquarie Park;

*NOTE: A root mapping report for all street trees designated to be retained must be provided to Council to support the footway width, alignment and slab depth as specified with the public domain design plans. Any excavation within the Tree Protection Zone specified for all street trees must be carried out under the supervision of the Project Arborist and in accordance with their recommendations.*

- (d) any stormwater drainage installations in the public domain must be prepared in accordance with approved plans;
- (e) signage and line-marking details, as required;
- (f) staging of the public civil works, if any, and transitions between the stages; and
- (g) the relocation/adjustment of all public utility services affected by the proposed works.

Written approval from the applicable authority must be submitted to Council along with the public domain plans submission, and all requirements of the authority must be complied with.

*Notes:*

- *Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 – Public Civil Works, Section 5 “Standards Enforcement”. A checklist has also been prepared to provide guidance, and is available upon request to Council’s City Works and Infrastructure Directorate.*

## **PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION**

### **Notification of Commencement**

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **Certified Drawings**

- C3. Prior to the commencement of construction, 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.

### **Protection of Public Infrastructure**

- C4. 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**

- C5. 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**

- C6. No later than two weeks before the commencement of construction, a Community Communication Strategy must be approved by the Planning Secretary prior to the commencement of construction. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
  - (i) through which the community can discuss or provide feedback to the Applicant;
  - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
  - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- (e) include any specific requirements around traffic, noise and vibration, visual impacts and amenity.

## Environmental Management Plan Requirements

- C7. Management plans required under this consent must be prepared having regard to 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

- C8. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) 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;
    - (vii) community consultation and complaints handling;
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C10);
  - (c) Construction Noise and Vibration Management Sub-Plan (see condition C11);
  - (d) Construction Waste Management Sub-Plan (see condition C12);
  - (e) Construction Soil and Water Management Sub-Plan (see condition C13);
  - (f) an unexpected finds protocol for contamination and associated communications procedure;
  - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
  - (h) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.
- C9. 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.
- C10. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council's transport department and TfNSW;
  - (c) limits truck movements in major commuter peak times of between 8:00am to 9:30am and 4:30pm to 6:00pm.
  - (d) 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;
  - (e) detail heavy vehicle routes, rates, access and parking arrangements;
  - (f) make provision for all construction materials to be stored on site, at all times;
  - (g) include a traffic control plan by an accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic that results in alterations to existing traffic conditions;



- (h) specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities;
  - (i) specify that a minimum fourteen days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure;
  - (j) include a site plan showing the location of any site sheds, requested work zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around street trees;
  - (k) take into consideration the combined construction activities of other development in the surrounding area by engaging and consulting with developers of major development works within a 250m radius of the subject site. These communications must be documented and submitted to Council prior to work commencing on site;
  - (l) specify spoil management process and facilities to be used on site; and
  - (m) specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction.
- C11. 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) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) include strategies that have been developed with the community for managing high noise generating works;
  - (d) describe the community consultation undertaken to develop the strategies in condition C11(c);
  - (e) include a complaints management system that would be implemented for the duration of the construction.
- C12. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste comprising:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
  - (b) information regarding the recycling and disposal locations.
- C13. The Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
  - (d) detail all off-site flows from the site.
- C14. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

## **Soil and Water**

- C15. Prior to the commencement of construction, the Applicant must install erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP.

## **Construction Parking**

- C16. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel (unless work zones are approved by Council), to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities, unless otherwise agreed with the Planning Secretary.

## **Outdoor Lighting**

- C17. Prior to the installation of outdoor lighting, evidence must be submitted to 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.

## **Ecologically Sustainable Development**

- C18. Prior to the commencement of construction, the Applicant must provide details to the satisfaction of the Certifier, of ecologically sustainable development (ESD) measures implemented on the site, including but not limited to:
- (a) high performance glazing;
  - (b) passive solar heating and cooling principles;
  - (c) energy efficient heating, cooling and ventilation systems;
  - (d) efficient artificial lighting systems;
  - (e) time switch controls and motion sensors;
  - (f) energy efficient appliances with higher energy stars (within 1 star of the highest energy efficient rating available on the market);
  - (g) water efficient fixtures and fittings in accordance with the Australian Government's Water Efficiency Labelling Scheme (WELS) and flow restrictors;
  - (h) adhesives, sealants, flooring and paint products that contain low or no Volatile Organic Compounds (VOCs) and engineered timber products to contain low or no formaldehyde;
  - (i) 3% of Project Sustainability Value (PSV) over Project Contract Value (PCV) targeted for sustainable products;
  - (j) measures to minimise waste generation, maximise reuse, recycling and reprocessing construction waste and minimise volume disposed in landfill; and
  - (k) water sensitive urban design (WSUD) initiatives including indigenous low water usage plants to increase stormwater retention, decrease total suspended solids and mitigate effects of urban heat island.

## **Stormwater Management System**

- C19. Prior to the commencement of the relevant construction stage / commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
- (a) be generally in accordance with concept design and plans approved in condition A2 of this consent; and
  - (b) connect to the existing stormwater system on the site (if any), in accordance with Australian Standards and relevant specifications.

## **Public domain works defects security bond**

- C20. To ensure satisfactory performance of the public domain works, a defects liability period of twelve months must apply to the works in the Culloden Road reserve. A bond of \$50,000 must be lodged with the City of Ryde Council, prior to the commencement of construction, to guarantee this requirement will be met. The method of paying the bond money and the

associated terms and conditions must be negotiated between Council and the Applicant through legally binding documents or deeds.

### **Inspections**

- C21. Prior to the commencement of construction, a joint inspection of the site must be undertaken with Council's Engineer from City Works Directorate. A minimum 48 hours' notice is required when booking for the joint inspection.

### **Traffic management**

- C22. Prior to the commencement of construction, the applicant must obtain a road occupancy licence for any works that may impact traffic flows within the surrounding road network.
- C23. Prior to the installation of any traffic devices (should they be required), signage and linemarking within Council's road reserve, a plan (or plans) showing details of the proposed traffic devices (including pedestrian refuge, pedestrian crossing or local area traffic management measures), signage and linemarking must be submitted to Council and approved by the Ryde Traffic Committee.

## **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 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
  - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### **Operation of Plant and Equipment**

- D2. 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.

### **Construction Hours**

- D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:00am and 6:00pm, Mondays to Fridays inclusive; and
  - (b) between 8:00am and 4:00pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D4. Construction activities may be undertaken outside of the hours in condition D3 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- D5. Notification of such construction activities as referenced in condition D4 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D6. 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**

- D7. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans) as approved under condition C8 of this consent.

### **Construction Traffic**

- D8. All construction vehicles must be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

- D9. Traffic management procedures and systems must be in place and practiced during the construction period to ensure safety and to minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS1742.3 – 2019 and Ryde Development Control Plan 2014 Part 8.1 Construction Activities.

### **Hoarding Requirements**

- D10. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

### **No Obstruction of Public Way**

- D11. 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**

- D12. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Sub-Plan (as part of the approved CEMP).
- D13. 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 D3.
- D14. 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**

- D15. 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).
- D16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D15.
- D17. The limits in conditions D15 and D16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C8 of this consent.

### **Tree Protection**

- D18. 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 Arboriculture Impact Assessment (reference no. 20211679.1), prepared by Australis Tree Management and dated 2 October 2020; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

### **Air Quality**

- D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D20. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
  - (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**

- D21. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP.

### **Imported Soil**

- D22. 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**

- D23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the buildings 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.

### **Emergency Management**

- D24. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

### **Unexpected Finds Protocol – Aboriginal Heritage**

- D25. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the

archaeologists and Heritage NSW 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**

- D26. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and Heritage NSW must be 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 Heritage NSW.

### **Waste Storage and Processing**

- D27. 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.
- D28. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D29. 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.
- D30. 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.
- D31. 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**

- D32. 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.

### **Inspections – public domain**

- D33. The Applicant must ensure that regular inspections are undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), of construction works within the public domain, at the hold points shown below.

The Applicant must submit to Council's City Works & Infrastructure Directorate, certification from the Engineer at each stage of inspections listed below, within 24 hours following completion of the relevant stage. The certificates must contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken:

- (a) upon excavation, trimming and compaction to the subgrade level, to the line, grade, widths and depths, shown on the approved civil engineering drawings listed in condition A2;
- (b) upon compaction of the applicable sub-base course;
- (c) upon compaction or construction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course);
- (d) upon installation of any formwork and reinforcement for footpath concrete works; and
- (e) upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

### **Crossings and crossovers**

- D34. A temporary footpath crossing, if required to ensure pedestrian safety, must be provided at vehicular access points, and must be 4m wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must also be provided.

- D35. The Applicant must ensure that all proposed vehicle footpath crossings and gutter crossovers are constructed. Any redundant vehicle footpath crossing or gutter crossover must be removed and reinstated as kerb and gutter. The Applicant must also ensure that any required restoration of road pavement is undertaken to the satisfaction of the certifier.

**Fire and emergency procedures**

- D36. The performance solutions identified in the BCA Assessment Report (reference no. 200373), prepared by Blackett, Maguire and Goldsmith and dated 8 October 2020 (and/or any subsequent revisions of the BCA Assessment Report) must be addressed, and approved by Fire and Rescue NSW (FRNSW), during construction and by the submission of a fire engineering brief questionnaire (FEBQ).



## **PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE/ COMMENCEMENT OF OPERATION**

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

### **Protection of Public Infrastructure**

- 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.*

### **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*.

### **Roadworks and Access**

- E8. Prior to the issue of the occupation certificate for the relevant parts of the development, all required vehicle crossings and gutter crossovers must be constructed at no cost to Council. A compliance certificate must be obtained from Council's City Works and Infrastructure

Directorate and a copy submitted to the Certifier to confirm the crossings and crossovers are constructed in accordance with relevant standards and requirements.

- E9. Prior to the issue of the occupation certificate, the applicant must install any signage and linemarking, as per the plan approved by Ryde Traffic Committee and required by condition C23 of this consent.

### **Works as Executed Plans**

- E10. Prior to the issue of the occupation certificate for the relevant parts of the development, 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.
- E11. Prior to the issue of the occupation certificate for the relevant parts of the development, works-as-executed drawings signed by a registered surveyor demonstrating that the construction works within the public domain are completed as approved, must be submitted to the Certifier and Council.

### **Green Travel Plan**

- E12. Prior to the issue of the occupation certificate, a Green Travel Plan (GTP) must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and the Sydney Coordination Office within TfNSW and increase the mode share of public transport and active transport for all staff, students and visitors;
  - (b) include objectives and mode share targets (i.e. specific, measurable, achievable, realistic and timeframes for implementation) to define the direction and purpose of the GTP;
  - (c) provide strategies that encourage the use of public and active transport and discourage the use of single occupant car travel to access the site;
  - (d) 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;
  - (e) provide an analysis of current staff travel survey data and discussion of how this data has informed the mode share targets and actions of the GTP;
  - (f) identify the number of staff within reasonable walking / cycling distance;
  - (g) provide staged mode share targets for staff, students and visitors which reflect a commitment to increase non-car mode share for travel to and from the site;
  - (h) include an implementation strategy that commits to specific actions (including operational procedures to be implemented along with timeframes) to encourage the use of public and active transport and discourage the use of single occupant car travel to access the site;
  - (i) detail bicycle parking and dedicated end of trip facilities including but not limited to lockers, showers and change rooms and e-bike charging station(s) for staff to support an increase in the non-car mode share for travel to and from the site;
  - (j) include a Transport Access Guide for staff, students and visitors providing information about the range of travel modes, access arrangements and supporting facilities that service the site;
  - (k) determine a communication strategy for engaging with students, staff and visitors regarding public and active transport use to the site and the promotion of the health and wellbeing benefits of active and non-car travel to the site;
  - (l) 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;
  - (m) identify how annual travel surveys will be conducted, an evaluation process and how any mitigations or changes will be implemented; and

- (n) provide further details on the appointment and responsibilities of a Travel Coordinator role.

### **Aboriginal Cultural Heritage Interpretation Plan**

- E13. Prior to the issue of the occupation certificate, the Applicant must submit an Aboriginal Cultural Heritage Interpretation Plan to acknowledge the heritage of the site to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared to address the recommendations in section 10.2 of the Aboriginal Cultural Heritage Assessment Report (reference no. 0220158), prepared by Extent Heritage Pty Ltd and dated 8 October 2020;
  - (b) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties, Heritage NSW and Council;
  - (c) recognise and acknowledge the continued Aboriginal connection to the project area;
  - (d) facilitate ongoing Aboriginal community involvement and engagement in the conservation and celebration of Aboriginal heritage values associated with the area.

### **Operational Transport and Access Management Plan (OTAMP)**

- E14. Prior to the commencement of operation, an OTAMP must be prepared by a suitably qualified person, in consultation with Council, Transport for NSW (TfNSW) and TfNSW (RMS), and to the satisfaction of the Planning Secretary. The OTAMP must address the following:
- (a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the site in a safe and efficient manner during school start and finish;
  - (b) the location of all car parking spaces on the school campus and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
  - (c) the location and operational management procedures of the pick-up and drop-off parking located within the porte-cochere, including staff management/traffic controller arrangements;
  - (d) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities, including staff management/traffic controller arrangements;
  - (e) delivery and services vehicle and bus access and management arrangements;
  - (f) management of approved access arrangements;
  - (g) mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing pick-up and drop-off parking in the porte-cochere;
  - (h) car parking arrangements and management associated with the proposed use of school facilities by community members; and
  - (i) a monitoring and review program.

### **School Zones**

- E15. Prior to the commencement of operation, all required School Zone signage, speed management signage and associated pavement markings along public roads must be installed, inspected by TfNSW (RMS) and handed over to TfNSW (RMS).

*Note: Any required approvals for altering public road speed limits, design and signage are required to be obtained from the relevant consent authority.*

- E16. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

### **Mechanical Ventilation**

- E17. Prior to the issue of the occupation certificate for the relevant parts of the development, 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**

- E18. Prior to the issue of the occupation certificate for the relevant parts of the development, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Noise Impact Assessment (reference no. 20172\_200917) prepared by White Noise Acoustics and dated 1 October 2020 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the assessment.

#### **Car Parking, Service Vehicles and Bicycle Parking Arrangements**

- E19. Prior to the issue of the occupation certificate for the relevant parts of the development or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:
- (a) the car-parking, service vehicle areas, bicycle parking facilities comply with all relevant conditions of this consent;
  - (b) appropriate pedestrian and cyclist advisory signs have been provided;
  - (c) all works/regulatory signposting associated with the proposed development has been undertaken at no cost to the relevant roads authority;
  - (d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
  - (e) end-of-trip facilities for staff have been provided.

#### **Road Damage**

- E20. Prior to the issue of the occupation certificate for the final completion of the development, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the development site as a result of construction works associated with the approved development must be met in full by the Applicant.

#### **Fire Safety Certification**

- E21. Prior to the issue of the occupation certificate for the relevant parts of the development, 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**

- E22. Prior to the issue of the occupation certificate for the relevant parts of the development, 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**

- E23. Prior to the issue of the occupation certificate for the relevant parts of the development, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the café, kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

#### **Stormwater Quality Management Plan**

- E24. Prior to the issue of the occupation certificate, an Operation and Maintenance Plan (OMP) must 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**

E25. 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**

- E26. Prior to the issue of the occupation certificate for the relevant parts of the development, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### **Signage**

E27. Prior to the issue of occupation certificate for the final completion of the development, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

### **Operational Waste Management Plan**

- E28. 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**

- E29. Prior to the issue of the occupation certificate for the relevant parts of the development, landscaping of the site must be completed in accordance with landscape plan(s) listed in condition A2 and as amended by condition B7.
- E30. Prior to the issue of the occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the 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 Applicant's mitigation measures in the EIS.
- E31. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

### **Public domain works**

- E32. Prior to the issue of the occupation certificate, all public domain improvements and infrastructure works within the Culloden Road reserve, as set out and required by these conditions, must be completed to Council's satisfaction.
- E33. Prior to the issue of the occupation certificate, the Applicant must submit to Council a certificate from the supervising engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities (including repairs of damaged infrastructure and replacement of any redundant vehicular crossings) and all public domain works have been completed in accordance with relevant standards and specifications.
- E34. Prior to the issue of the occupation certificate, the Applicant must liaise with Council's Public Domain Development Section regarding energising the newly installed street lighting.
- E35. Prior to the issue of the occupation certificate, a Certificate of Compliance – Electrical Work (CCEW) from the Electrical Contractor and certification from a qualified electrical engineering consultant must be submitted to Council confirming that the street lighting in the public domain has been constructed as approved and in accordance with relevant standards and specifications.

### **Emergency Response Plan**

- E36. Prior to the issue of the occupation certificate, a comprehensive Emergency Response Plan (ERP) must be developed for the site. The ERP must include the following information:
- (a) foreseeable on-site and off-site fire events and other emergency incidents or potential HazMat incidents;
  - (b) details of appropriate risk control measures that would need to be implemented to safely mitigate potential risks to the health and safety of firefighters and other first responders. Such measures include the level of personal protective clothing required to be worn, the minimum level of respiratory protection required, decontamination procedures to be instigated and minimum evacuation zone distances;
  - (c) other risk control measures that may need to be implemented in a fire emergency (due to any unique hazards specific to the site).
- E37. Prior to occupation of the development, the operator of the facility must contact the relevant Local Emergency Management Committee (LEMC).

### **Subdivision**

- E38. Prior to the issue of any occupation certificate, a separate application must be made to the relevant public authority for a subdivision certificate demonstrating the following.
- (a) the subdivision certificate plans are consistent with the approved 'Plan of subdivision of Lot 8 DP 1047085 & Lot 191 DP 1157041 (dwg. no. 30431 223DP, sheets 1 and 2), prepared by LTS Lockley and dated 24 September 2020, listed in condition A2 of this consent;
  - (b) all existing and proposed easements are shown on the linen plan of subdivision; and
  - (c) no structures straddle or encroach future lot boundaries except where shown on plans approved by Condition A2 of this consent.
- E39. Prior to the issue of any occupation certificate, evidence of issue of the subdivision certificate must be provided to the satisfaction of the Planning Secretary.

## **PART F POST OCCUPATION**

### **Out of Hours Event Management Plan**

- F1. Prior to the commencement of the first out of hours events (school or community use) that will involve 100 or more people, the Applicant must prepare an Out of Hours Event Management Plan and submit it to the Council for information. The plan must be made publicly available on the Applicant's 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 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.
- F2. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.

### **Operation of Plant and Equipment**

- F3. All plant and equipment used on site must be maintained in a proper and efficient condition and be operated in a proper and efficient manner.

### **Warm Water Systems and Cooling Systems**

- F4. The operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### **Community Communication Strategy**

- F5. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

### **Aboriginal Cultural Heritage Interpretation Plan**

- F6. During operations, the Applicant must implement the most recent version of the Aboriginal Cultural Heritage Interpretation Plan approved under condition E13.

### **Operational Transport and Access Management Plan (OTAMP)**

- F7. The OTAMP(s) approved under condition E14 (as revised from time to time) must be implemented by the Applicant for the life of the development.

### **Operational Noise Limits**

- F8. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Noise Impact Assessment (reference no. 20172\_200917) prepared by White Noise Acoustics and dated 1 October 2020 as established by Condition B3 of this consent.
- F9. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement of use of each stage of the development, to verify that operational noise levels including noise generated during use of outdoor play areas, internal areas and mechanical plant/equipment do not exceed the recommended noise levels. Should noise monitoring identify any exceedance of the recommended noise levels referred to under

condition F8, the Applicant must provide attenuation measures at the affected noise sensitive receivers to the Department's satisfaction.

#### **Unobstructed Driveways and Parking Areas**

- F10. 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**

- F11. The Green Travel Plan required by condition E12 of this consent must be implemented, reviewed and if necessary updated annually unless otherwise agreed by the Planning Secretary.

#### **Ecologically Sustainable Development**

- F12. Unless otherwise agreed by the Planning Secretary, within 12 months of commencement of operation, certification must be obtained demonstrating that the office (non-school) component of the development achieves a minimum 4.5 star NABERS rating, and achieves the equivalent of a minimum 4 star Green Star rating. Evidence must be provided to the certifier and the Planning Secretary.

#### **Outdoor Lighting**

- F13. Notwithstanding condition D32, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

#### **Landscaping**

- F14. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E30 for the duration of occupation of the development.

#### **Emergency Response Plan**

- F15. Two copies of the Emergency Response Plan must be stored in a prominent 'Emergency Information Cabinet' located in a position directly adjacent to the site's main entry points.

#### **Registration of Title**

- F16. Within six months of the issue of the occupation certificate, the Applicant must provide evidence to the satisfaction of the Planning Secretary demonstrating that the future allotments have been registered with NSW Land Registry Services.



## **APPENDIX 1 ADVISORY NOTES**

### **General**

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

### **Long Service Levy**

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

### **Legal Notices**

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

### **Voluntary planning agreement**

AN4. The Voluntary Planning Agreement between Council and Macquarie University, executed 7 February 2013, and made in accordance with section 7.4 (previously s93F) of the EP&A Act applies to the development.

### **Access for People with Disabilities**

AN5. 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**

AN6. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN7. 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**

AN8. 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**

AN9. 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**

AN10. 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**

AN11. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### **Handling of Asbestos**

AN12. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### **Speed limit authorisation**

AN13. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW (RMS) and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (a) a copy of the conditions of consent;
- (b) the proposed school commencement/opening date;
- (c) two sets of detailed design plans showing the following:
  - (i) accurate Site boundaries;
  - (ii) details of all road reserves, adjacent to the Site boundaries;
  - (iii) all proposed access points from the Site to the public road network and any additional conditions imposed/proposed on their use;
  - (iv) all existing and proposed pedestrian crossing facilities on the adjacent road network;
  - (v) all existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings); and
  - (vi) all existing and proposed street furniture and street trees.

### **Fire Safety Certificate**

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.

## **APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **Written Incident Notification Requirements**

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A20 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.