

# CONSOLIDATED INSTRUMENT

---

## SUMMARY OF MODIFICATIONS

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

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

Application Number	Determination Date	Decider	Modification Description
SSD 10300 MOD 1	8 September 2021	Team Leader, Key Sites Assessments	Internal and external changes
SSD 10300 MOD 2	8 November 2022	Team Leader, Key Sites Assessments	Amendments to Condition B17

# Development Consent

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

As the Minister for Planning and Public Spaces, 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

The Hon. Rob Stokes  
**Minister for Planning and Public Spaces**

Sydney

2020

---

### **SCHEDULE 1**

<b>Application Number:</b>	SSD 10300
<b>Applicant:</b>	Coffs Harbour City Council
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	23-31 Gordon Street, Coffs Harbour (Lot 20 DP 758258; Lot B DP 346105 and Lot 123 DP 749233)
<b>Development:</b>	<div>New Cultural and Civic Building, comprising:<ul style="list-style-type: none"><li>• temporary site compound and site office</li><li>• earthworks</li><li>• 7 storey building, including regional gallery, central library, regional museum, council offices, council chambers, customer service area, multi-purpose rooms, function space, shop and café</li><li>• Basement car park</li><li>• Road works to Gordon Street and site access</li><li>• Landscaping</li></ul></div>

# CONSOLIDATED INSTRUMENT

## DEFINITIONS

<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>Applicant</b>	Coffs Harbour City Council, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	Means a council or an accredited certifier
<b>CNVMP</b>	Construction Noise and Vibration Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
<b>Council</b>	Coffs Harbour City Council
<b>CPTMP</b>	Construction Pedestrian and Traffic Management Plan
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm 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 and subsequent documentation, including the works and activities comprising the Cultural and Civic Building as modified by the conditions of this consent
<b>EESG</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled ' <i>All Welcome Building</i> ', prepared by GeoLINK dated 12 August 2019, and accompanying appendices submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<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>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage Division</b>	Heritage Division of the Department of Premier and Cabinet (former Heritage Division of the Office of Environment and Heritage)
<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 Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>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)

## CONSOLIDATED INSTRUMENT

<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>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>SSD</b>	State Significant Development
<b>Subject Site</b>	Land referred to in Schedule 1
<b>TfNSW</b>	Transport for NSW
<b>TfNSW (RMS)</b>	Transport for NSW (Roads and Maritime Services)

# CONSOLIDATED INSTRUMENT

## 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, and any rehabilitation required under this consent.

#### 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) in accordance with the EIS and Response to Submissions;
  - (d) in accordance with the management and mitigation measures; and
  - (e) in accordance with the approved plans in the table below.
    - (i) in accordance with the modification application titled "Section 4.55(1A) Modification 1- Application to Development Consent SSD 10300 ' prepared by GeoLink dated 21 June 2021, and responses to Requests for Additional Information.
    - (ii) in accordance with the modification application titled "Section 4.55(1A) Modification 2 - Application to Development Consent SSD 10300 ' prepared by GeoLink dated 9 September 2022.

Architectural Drawings prepared by BVN			
Drawing No.	Revision	Name of Plan	Date
AR-A01-XX-01	<del>2</del> 4	Sheet List	<del>19/06/19</del> 19/08/21
AR-A10-00-03	<del>3</del> 4	Site Plan – Ground Floor	<del>18/06/19</del> 19/08/21
AR-A10-XX-50	<del>3</del> 4	Location Plan – Site Compound	<del>17/06/19</del> 19/08/21
AR-A10-XX-01	<del>3</del> 4	Location Plan – Precinct Stage 1	<del>04/06/19</del> 19/08/21
AR-A10-XX-02	<del>2</del> 3	Site Plan – Roof Level	<del>04/06/19</del> 19/08/21
AR-A10-XX-11	<del>2</del> 3	Location Plan – Precinct Stage 2	<del>04/06/19</del> 19/08/21
AR-A10-XX-12	<del>2</del> 3	Location Plan – Precinct Stage 3	<del>04/06/19</del> 19/08/21
AR-A20-XX-01	1	Existing Site Plan	11/06/19
AR-A21-XX-01	1	Demolition Site Plan	11/06/19
AR-B10-00-00	<del>4</del> 16	Ground Level Floor Plan	<del>17/05/19</del> 29/07/21
AR-B10-01-00	4	Level 01 Floor Plan	17/05/19

## CONSOLIDATED INSTRUMENT

	16		29/07/21
AR-B10-02-00	4 16	Level 02 Floor Plan	17/05/19 29/07/21
AR-B10-03-00	5 17	Level 03 Floor Plan	18/06/19 29/07/21
AR-B10-04-00	5 17	Level 04 Floor Plan	18/06/19 29/07/21
AR-B10-05-00	4 16	Level 05 Floor Plan	17/05/19 29/07/21
AR-B10-06-00	4 15	Level 06 Floor Plan	17/05/19 29/07/21
AR-B10-B1-00	4 15	Basement Level Floor Plan	17/05/19 29/07/21
AR-C10-XX-01	4 6	Gordon Street Elevation	18/06/19 29/07/21
AR-C10-XX-02	4 6	South Elevation	18/06/19 29/07/21
AR-C10-XX-03	4 6	Riding Lane Elevation	18/06/19 29/07/21
AR-C10-XX-04	4 7	North Elevation	18/06/19 29/07/21
AR-D10-XX-01	5 7	Section N-S	17/05/19 29/07/21
AR-D10-XX-02	4 3	Section E-W	17/05/19 29/07/21
<del>AR-E40-XX-01</del> AR-E40-XX-001	4 2	Façade Sections Sheet 1	18/06/19 29/07/21
AR-U10-00-00	2 3	Area Plan Ground Floor Level	05/06/19 19/08/21
AR-U10-01-00	2 3	Area Plan Level 01	05/06/19 15/06/21
AR-U10-02-00	2 3	Area Plan Level 02	05/06/19 15/06/21
AR-U10-03-00	2 3	Area Plan Level 03	05/06/19 15/06/21

## CONSOLIDATED INSTRUMENT

AR-U10-04-00	2 3	Area Plan Level 04	05/06/19 15/06/21
AR-U10-05-00	2 3	Area Plan Level 05	05/06/19 15/06/21
AR-U10-06-00	2 3	Area Plan Level 06	05/06/19 15/06/21
AR-U10-B1-00	2 3	Area Plan Basement Level	05/06/19 15/06/21

- 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; and
  - (b) the implementation of any actions or measures contained in any such document referred to in **condition A3(a)**.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **condition A2(c)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **condition A2(c)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

### LAPSING OF APPROVAL

- A5. This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.

### LIMITS ON CONSENT

- A6. This consent does not approve:
- (a) fit-out works
  - (b) signage
  - (c) demolition of existing buildings, structures and tree removal.

Separate development application(s) must be lodged and consent obtained for the above works and uses (except where exempt and complying development applies).

### PRESCRIBED CONDITIONS

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

### LONG SERVICE LEVY

- A8. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

### LEGAL NOTICES

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

### EVIDENCE OF CONSULTATION

- A10. 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 to the Planning Secretary for 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

- A11. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

**Notes:**

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

## OPERATION OF PLANT AND EQUIPMENT

- A12. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition;
  - (b) operated in a proper and efficient manner.

## APPLICABILITY OF GUIDELINES

- A13. 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.
- A14. However, 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

- A15. 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 and independent environmental 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.

## INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A16. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A17. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

## NON-COMPLIANCE NOTIFICATION

- A18. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A19. 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.
- A20. 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

- A21. Within three months of:
- (a) the submission of a compliance report under **condition C4** and **C6**;
  - (b) the submission of an incident report under **condition A16**;
  - (c) the submission of an Independent Audit under **condition C8**;
  - (d) the approval of any modification of the conditions of this consent; or
  - (e) the issue of a direction of the Planning Secretary under **condition A3** which requires a review,
- A22. the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.
- A23. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the

## CONSOLIDATED INSTRUMENT

---

satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval 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.*

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE

- B1. Work must not commence until a Construction Certificate in respect of the work has been issued.

### EXTERNAL WALLS AND CLADDING

- B2. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B3. Before the issue of a Construction Certificate and an Occupation 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.
- B4. 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.

### BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE

- B5. The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions; or
  - (b) formulating an alternative solution which:
    - (i) complies with the performance requirements; or
    - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
    - (iii) a combination of (a) and (b).

### DESIGN INTEGRITY

- B6. The Applicant must ensure BVN are engaged in the design documentation phase to ensure the integrity of the design quality of the approved development is maintained through the construction phase to completion of the building works.

Details confirming compliance with this requirement must be submitted to the Certifier prior to the issue of any Construction Certificate.

### DEVELOPER CONTRIBUTIONS

- B7. Developer contributions must be paid prior to the issue of any Construction Certificate. The developer contributions applicable at the date of development consent are:

	Amount/m <sup>2</sup> \$	Total \$
Works to satisfy increased demand within the area for the Cultural Civic Space commercial development		
Water – Office / Chamber / Function space	70.79	280,469.98
Sewer	67.70	268,227.40
Water – Cafe	108.92	12,416.88
Sewer	104.15	11,873.10
Water – Library / Museum / Gallery	32.67	141,787.80
Sewer	31.25	135,625.00
Less Credit x2 existing commercial properties		- 153,036.94
<b>TOTAL AMOUNT PAYABLE</b>		<b>\$697,363.22</b>

The developer contributions are reviewed from time to time and are also subject to annual adjustment in accordance with the Consumer Price Index for Sydney (All Groups).

If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.

# CONSOLIDATED INSTRUMENT

Prior to making your application for the Certificate of Compliance, you should ascertain the level of developer contributions payable from Council's Developer Contributions Coordinator, telephone (02) 6648 4285.

## ROAD WORKS

- B8. Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with Council requirements and must be referred to and agreed by the Local Traffic Committee prior to any work commencing on site.

## CAR PARK AND SERVICE VEHICLE LAYOUT

- B9. Plans demonstrating compliance with the following traffic and parking requirements must be submitted to the Certifier prior to the commencement of works:
- a) All vehicles should enter and leave the basement car park in a forward direction;
  - b) Car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, lighting and parking bays) shall be in accordance with AS 2890.1-2004 Parking Facilities Part 1: Off-street Car Parking, AS 2890.6-2009 Parking Facilities Part 6: Off-street Parking for People with Disabilities for accessible spaces and AS 2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities;
  - c) Appropriate pedestrian advisory signs are to be provided at the egress from the car park;
  - d) The swept path of the longest vehicle (including garbage trucks) entering and existing the site, as well as manoeuvrability through the site shall be in accordance with Austroads. The design, layout, signage, line marking, lighting and physical controls for all service vehicles shall be in accordance with AS 2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities; and
  - e) The roller door providing access to the loading dock shall provide a minimum height clearance of 3.8 m.

## CAR PARKING

- B10. A minimum number of car parking spaces to be provided for the development shall comply with the table below. Details confirming compliance with the parking numbers must be submitted to the Certifier prior to the issue of the relevant works.

Use	Number of spaces
Council staff	74 76 spaces including 4 accessible spaces
<b>Total</b>	<b>74 76</b>

## BICYCLE PARKING

- B11. A minimum of 100 bicycle parking spaces, comprising 40 staff spaces and 60 visitors' spaces are to be provided. Details demonstrating compliance with this condition must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.
- B12. The layout, design and security of all bicycle facilities in the basement must comply with the minimum requirements of AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities. Staff bicycle parking should be provided according to the security level B as specified AS 2890.3:2015.
- Details confirming compliance with this requirement must be submitted to the Certifier prior to the issue of any Construction Certificate.

## STORAGE AND HANDLING OF WASTE

- B13. The design and management of facilities for the storage and handling of operational waste must comply with Council's requirements. Details demonstrating compliance with this requirement must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

## STRUCTURAL DETAILS

- B14. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the Certifying Authority, the relevant structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA; and
  - (b) the development consent.

## SCHEDULE OF MATERIALS

- B15. Prior to the issue of the relevant Construction Certificate a list of the final schedule of materials shall be submitted to the Planning Secretary. The Applicant shall also submit a copy of the schedule of materials to the Certifier with the application for the relevant Construction Certificate.

## REFLECTIVITY

- B16. Limitations on façade reflectivity are to be adopted consistent with the recommendations of the Reflectivity Report prepared by Surface Design, dated 11 June 2019, **as amended by SSDA Mod Reflectivity Statement prepared by Surface Design, dated 30 July 2021**, including a 15 per cent limit on specular reflectivity to facades on the east and south elevations of the building. A report/statement and notations on plans/elevations demonstrating compliance with these requirements is to be submitted to the Certifier prior to issue of the relevant Construction Certificate.

## MECHANICAL VENTILATION

- B17. All mechanical ventilation systems shall be installed in accordance with the BCA and shall comply with Australian Standards AS1668.2 and AS3666 - Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection, ~~and are to include electro-static filtration and ozone odour treatment~~. Details shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## ACCESS FOR PEOPLE WITH DISABILITIES

- B18. Access and facilities for people with disabilities must be designed in accordance with the BCA. Details confirming compliance with this requirement must be submitted to the Certifier prior to the issue of any Construction Certificate.

## SANITARY FACILITIES FOR DISABLED PERSONS

- B19. The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Details confirming compliance with this requirement must be submitted to the Certifier prior to the issue of any Construction Certificate.

## OUTDOOR LIGHTING

- B20. All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details confirming compliance with this requirement must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B21. The building must incorporate all design, operation and construction measures as identified in the Ecological Sustainable Design Report (Revision 00), prepared by LCI (Australia) Pty Ltd, dated 05/06/2019 and within the letter dated 25/06/2019, prepared by LCI (Australia) Pty Ltd. Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to the issue of any Construction Certificate.

## INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

- B22. All new toilets must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme. Details confirming compliance with this requirement must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.
- B23. All new taps and shower heads must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme, where available. Details confirming compliance with this requirement must be submitted to the Certifier prior to the issue of any Construction Certificate.
- B24. New urinal suites, urinals and urinal flushing control mechanisms must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme. Details confirming compliance with this requirement must be submitted to the Certifier prior to the issue of any Construction Certificate.
- B25. Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details confirming compliance with this requirement must be submitted to the Certifier prior to the issue of any Construction Certificate.

## REQUIREMENTS OF PUBLIC AUTHORITIES

- B26. The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

## TREE RETENTION DETAILS

- B27. The Applicant must ensure the 37 of the recommendations of the Arboricultural Impact Assessment Report, prepared by the Arborist Network, dated 3 June 2019 are implemented.
- B28. The Applicant must ensure the first 5 recommendations shall be detailed in the application for a Construction Certificate.

# CONSOLIDATED INSTRUMENT

Details confirming compliance with the above requirements shall be submitted to the Certifier.

## ROOF TOP PLANT

- B29. The rooftop plant including the cooling towers shall be screened from public view at street level. The type, materials and colours of the screening shall be detailed and be consistent with the colours and materials used for the main external façade design. Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to the issue of any Construction Certificate. A copy of the final details shall also be submitted to the Planning Secretary.

## FLOOD PLANNING LEVELS

- B30. A minimum Finished Floor Level (FFL) of 4.76m AHD and 4.52m AHD to the underground car park is to be detailed in the Construction Certificate. Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to the issue of any Construction Certificate.

## LANDSCAPE PLAN

- B31. A detailed Landscape Plan shall be submitted to and approved by the Planning Secretary prior to the issue of the relevant Construction Certificate. The Plan shall be generally in accordance with the landscape strategy prepared by Urbis, dated 18 June 2019, **as amended by the landscape strategy prepared by Urbis, dated 23 July 2021**. Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

## WASTE FACILITIES

- B32. Waste facilities and waste removal shall be detailed and developed and included in the application for a Construction Certificate, to meet Council's standard requirements, and following consultation with Council's relevant technical staff. Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to the issue of any Construction Certificate.

## WIND IMPACTS

- B33. Prior to the issue of the **relevant** Construction Certificate, the final construction drawings must be assessed and reported to be in accordance with the requirements of the Wind Impact Assessment Report, prepared by Windtech, dated 4 April 2019, **as amended by Pedestrian Wind Environment Statement, prepared by Windtech, dated 23 July 2021**. This must be done by a suitably qualified Wind Consultant and submitted to the Certifier.

## STORMWATER

- B34. Plans and details of the stormwater system shall be provided by a qualified and experienced hydraulic engineer (after consultation with Council's engineering staff and the project arborist) to include details with the Construction Certificate to ensure the drainage system for the building includes measures to provide water to the retained fig tree to the north-west of the site on Riding Lane. Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to the issue of any Construction Certificate.
- B35. Prior to the issue of any Construction certificate, a certificate of compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 must be obtained evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development is produced to Council.

## ACCESS

- B36. The design shall be modified with the application for a **the relevant** Construction Certificate as required to meet all recommendations within the ~~"Schematic Design Review – Access" (Draft) by Phillip Chun Building Compliance, dated 28 May 2019~~ **CC Access Issues Report (Draft), prepared by Wall to Wall Design and Consulting, dated 5 July 2021** (or any subsequent/updated BCA report), including door circulation space, tread width, unisex toilets' dimensions and change facilities for the event space. Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to the issue of any Construction Certificate.

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B37. To minimise the opportunity for crime in accordance with CPTED principles, the Applicant shall provide detailed design documentation demonstrating compliance with the recommendations of the CPTED Assessment within Table 7.1 of the EIS, prepared by GeoLink. Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to the issue of any Construction Certificate

## NOISE

- B38. Prior to the issue of the **relevant** Construction Certificate, the final construction drawings must be assessed and reported to be in accordance with the requirements of the Acoustic Report, prepared by Pulse Acoustic, dated 20 June 2019, **as amended by Level 1 Terrace – Patron Noise Assessment, prepared by Pulse Acoustic, dated 23 July 2021**. This must be done by a suitably qualified Acoustic Consultant and submitted to the Certifier.

## GORDON STREET FAÇADE

B39. Prior to issue of the relevant Construction Certificate, amended architectural plans, prepared in consultation with the Government Architect NSW shall be submitted to and approved by the Planning Secretary. The exterior gallery wall on Gordon Street is to be amended to include either:

- landscaping and street furniture, public art etc with the masonry wall as a backdrop; or
- the masonry wall be designed as a point of interest, such as through the selection and composition of bricks, incorporating texture, colour etc.

Details demonstrating compliance with these requirements are to be provided to the Certifier.

## PART C PRIOR TO COMMENCEMENT OF WORKS

### NOTIFICATION OF COMMENCEMENT

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department 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.

### ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in **condition A2** of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent environmental 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.

### COMMUNITY COMMUNICATION STRATEGY

- C4. A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the demolition and construction works and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) Identify people to be consulted during all the phases of construction work related to this development;
- (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 all works related to this development, including disputes regarding rectification or compensation.

The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than four weeks before the commencement of any work.

Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.

### COMPLIANCE REPORTING

- C5. A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) before the commencement of construction.
- C6. The Pre-Construction Compliance Report must include:
- (a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and

- (b) the expected commencement date for construction.
- C7. Construction Compliance Reports must be submitted to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Planning Secretary.
- C8. The Construction Compliance Reports must include:
  - (a) a results summary and analysis of environmental monitoring;
  - (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
  - (c) details of any review of the **CEMP** and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
  - (d) a register of any modifications undertaken and their status;
  - (e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
  - (f) a summary of all incidents notified in accordance with this consent; and
  - (g) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

## COMPLIANCE

- C9. 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.

## COMPLAINTS AND ENQUIRIES PROCEDURE

- C10. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
  - (a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
  - (b) a postal address to which written complaints and enquiries may be sent; and
  - (c) an email address to which electronic complaints and enquiries may be transmitted.

## CERTIFIED PLANS

- C11. Plans certified in accordance with section 6.16 of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

## CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C12. Prior to the commencement of works, the Applicant shall prepare and implement a **Construction Environmental Management Plan (CEMP)** for the development. The **CEMP** must:
  - (a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;
  - (b) describe all activities to be undertaken on the site during site establishment and construction of the development;
  - (c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
  - (d) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
  - (e) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
  - (f) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;
  - (g) document and incorporate all relevant environmental management plans, control plans, studies and monitoring programs required under this part of the consent;
  - (h) include arrangements for community consultation and complaints handling procedures during construction;

- (i) address air quality management, which includes the monitoring and management of air quality and dust to protect the amenity of the neighbourhood;
- (j) address the management of erosion and sediment control; and
- (k) address the management of construction waste.

In the event of any inconsistency between the consent and the **CEMP**, the consent shall prevail.

Prior to the commencement of works, details demonstrating compliance with the above requirements (Condition C12 (a)-(k)) must be submitted to the Certifier. A copy of the CEMP must be submitted to the Certifier, Council and the Planning Secretary.

### CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT SUB-PLAN

- C13. Prior to the commencement of works, a **Construction Pedestrian and Traffic Management Sub-Plan (CPTMP)** prepared by a suitably qualified person. The **CPTMP** shall address, but not be limited to, the following matters:
- (a) location of the proposed work zone(s);
  - (b) location of any crane(s);
  - (c) haulage routes;
  - (d) construction vehicle access arrangements;
  - (e) proposed construction hours;
  - (f) estimated number of construction vehicle movements and detail of vehicle types, noting vehicle movements are to be minimised during peak periods;
  - (g) details of construction activities and timing of these activities;
  - (h) consultation strategy for liaison with surrounding stakeholders;
  - (i) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction works;
  - (j) cumulative construction impacts of projects within or around the development site, to ensure coordination of work activities are managed to minimise impacts on the road network; and
  - (k) should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts must be clearly identified and included in the **CPTMP**.

Prior to the commencement of works, details demonstrating compliance with the above requirements (Condition C13 (a)-(k)) must be submitted to the Certifier. A copy of the CPTMP must be submitted to the Certifier, Council and the Planning Secretary.

### CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- C14. Prior to the commencement of work, a **Construction Noise and Vibration Management Plan (CNVMP)** prepared by a suitably qualified person. The **CNVMP** shall address (but not be limited to):
- (a) the EPA's *Interim Construction Noise Guideline*;
  - (b) identify nearby sensitive receivers and land uses;
  - (c) identify the noise management levels for the project;
  - (d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;
  - (e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
  - (f) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Acoustic Report, prepared by Pulse Acoustic, dated 20 June 2019;
  - (g) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and
  - (h) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded.

Prior to the commencement of works, details demonstrating compliance with the above requirements (Condition C14 (a)-(h)) must be submitted to the Certifier. A copy of the CNVMP must be submitted to the Certifier, Council and the Planning Secretary.

## WASTE MANAGEMENT PLAN

- C15. Prior to the commencement any construction (including demolition), a **Waste Management Plan** (WMP) must be prepared. The WMP must:
- a) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;
  - b) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;
  - c) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
  - d) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer;
  - e) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the Subject Site, is removed before the vehicle, trailer or motorised plant leaves the Subject Site.

Prior to the commencement of works, details demonstrating compliance with the above requirements (C15 (a)-(e)) and a copy of the WMP must be submitted to the Certifier.

## CONSTRUCTION AIR QUALITY MANAGEMENT PLAN

- C16. Prior to the commencement of works, a **Construction Air Quality Management Plan** (CAQMP) must be prepared. The CAQMP shall address (but not be limited to):
- a) describe the measures that would be implemented on site to ensure:
    - (i) the control of air quality and odour impacts of the development;
    - (ii) that these controls remain effective over time;
    - (iii) that all reasonable and feasible air quality management practice measures are employed
    - (iv) the air quality impacts are minimised during adverse meteorological conditions and extraordinary events; and
    - (v) compliance with relevant conditions of consent.
  - b) include performance objectives for monitoring dust and ensuring no off-site air quality impacts to nearby residences and businesses;
  - c) includes an air quality monitoring program that:
    - (i) is capable of evaluating the performance of the construction works;
    - (ii) includes a protocol for determining any exceedences of the relevant conditions of consent and responding to complaints
    - (iii) adequately supports the air quality performance objectives; and
    - (iv) evaluates and reports on the effectiveness of air quality management for the construction works.
  - d) details on monitoring weather conditions and communicating changing conditions to the workforce;
  - e) stop work procedures if performance objectives are not being met.

Prior to the commencement of works, details demonstrating compliance with the above requirements (C16 (a)-(e)) must be submitted to the Certifier. A copy of the CAQMP must be submitted to Certifier and Council.

## SOIL AND WATER MANAGEMENT PLAN

- C17. Prior to the commencement of works a **Soil and Water Management Plan** (SWMP) must be prepared and submitted to the Certifier. The SWMP must include:
- a) details of all erosion and sediment controls to be implemented during construction;
  - b) a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
  - c) a summary of any ground investigations to date;
  - d) detail all off-site stormwater flows from the site and methods to ensure that sediment is not mobilised in stormwater flows leaving the site;
  - e) the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI;

- f) the proposed stormwater disposal and drainage from the development, designed in accordance with:
  - (i) Australian Rainfall and Runoff – A Guide to Flood Estimation, Volumes 1 and 2 (1987);
  - (ii) SA/NZS 3500.3.2 National Plumbing and Drainage Part 3.2: Stormwater Drainage – Acceptable Solutions;
  - (iii) Managing Urban Stormwater – Soils and Construction Volume 1 (4<sup>th</sup> Edition March 2004)
- g) monitoring techniques;
- h) methods for testing of the water quality (suspended solids, turbidity and contaminants) prior to discharging from the site to ensure compliance with Managing Urban Stormwater – Soils and Construction Volume 1 (4<sup>th</sup> Edition March 2004).

Prior to the commencement of works, details demonstrating compliance with the above requirements (Condition C17 (a)-(h)) must be submitted to the Certifier. A copy of the SWMP must be submitted to Certifier and the Council.

### PRE-CONSTRUCTION DILAPIDATION REPORT

- C18. Prior to the commencement of works, the Applicant is to engage a suitably qualified professional(s) to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained and existing and adjoining building, infrastructure and roads with the zone of influence. The report must be submitted to the Certifier prior to the commencement of works. A copy of the report must be forwarded to the affected landowners.

The Pre-Construction Dilapidation Report must also include a photographic recording of the public domain site frontages. The recording must include clear images of the foreshore, footpath, nature strip, kerb and gutter, driveway crossings and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street. The form of the recording is to be as follows:

- a) a PDF format report containing all the images that clearly demonstrates the existing site conditions;
- b) each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- c) each image is to be numbered and cross referenced to a site location;
- d) a summary report, prepared by a suitable professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record.

### CONTAMINATION

- C19. Prior to the commencement of any works, a hazardous material survey must be undertaken. The survey must provide an **Unexpected Contamination Finds Protocol (UFP)**, prepared by a suitably qualified and experienced expert, shall be submitted to the satisfaction of the Certifying Authority.

The **UFP** must be implemented for the duration of construction works.

### DEMOLITION WORKS

- C20. Demolition work must comply with the provisions of *Australian Standard AS2601:2001 The Demolition of Structures (Standards Australia, 2001)*. The work plans by AS2601:2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the Certifying Authority prior to the commencement of works.

### CONTACT TELEPHONE NUMBER

- C21. Prior to the commencement of the works, the Applicant shall forward to Council and the Department a 24-hour telephone number to be operated for the duration of the construction works.

### HOARDINGS

- C22. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road and such application is to include:

- (a) architectural, construction and structural details of the design as well as proposed artwork; and
- (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

### BARRICADE PERMIT

- C23. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work.

Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

## ROAD OCCUPANCY LICENCE

- C24. A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

## TREE PROTECTION ZONE

- C25. Prior to the commencement of works, a Tree Protection Zone(s) (TPZ) must be established around all trees adjoining the site. Tree protection must be installed and maintained in accordance with the *Australian Standard 4970: Protection of Trees on Development Sites*.
- C26. Each TPZ must be:
- (a) enclosed with a 1.8m high fully supported chainmesh protective fencing. The fencing must be secure and fastened to prevent movement. The fencing must have a lockable opening for access. Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing;
  - (b) kept free of weed and grass for the duration of works;
  - (c) have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place throughout all work on site; and
  - (d) Tree Protection Fencing must not be relocated unless approved by the Private Certifying Authority.
- C27. The following works must be excluded from within any TPZs:
- (a) soil cut or fill including excavation and trenching;
  - (b) soil cultivation, disturbance or compaction;
  - (c) stockpiling, storage or mixing of materials;
  - (d) the parking, storing, washing and repairing of tools, equipment and machinery;
  - (e) the disposal of liquids and refuelling;
  - (f) the disposal of building materials;
  - (g) the siting of offices or sheds; and
  - (h) any action leading to the impact on tree health or structure.

## WORKER INDUCTION - ARCHAEOLOGY

- C28. All workers shall be inducted into the site prior to works, so they are made aware of their obligations under the National Parks and Wildlife Act 1974 prior and during and after construction activities.

## CONTAMINATION

- C29. The recommendations of the Stage 2 Contamination Assessment (22 April 2020) shall be implemented prior to and during works, including:
- (a) Regional Geotechnical Solutions should be consulted if details of the proposed development differ from the Stage 2 Contamination Assessment;
  - (b) All demolition works should be carried out in accordance with the development consent (0199/20DA);
  - (c) Regional Geotechnical Solutions or an alternate qualified consultant should be contacted if any unidentified contamination is encountered (including odorous or stained soils and fragments of cement sheeting that may contain asbestos);
  - (d) Approximately 13,000 m<sup>3</sup> of material excavated from the basement will require offsite disposal. The material must be assessed in accordance with the requirements of the Department of Environment and Climate Change NSW Waste Classification Guidelines Part 1 Classifying Waste' (July 2009) and/or the EPA Resource Recovery Order under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

## ROADWORKS

- C30. Any roadworks around the site (including relating to drop-off, pick up, parking restrictions and associated works and signposting) shall be approved by the Council's Local Traffic Committee (as required) prior to the works commencing. The provision of disabled parking adjoining the site shall be specifically considered.

## PART D DURING CONSTRUCTION

### DEMOLITION

- D1. Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard.

### HOURS OF CONSTRUCTION

- D2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7 am and 5.30 pm, Mondays to Fridays inclusive; and
  - (b) between 8 am and 1 pm, Saturdays.
- D3. No work may be carried out on Sundays or public holidays.
- D4. Activities may be undertaken outside of these hours 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.
- D5. Notification of such activities 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) 9.00 am to 12.00 pm Monday to Friday;
  - (b) 2.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm Saturday.

### IMPLEMENTATION OF MANAGEMENT PLANS

- D7. The Applicant shall ensure that the requirements of all environmental management sub-plans required by Part C of this consent are implemented during construction.

### CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- D8. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the **CEMP** and **CNVMP**.
- D9. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in the NSW Noise Policy for Industry), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- D10. The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to noise sensitive receivers.
- D11. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Subject Site.
- D12. All work, including demolition, excavation and building work must comply with *Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'*.
- D13. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- (a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;
  - (b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*;
  - (c) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment; and
  - (d) these limits apply unless otherwise outlined in the **CNVMP**.

## APPROVED PLANS TO BE ON-SITE

- D14. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available to any officer of the Department, Council or the Certifying Authority.

## SITE NOTICE

- D15. A site notice(s) shall be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) the notice is to be able to be read by the general public;
  - (b) the notice is to be rigid, durable and weatherproof and is to be displayed throughout the works period;
  - (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - (d) 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.

## NO OBSTRUCTION OF THE PUBLIC WAY

- D16. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

## DAMAGE TO THE PUBLIC WAY

- D17. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

## PROTECTION OF STREET TREES

- D18. All existing street trees to be retained are to be protected during construction.

## CONTACT TELEPHONE NUMBER

- D19. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

## HOARDING/FENCING REQUIREMENTS

- D20. 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 removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

## OPERATION OF PLANT AND EQUIPMENT

- D21. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## LOADING AND UNLOADING DURING CONSTRUCTION

- D22. The following requirements apply:
- (a) all loading and unloading associated with construction must be accommodated on-site;
  - (b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant road authority at least 8 weeks prior to commencement of works on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

## SAFework NSW REQUIREMENTS

- D23. 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 NSW requirements.

## EROSION AND SEDIMENT CONTROL

- D24. All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

## STOCKPILE MANAGEMENT

- D25. The Applicant must ensure:
- a) stockpiles of material do not exceed 4 metres in height;
  - b) stockpiles of material are constructed and maintained to prevent cross contamination; and
  - c) suitable erosion and sediment controls are in place for stockpiles.

## DUST CONTROL MEASURES

- D26. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:
- a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
  - b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
  - c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
  - d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
  - e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
  - f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
  - g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
  - h) cleaning of footpaths and roadways shall be carried out regularly.

## HAZARDOUS WASTE REMOVAL

- D27. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.
- D28. Removal of any other hazardous building materials must be undertaken by a suitably licensed contractor.

## SITE CONTAMINATION ISSUES DURING CONSTRUCTION

- D29. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.
- D30. A qualified contamination expert shall be contacted if any unidentified potential contamination is encountered, (including odorous or stained soils and fragments of cement sheeting that may contain asbestos).
- D31. Material excavated from the basement will require offsite disposal. The material must be assessed in accordance with the requirements of the 'Department of Environment and Climate Change NSW Waste Classification Guidelines Part 1 Classifying Waste' (July 2009) and / or the EPA Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014.
- D32. All imported soil for landscaping or other purposes shall be VENM.

## ARCHAEOLOGY

- D33. The Applicant shall ensure that all recommendations in the Aboriginal Cultural Heritage Assessment, prepared by Niche Environment and Heritage, dated 29 July 2019 are implemented during the works.

## IMPACTS OF BELOW GROUND (SUB SURFACE) WORKS – NON-ABORIGINAL OBJECTS

- D34. If during the course of construction, the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the Heritage Division must be notified immediately and consulted with regard to the recommencement of works.
- D35. In the unlikely event that suspected human remains are encountered during construction, all work in the area that may cause further impact, must cease immediately and:
- (a) The location, including a 20 m curtilage, should be secured using barrier fencing to avoid further harm.
  - (b) The NSW Police must be contacted immediately.

- (c) No further action is to be undertaken until the NSW Police provide written notification to the Department of Justice.
- (d) If the skeletal remains are identified as Aboriginal, The Department of Justice or their agent must contact: • Senior Team Leader Planning, North East Branch. Phone 66598200

### IMPACTS OF BELOW GROUND (SUB SURFACE) WORKS – ABORIGINAL OBJECTS

- D36. If during the course of construction, the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and the EESG must be notified immediately in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from EESG is received by the Applicant.

### COVERING OF LOADS

- D37. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

### VEHICLE CLEANSING

- D38. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

### CONSTRUCTION WASTE

- D39. Construction waste should be managed generally in accordance with the EPA's brochure entitled "Know your responsibilities: managing waste from construction sites".
- D40. The Applicant must ensure that all waste generated by the development is classified in accordance with the EPA's Waste Classification Guidelines 2014 and disposed of at a facility that may lawfully accept that waste.

### CONSULT BUS OPERATORS

- D41. If any impacts or changes to the road network do occur either during construction or operation phases of the development, the Applicant shall consult and advise the local operators (Busways and Forrest buses) of these impacts and/or changes prior to such works occurring.

### WATER LICENSE (IF REQUIRED)

- D42. The project must obtain appropriate Water Access Licenses should groundwater or surface water be accessed during works.

### PROTECTION OF WILDLIFE

- D43. If non-mobile fauna or habitat features are identified (e.g. birds' nest) before or during construction, a suitably licensed and experienced ecologist is to be contacted immediately and appropriate measures would be discussed and implemented prior to commencement/recommencement of works. If an animal is injured during construction WIRES is to be contacted to arrange for capture/removal of the animal from the works area.

### ACID SULFATE SOILS

- D44. Acid Sulfate Soils (ASS) or Potential Acid Sulfate Soils (PASS) must be managed in accordance with the Acid Sulfate Soil Management Plan prepared by Regional Geotechnical Solutions, dated 4 February 2020.

### EROSION, SEDIMENT AND DUST CONTROL

- D45. The following safeguards and mitigation measures would be implemented in order to control erosion, sediment and dust:
- (a) An erosion and sediment control plan (prepared by TTW at Appendix S in the EIS) shall be implemented in accordance with The Blue Book prior to and during construction.
  - (b) Works will only commence once all erosion and sediment controls have been established. The controls shall be maintained in place until the works are complete and all exposed erodible materials are stable.
  - (c) Erosion and sedimentation controls shall be checked and maintained (including clearing of sediment from behind barriers) on a regular basis (including after any precipitation events) and records kept and provided on request.
  - (d) All sediment control measures shall be checked and repaired or reinstalled (if required) if heavy rainfall was forecast.
  - (e) Excavation and construction work performed within the site is to comply with Work Health and Safety Regulation 2017 and a project specific safe work method statement that includes provisions for possible contamination and asbestos issues.
  - (f) Stabilising all disturbed/exposed surfaces and stockpiles as soon as practicable.

## CONSOLIDATED INSTRUMENT

---

- (g) NSW Environment Protection Authority best management practices are to be implemented for minimising off-site dust impacts from the project.
- (h) Loose materials transported in trucks travelling on public roads are to be covered with an enviro-tarp.
- (i) Tailgates of all vehicles transporting materials on public roads are to be securely fixed.
- (j) Construction work shall be regularly monitored, and water carts or handheld water sprays are to be used to suppress dust as required.
- (k) The Contractor is to stabilise all unsealed construction access routes through use of coarse aggregates.
- (l) Map and develop a work method procedure for all known areas of Hazardous Materials (Hazardous substance report). If asbestos is found in soil, removal is to be completed by a licensed asbestos removal officer, this is to be barricaded off by the main contractors' personnel and then removed by a licensed operator.

### **SOIL TO BE REMOVED**

D46. Due to expected zinc levels, no soil removed from the site shall be reused on the site.

## PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### OCCUPATION CERTIFICATE

- E1. An Occupation Certificate must be obtained from the Certifying Authority prior to commencement of occupation or use of the whole or any part of the approved building, whichever occurs first.

### PROTECTION OF PUBLIC INFRASTRUCTURE

- E2. 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.

### FIRE SAFETY CERTIFICATION

- E3. Prior to the occupation or commencement of use of the development, a **Fire Safety Certificate** shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

### WASTE AND RECYCLING COLLECTION

- E4. Prior to the issue of any Occupation Certificate and/or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.

### STRUCTURAL INSPECTION CERTIFICATE

- E5. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### SANITARY FACILITIES FOR DISABLED PERSONS

- E6. Prior to occupation and commencement of the use, details must be provided to the Certifying Authority demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and **condition B18**.

### ROAD DAMAGE

- E7. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the commencement of use.

*Note: Should the cost of damage repair work not exceed the road maintenance bond, the bond will automatically be call up to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.*

### WATER AUTHORITY COMPLIANCE

- E8. Demonstration of compliance with all relevant requirements of Coffs Harbour Water for the development must be submitted to the Certifying Authority prior to the commencement of use.

### UTILITY PROVIDERS

- E9. Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

### EXTERNAL WALLS AND CLADDING FLAMMABILITY

- E10. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifier demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of **condition B2**.

## ENVIRONMENTAL PERFORMANCE

- E11. All non-residential environmental commitments referred to in **conditions B21 to B25** for the development must be fulfilled prior to the issue of the relevant Occupation Certificate.

## MECHANICAL VENTILATION

- E12. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- (a) the BCA;
  - (b) *Australian Standard AS1668* and other relevant codes;
  - (c) the development consent and any relevant modifications; and,
  - (d) any dispensation granted by the New South Wales Fire Brigade.

## FOOD PREMISES – HEALTH REGISTRATION DATABASE

- E13. Prior to the commencement of food handling operations, the proprietor of the food premises must notify and register the food premises with Council's Health and Building Unit and the NSW Health Department at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) prior to the opening of the premises.

Prior to the commencement of food handling operations, the proprietor of the food premises must notify the NSW Health Department of the following information:

- (a) contact details of the food business including the name of the food business and the name and address of the proprietor;
- (b) the nature of the food business; and
- (c) the location of all food premises of the food business within the jurisdiction of NSW Health.

## COMPLIANCE REPORT

- E14. Prior to the issue of any Occupation Certificate, the Applicant, or any party acting upon this approval, shall submit to the Certifying Authority a report addressing compliance with all relevant conditions of this Part.

## PROVISION AND RETENTION OF OFF-SITE PARKING

- E15. The development proposes the retention of 37 parking spaces within the existing Council Offices at 2 Castle Street, Coffs Harbour. These spaces must be maintained in perpetuity to ensure sufficient car parking would be provided to service the development. A restriction as to user on the land pursuant to Section 88B of the Conveyancing Act 1919 must be placed on the subject land to require this. The authority to vary this restriction shall be the Minister of Planning and Public Spaces.

## FLOOD ACTION PLAN

- E16. Prior to the issue of any Occupation Certificate, a flood action plan for the development shall be prepared by a suitably qualified person in consultation with EESG and Council. The final flood action plan must be submitted to Council and the Planning Secretary.

## GREEN TRAVEL PLAN

- E17. A Green Travel Plan (GTP) is to be prepared for the site and approved by the Planning Secretary, after consultation with Transport for NSW. The GTP shall outline measures to set targets, measures for monitoring and review, measures to promote the use of 'active transport' modes such walking and cycling and reduce reliance on the use of private vehicles to the site. The GTP shall provide a package of site-specific measures to promote and maximise the use of sustainable travel modes, including walking, cycling, public transport and car sharing. This shall include further investigation of cycle paths, pedestrian links, bus stops, bus routes and additional bus services consistent with the objectives of the Coffs Harbour City Centre Master Plan 2031.

## FOOTPATHS MADE SAFE AND CONNECTIONS PROVIDED

- E18. Prior to issue of any Occupation Certificate, the footpaths around the site shall be safe to use, meet Australian Standards and there shall be safe pedestrian crossing facilitated between the site and the carpark to the north of the site, across Riding Lane.

## MAJOR EVENTS TRAFFIC MANAGEMENT PLAN

- E19. A Major Events Traffic Management Plan (for any event over 200 people at the site) shall be prepared to address access, parking supply, noise management and security measures, to be approved by the Planning Secretary prior to issue of an Occupation Certificate and any event occurring. This shall include a suitable Traffic Management Plan (TMP) to address mitigation of traffic and parking during events, use of Traffic Controllers to direct traffic flow, allocating areas to accommodate overflow parking and general procedures to ensure pedestrian safety.

## LOADING DOCK TRAFFIC MANAGEMENT PLAN

- E20. A Loading Dock Traffic Management Plan (LDMP) shall be prepared by Council and endorsed by the Local Traffic Committee. The LDMP shall outline measures to ensure safe practices for heavy vehicle manoeuvring, including traffic controllers to assist reversing, delivery timings (e.g. deliveries outside peak pedestrian periods) and general safety procedures. The Plan shall demonstrate compliance with current Australian Standards.

## TREE RETENTION

- E21. The Arboricultural Impact Assessment Report, prepared by the Arborist Network, dated 3 June 2019 shall be implemented, and all recommendations relevant to the stage of Occupation Certificate shall be complied with, including by written verification by the project arborist to be engaged for the construction process, provided to the Certifier prior to the issue of an Occupation Certificate.

## EXTERNAL LIGHTING

- E22. Lighting of the building shall minimise up-lighting that causes light spill to the sky, and a lighting management system shall be installed that ensures external lighting of the building is automatically switched off, unless necessary for the safe functioning of the building and associated public domain. Decorative lighting shall be switched off after midnight. All illumination shall meet relevant Australian Standards (AS/NZS 1158) and to consider and reasonably minimise light spill and glare during the detailed design and implementation phases, to ensure no significant adverse impacts on pedestrians, vehicle users and neighbours
- E23. External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit evidence from an independent qualified practitioner, to the Certifying Authority, demonstrating compliance in accordance with this condition.

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- E24. Prior to the commencement of use, evidence shall be submitted to the Certifier demonstrating the recommendations of the CPTED Assessment within Table 7.1 of the EIS have been fulfilled.

## OPERATIONAL WASTE MANAGEMENT PLAN

- E25. The Operational Waste Management Plan, prepared by Elephants Foot, dated 17 June 2019, shall be updated to include measures to ensure safety and efficiency of waste collection within Riding Lane. Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to the issue of an Occupation Certificate.

## COMPLIANCE WITH NOISE CONTROLS

- E26. Prior to occupation or commencement of the use, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Certifier that the development complies with the requirements of the Acoustic Report, prepared by Pulse Acoustic, dated 20 June 2019 **as amended by Level 1 Terrace – Patron Noise Assessment, prepared by Pulse Acoustic, dated 23 July 2021.**

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

# CONSOLIDATED INSTRUMENT

## PART F POST OCCUPATION – DURING OPERATION

### HOURS OF OPERATION

F1. The hours of operation shall be within the hours as specified in the table below.

Land Use / Activities	Hours of Operation
Council (offices, customer service areas)	24-hours
Library	7 am – 11 pm
Museum	7 am – 11 pm
Gallery	7 am – 11 pm
Multi-purpose function space	7 am – 11 pm
Cafe	6 am to 11 pm
Loading dock	9.30 am to 4.30 pm
Level 1 northern terrace	Monday to Saturday: 9:00 am – 6:00 pm Sunday & Public Holidays: 9:00 am – 4:00 pm

### EXTERNAL LIGHTING

F2. All outdoor lighting shall operate in compliance with AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*

### ANNUAL FIRE SAFETY CERTIFICATE

F3. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed in the building for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### NOISE CONTROL – PLANT AND MACHINERY

F4. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- (a) transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
- (b) exhibit tonal, impulsive or other annoying characteristics;
- (c) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.

### NOISE CONTROL – USE

F5. Noise emanating from the premises must not give rise to any one or more of the following:

- (a) transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
- (b) the LA10 noise level must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 7 am and 12 midnight at the boundary of any affected residence.

F6. The aggregate noise emissions from all public address systems in the development shall be calibrated to achieve the maximum allowable noise levels, in octave bands, as outlined in Table 25 of the Acoustic Report, prepared by Pulse Acoustic, dated 20 June 2019.

### PATRON CAPACITY

F7. Patron capacity is limited to:

- (a) 90 patrons for the café
- (b) 150 patrons within the external areas of the rooftop on Level 3
- (c) 30 patrons within the Level 1 terrace.

## LOADING AND UNLOADING

- F8. All loading and unloading operations associated with the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- F9. At all times the driveway and loading/unloading area must be kept clear of goods and must not be used for storage purposes, including garbage storage.
- F10. All vehicles must enter and exit the site in a forward direction, except vehicles utilising the loading dock
- F11. All vehicles are to be wholly contained on-site before being required to stop.
- F12. The size of vehicles servicing the loading dock must not exceed 12.5 m.
- F13. The loading dock is limited to a maximum of 4 deliveries (8 vehicle movements, arriving and departing) in and out every 15 minutes.

## ODOUR REQUIREMENTS

- F14. The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- F15. Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act, 1997* and Regulation. Uses that produce airborne particulate matter must incorporate a dust collection system.

## WASTE MANAGEMENT

- F16. Waste Management shall be undertaken in accordance with the updated Operational Waste Management Plan (**Condition E25**). The Plan may be modified as required to meet operational needs and Council requirements.

## TREATMENT OF RUN-OFF

- F17. Any run-off from, either from stormwater or irrigation systems, must be captured and treated on-site to ensure that chemical products are not discharged to the stormwater network.

## COMPLIANCE REPORT

- F18. The Applicant, or any party acting upon this approval, shall submit to the Department a report addressing compliance with all relevant conditions of this approval.

## TREATMENT OF GLARE (IF NEEDED)

- F19. If the building façade results in excessive glare to neighbouring properties such that the use of that property is compromised or unreasonably impacted, measures to address and mitigate such impact shall be undertaken by the building owner, to the satisfaction of the Council's appropriately qualified staff.

## PARKING AND DROP-OFF REVIEW

- F20. Parking (including accessible parking), drop-off and traffic needs of the development shall be reviewed within 12 months and 3 years of Occupation and formally considered by the Council's Local Traffic Committee.

## ROOFED AREAS TO SIDES NOT ACCESSIBLE

- F21. The concrete roofed elements to both sides of the development (namely above the two-storey podium, to the side boundaries) shall not be trafficable (except for maintenance and repair work), **with the exception of the northern podium terrace**, to consider and respect the privacy of adjoining land.

## ADVISORY NOTES

### APPEALS

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

### OTHER APPROVALS AND PERMITS

AN2. The Applicant shall apply to Council or the relevant authority for all necessary permits including temporary structures, crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act 1993* or Section 138 of the *Roads Act, 1993*.

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

### REQUIREMENTS OF PUBLIC AUTHORITIES

AN4. Public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia, AGL, etc.) may have requirements in regard to the connection to, relocation or adjustment of services affected by the construction of the development.

### TEMPORARY STRUCTURES

AN5. An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.

AN6. Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

### DISABILITY DISCRIMINATION ACT

AN7. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### FURTHER APPROVALS

AN8. The following shall be subject of separate development applications to Council under Part 4 of the Act (except where exempt and complying development applies):

- (a) External signage - the Applicant shall seek development consent prior to occupation and use of the works approved in this consent.
- (b) Fit-out and use of the kitchen - the Applicant shall seek development consent prior to occupation and use of the works approved in this consent. Development applications shall comply with the requirements of AS 4674 *Design, Construction and Fit-out of Food Premises*, *The Food Act 2003* and *Food Safety Standards*.
- (c) The Applicant shall obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *National Code for the Construction and Fit-out of Food Premises*. The Applicant shall provide evidence of receipt of the certificate to the satisfaction of the Certifying Authority prior to the occupation of the building(s) or commencement of the use.

### USE OF MOBILE CRANES

AN9. The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Certifying Authority:

- (a) (For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council:
  - (i) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions; and
  - (ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

- (b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7 am without the prior approval of the relevant authority.

### **ROADS ACT 1993**

AN10. A separate approval under Section 138 of the *Roads Act 1993* is required to undertake any of the following:

- (a) erect a structure or carry out a work in, on or over a public road;
- (b) dig up or disturb the surface of a public road;
- (c) remove or interfere with a structure, work or tree on a public road;
- (d) pump water into a public road from any land adjoining the road; or
- (e) connect a road (whether public or private) to a classified road.

### **COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999**

AN11. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN12. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of the Environment and Energy to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### **BUILDING PLAN APPROVAL**

AN13. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see plumbing, building and developing then building over or next to assets).

### **WORKS AND SIGNPOSTING**

AN14. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

### **WATER MANAGEMENT ACT**

AN15. A condition of the enclosed development consent prevents the implementation of the approval until a Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 is obtained from Council.

The Notice under Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 may involve the payment of an amount towards the cost of water supply and wastewater infrastructure and, if necessary, the construction of certain infrastructure to serve the development.

In this regard it will necessary for you:

- (a) To complete the application for a Certificate of Compliance and return it to Council's Administration Building together with a copy of the consent and the notice.
- (b) To comply with Council's satisfaction with the requirements as specific in the Notice.

Subdivision Certificates or Construction Certificates which may follow a development consent will not be released until the above matters have been finalised.

For further enquiries, please contact the Sustainable Places Group.

### **END OF ADVISORY NOTES**

## APPENDIX 1 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 Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under **condition A18** 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