

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-61618229-Mod-1	27 February 2026	Team Leader, Regional Assessments	Design refinements to the façade, roof and internal & external configurations.
SSD-61618229-Mod-2	27 August 2026	Team Leader Regional Assessments	Removal of skylight from podium ceiling

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

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

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, 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

Louise Densmore

Director Regional Assessments

Development Assessment and Sustainability

Sydney

6 June 2025

SCHEDULE 1

Application Number:

SSD-61618229

Applicant:

University of Newcastle

Consent Authority:

Minister for Planning and Public Spaces

Site:

University of Newcastle, 20 Civic Lane, Newcastle
Lot 2 & 5 DP 1247375

Development:

Stage 1B of the University's City Campus, including a nine-storey building (known as Building B) for the purpose of campus student accommodation and ground floor retail.

DEFINITIONS

Interpretation

References in the conditions of this consent to any guideline, protocol, or policy are to such documents in the form they are in as at the date of this consent.

Definitions

Unless otherwise defined in the following definitions table, words and expressions that occur in this development consent have the same meanings as they have in the EP&A Act and EP&A Regulations.

Applicant	The person having the benefit of this consent, or who is carrying out the Development.
Australian Standard (AS)	Australian Standard published by Standards Australia Limited and means the standard which applies at the time the relevant work or action is undertaken.
Certifier	A council or person registered as a registered certifier under the Building and Development Certifiers Act 2018.
Consultation	Means undertaking a consultation process with a party under which the Applicant: (a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and (b) provides 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.
Council	Newcastle City Council
Department	NSW Department of Planning, Housing and Infrastructure.
Development	Means the development approved pursuant to this consent.
EIS	The Environmental Impact Statement titled Environmental Impact Statement University of Newcastle City Campus – Campus Student Accommodation, prepared by Ethos Urban, dated 09 August 2024, submitted with the application for consent for the Development.
EPA	NSW Environment Protection Authority.
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulations	Environmental Planning and Assessment Regulation 2021 and where relevant, other regulations made under the EP&A Act.
Fire Safety Certificate	Has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
Incident	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
Material Harm	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: • involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or • results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring

NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate)
Prescribed Conditions	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
Professional Engineer	A Professional Engineer as defined in the Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020.
Reasonable	Means applying judgement in arriving at a decision, taking into account: Mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.
Report	When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a Professional Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.
Stage	When capitalised, means the relevant stage referenced in the staging plan approved pursuant to this consent.
Response to Submissions	The Response to Submissions Report titled <i>Submissions Report University of Newcastle City Campus – Campus Student Accommodation 20 Civic Lane Newcastle NSW 2300</i> , prepared by Ethos Urban, dated 25 November 2024.
Response to Request for Further Information	The Response to Request for Further Information titled <i>UON City Campus Student Accommodation SSD-61618229 – Response to Request for Further Information and Additional Government Agency Referrals</i> , prepared by Ethos Urban, dated 19 March 2025

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS, the Applicant's Response to Submissions, and the Applicant's Response to Requests for Further Information, [as amended by the:](#)
 - (i) [section 4.55\(1A\) Modification Application Report for SSD-61618229-MOD-1 prepared by Colliers Urban Planning](#)
 - (ii) [section 4.55\(1\) Modification Application Report for SSD-61618229-MOD-2](#); and
 - (d) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural Drawings prepared by <i>architectus</i>			
Drawing No.	Rev	Name of Plan	Date
DA-0000	A.02	Cover Sheet with Drawing List	11/03/2025
DA-0004	A.02	Site Plan	11/03/2025
DA-0006	A.02	Interim Site Plan	11/03/2025
DA-1000	A.05	Floor Plan – Ground Level	12/06/2026
DA-1001	A.05	Floor Plan – Level 1	12/06/2026
DA-1002	A.03	Floor Plan – Typical A (Level 2,4,6,8)	30/09/2025
DA-1003	A.03	Floor Plan – Typical B (Level 3,5,7)	30/09/2025
DA-1009	A.05	Floor Plan – Plant Level	12/06/2026
DA-1010	A.05	Roof Plan	12/06/2026
DA-2000	A.04	Elevation – North	07/01/2026
DA-2001	A.04	Elevation – East	07/01/2026
DA-2002	A.04	Elevation - South	07/01/2026
DA-2003	A.04	Elevation - West	07/01/2026

CONSOLIDATED CONSENT

DA-2501	A.04	Section A-A	07/01/2026
DA-2502	A.04	Section B-B	07/01/2026
DA-4000	A.03	Unit Types Plan – Room Types	30/09/2025
DA-4001	A.04	Area Plan – GBA / GFA Plans	07/01/2026
Landscape Drawings prepared by Arcadia			
L-CCSA-FLR-20GR33	G	HARDWORKS - GROUND FLOOR ZONE	28/01/2026
L-CCSA-FLR-20133	H	HARDWORKS - Level 1	29/05/2026
000	G	Cover Sheet	20/01/2026
400	G	Softworks Schedules	28/01/26
401	G	Softworks Plan Ground Floor	28/01/2026
402	G	Softworks Plan Level 01	28/01/2026
601	G	Details Planting	28/01/2026
650	G	Landscape Specification	28/01/2026
Civil Engineering Plans prepared by Northrop			
DA-C01.01	A	Cover Sheet, Drawing List and Locality Plan	10/10/2025
DA-C04.01	A	Civil Works Plan	10/10/2025
DA-C06.01	A	Stormwater Management Plan	10/10/2025
DA-C09.01	A	Civil Details	10/10/2025
Public Domain Works Plan by Northrop			
CC2-C04.01	3	Civic Lane Shared Path Civil Sketch	14.03.25

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

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

LIMITS ON CONSENT

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

PRESCRIBED CONDITIONS

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

PLANNING SECRETARY AS MODERATOR

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

LEGAL NOTICES

- A8. Any advice or notice to the consent authority must be served on the Planning Secretary.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A9. Within three months of:
- (a) the submission of an incident report under condition **A13**;
 - (b) the approval of any modification of the conditions of this consent; or
 - (c) the issue of a direction of the Planning Secretary under condition **A3** which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.
- A10. 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 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.*

EVIDENCE OF CONSULTATION

A11. 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 or Certifier for information or approval; and
- (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

A12. 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:

- (a) the relevant requirements of the NCC;
- (b) any additional requirements of the Subsidence Advisory NSW where the building or structure is located on land within a declared Mine Subsidence District.

Note 1: *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development*

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A13. The Department must be notified via the Major projects website 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.

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

NON-COMPLIANCE NOTIFICATION

A14. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the noncompliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects).

A15. The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

A16. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

MONITORING AND ENVIRONMENTAL AUDITS

- A17. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

Note 1: *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.*

APPLICABILITY OF GUIDELINES

- A18. 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.
- A19. 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.

STAGING

- A20. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

EXTERNAL MATERIALS

- A21. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in condition **A2**. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier, provided that:
- (a) the alternative colour/material is of a similar tone/shade and finish to the approved, external colours/building materials;
 - (b) the quality and durability of any alternative material is the same standard as the approved, external building materials; and
 - (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary for information.

COMPLIANCE

- A22. 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.

HOUSING AND PRODUCTIVITY CONTRIBUTIONS

- A23. Prior to the commencement of works, the Housing and Productivity Contribution (HPC) set out in the table below is required to be made:

Housing and Productivity Contribution	Amount
Total housing and productivity contribution	\$3,900.00

Note: The contribution amount is subject to indexation in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 at the time of payment. A request for assessment of the adjusted amount and instructions on how to make a payment can be made by contacting hpc.enquiry@planning.nsw.gov.au.

INDEPENDENT AUDITS

A24. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements in force at the time the audit commences, as approved by the Secretary and published on the Department's website.

PART B PRIOR TO COMMENCEMENT OF WORKS

DESIGN AMENDMENTS

AMENDMENTS

- B1. Prior to commencement of the Civic Lane works under this consent, the Applicant must submit for approval by the Planning Secretary:
- (a) an amended Public Domain Works Plan as referenced in condition **A2** to reflect the Public Domain Works Plan – CN Mark-Up prepared by Council dated 15/04/2025;

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- B2. The Department must be notified to the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- B3. If the construction 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.

UTILITY SERVICES

- B4. Prior to the commencement of work, the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.
- B5. Prior to the commencement of work, other than above ground demolition and site clearing works, written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

DIAL BEFORE YOU DIG

- B6. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

INFORMATION AND COMPLIANCE

CERTIFIED PLANS

- B7. Plans certified in accordance with section 6.16 of the EP&A Act are to be submitted to the Certifier and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

ACCESS TO INFORMATION

- B8. 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

- B9. A community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.
- B10. The Community Communication Strategy must:
- (a) identify people to be consulted during the design and construction phases;
 - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
 - (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
 - (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

The Community Communications Strategy must be submitted to the Planning Secretary no later than one month before the commencement of any work and must be implemented for a minimum of 12 months following the completion of construction.

COMPLAINTS AND ENQUIRIES PROCEDURE

- B11. Prior to the commencement of construction works the following must be made available for community enquiries and complaints for the duration of construction:
- (a) a 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.

PUBLIC LIABILITY INSURANCE

- B12. Prior to the commencement of any works on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$20 million. A copy of the Insurance cover is to be provided to Council.

CROWN BUILDING WORK

- B13. Crown building work cannot be commenced unless the relevant Crown Building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:
- (a) the date of the invitation for tenders to carry out Crown building work; or
 - (b) in the absence of tenders, the date on which the Crown building work commences.

PRE-CONSTRUCTION REQUIREMENTS

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B14. Prior to the commencement of construction, the Applicant must register for a Green Star Buildings v1 rating with the Green Building Council Australia and submit evidence of registration to the Certifier.

EXTERNAL WALLS AND CLADDING

- B15. The external walls and cladding must comply with the relevant requirements of the NCC.
- B16. Prior to the commencement of construction of external walls and cladding, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC.

NATIONAL CONSTRUCTION CODE COMPLIANCE

- B17. The proposed works must comply with the applicable performance requirements of the NCC 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).

MAXIMUM HEIGHT

- B18. The maximum height of the approved building must not exceed **RL 38.05m** AHD, including plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like, **but not including lightning rods**. Details confirming compliance must be submitted to the Certifier prior to the commencement of above ground works.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B19. Prior to the commencement of above ground works, the Applicant must submit a Report to the Certifier from an acoustic Engineer demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Noise and Vibration Assessment, prepared by ACOR Consultants and dated 17 June 2024.

COMPLIANCE WITH WIND IMPACT ASSESSMENT

- B20. Prior to the commencement of above ground works, the Applicant must submit a Report to the Certifier demonstrating that the design of the development has incorporated the wind mitigation measures contained within the document titled Pedestrian Wind Environment Assessment, prepared by Windtech Consultants dated 15 July 2024.

STORMWATER QUALITY ASSESSMENT

- B21. The development must comply with the Integrated Water Management Report (Flooding and Stormwater) prepared by TTW PTY LTD dated 8 August 2024. Prior to commencement of substructure works, a design certification report prepared by a suitably qualified practitioner engineer demonstrating compliance with approved MUSIC link targets and parameters must be submitted to the Certifier. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

FLOOD PLANNING LEVELS

- B22. The development must be constructed to comply with the recommended flood planning levels indicated in the Flood Impact Risk Assessment, Revision 04, prepared by Torrent Consulting dated 03 March 2025.

OUTDOOR LIGHTING

- B23. 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 demonstrating compliance with these requirements are to be submitted to the Certifier prior to the commencement of public domain works.

STRUCTURAL DETAILS

- B24. Prior to the commencement of substructure works, the Applicant must submit to the Certifier, the relevant structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the NCC; and
 - (b) the development consent.
- B25. Prior to the commencement of all works not subject to condition **B24**, the Applicant must submit to the Certifier, the relevant structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the NCC; and
 - (b) the development consent.

REFLECTIVITY

- B26. The building materials must have a maximum normal specular reflectivity of visible light of 20 per cent. If the proposed building materials do not comply with the above reflectivity requirement, then an

alternate materials / mitigation measures must be proposed so that the facades of the building would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers.

- B27. A statement prepared by a suitably qualified expert, demonstrating compliance with the requirements of condition **B26** must be submitted to the satisfaction of the Certifier prior to the commencement of the cladding of the external facades.

MECHANICAL PLANT NOISE MITIGATION

- B28. Details of noise mitigation measures for all mechanical plant are to be detailed on the relevant Construction drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of the NSW Industrial Noise Policy is required to be submitted to the Certifier prior to the commencement of above ground works.

MECHANICAL VENTILATION

- B29. All mechanical ventilation systems shall be installed in accordance with the NCC 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. Details shall be submitted to the Certifier prior to the commencement of above ground works.
- B30. The mechanical exhaust system for the ground floor retail tenancy is to be designed to be capable of accommodating exhaust requirements in accordance with relevant Australia Standards, in order to allow for the event that the tenancy is approved for future use as a food premises or other use which requires mechanical exhaust.

SANITARY FACILITIES FOR DISABLED PERSONS

- B31. The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with the NCC.

ACCESS FOR PEOPLE WITH DISABILITIES

- B32. Access and facilities for people with disabilities must be designed in accordance with the NCC. Prior to the commencement of above ground works, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans. Applicant must submit to the satisfaction of the Certifier

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- B33. To minimise the opportunity for crime, the recommendations of the CPTED Report prepared by Ethos Urban dated 22 November 2024 and the revised Preliminary Operational Management Plan prepared by the University of Newcastle, dated 14 March 2025 are to be revised by a suitably qualified expert to incorporate CPTED treatments that specifically respond to the suburb's mid-to high rated crime hotspot offence categories, including stealing from motor vehicles and dwelling, and assaults (non-domestic). Details demonstrating compliance with the requirements are to be submitted to the Certifier prior to the commencement of above ground works.

TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

- B34. All tactile ground surface indicators, handrails and other elements required to provide access into the building/property must be located entirely within the private property boundary.

COMPLIANCE WITH ACOUSTIC REPORT PORT RELATED – PORT AUTHORITY

- B35. Prior to the commencement of above ground works, verification shall be provided to the consent authority that the development has been designed and will be constructed to achieve the Design Noise Levels noted in the EIS and Acoustic Assessment, with regards to including port-related noise.

ADAPTABLE UNITS

- B36. Prior to the commencement of above ground works, the Applicant must submit to the Certifier a Report demonstrating that any adaptable units specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- B37. Prior to the commencement of any works, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifier. The CEMP must address, but not be limited to, the following matters where relevant:
- (a) Details of:
 - (i) hours of work
 - (ii) 24 hour contact details of the site manager
 - (iii) community consultation and complaint handling procedure
 - (iv) traffic management
 - (v) noise and vibration management, prepared by a suitably qualified person
 - (vi) management of dust and odour to protect the amenity of the neighbourhood
 - (vii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site
 - (viii) prevention and contamination management, including any unexpected contamination finds protocol
 - (ix) waste management
 - (x) external lighting in compliance with applicable Australian Standards
 - (xi) site security, including fencing or hoarding
 - (xii) flora and fauna management.
 - (b) Construction Pedestrian and Traffic Management Sub-Plan in accordance with condition **B38**;
 - (c) Construction Noise and Vibration Management Sub-Plan in accordance with condition **B39**;
 - (d) Construction Waste Management Sub-Plan in accordance with condition **B40**;
 - (e) Construction Soil and Water Management Sub-Plan in accordance with condition **B41**;
 - (f) an unexpected finds protocol for contamination and associated communications procedure in accordance with condition **B51**;
 - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure in accordance with conditions **B52** and **B56**; and
 - (h) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT SUB-PLAN

- B38. Prior to the commencement of any works, the Applicant must submit to the Certifier a final Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP) for the development with measures to reduce environmental impacts and harm during construction of the development arising from construction traffic, including, at a minimum, the following information:

- (a) location of any proposed work zone(s);
- (b) construction vehicle access arrangements and haulage routes;
- (c) predicted number and timing of construction vehicle movements and vehicle types;
- (d) identification of potential conflicts between vehicle movements required for construction and general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles;
- (e) be prepared in consultation with Council; and
- (f) Settlement Lane must not be used by heavy construction vehicles because of weight load restrictions.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

B39. Prior to the commencement of any works, the Applicant must submit to the Certifier a **Construction Noise and Vibration Management Sub Plan** (CNVMP) for the development, prepared by a suitably qualified person, with measures to minimise environmental impacts and harm during construction of the development arising from construction noise and vibration, including, at a minimum, the following:

- (a) identification of noise sources and sensitive receivers.
- (b) quantification of the rating background noise level (RBL) for sensitive receivers;
- (c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (ICNG) (as may be updated or replaced from time to time)
- (d) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG
- (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
 - (i) installation of acoustic barriers/enclosures; and
 - (ii) alternative excavation methods:
- (f) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (g) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
- (h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
- (i) include a complaints management system that would be implemented for the duration of the development.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

B40. Prior to the commencement of any works, the Applicant must submit to the Certifier a **Construction Waste Management Sub Plan** (CWMP) for the development. The **CWMP** must include, as a minimum, the following information:

- (a) requirement 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";
- (b) 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;
- (c) procedures for minimising the movement of waste material around the site and double handling;
- (d) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
- (e) requirement that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises; and
- (g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):
 - (i) a traffic plan showing transport routes within the site;
 - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the Protection of the Environment Operations Act 1997; and
 - (iii) the name and address of each licensed facility that will receive waste from the site.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- B41. Prior to the commencement of any works, the Applicant must submit to the Certifier a Construction Soil and Water Management Sub-Plan (CSWMP) for the development. The CSWMP must be prepared by a suitably qualified expert, in Consultation with Council and include, at a minimum, the following information:
- (a) describe all erosion and sediment controls to be implemented during construction
 - (b) details of measures to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site.
 - (c) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
 - (d) detail all off-site flows from the site during construction; and
 - (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

FLOOD MANAGEMENT

- B42. Prior to the commencement of any earthwork or construction, the Applicant must prepare and implement for the duration of the works:
- (a) flood warning and notification procedures for construction workers on the site; and
 - (b) evacuation and refuge protocols.

GEOTECHNICAL DESIGN, CERTIFICATION AND MONITORING PLAN

- B43. Prior to the commencement of any works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development. This engineer is to prepare the following documentation:
- (a) Certification that the civil and structural details of all subsurface structures are designed to:
 - (i) provide appropriate support and retention to neighbouring property;

- (ii) ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure; and
 - (iii) ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- (b) A Geotechnical Monitoring Plan (GMP) to be implemented during construction that:
- (i) is based on a geotechnical investigation of the site and subsurface conditions, including groundwater;
 - (ii) details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - (iii) details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and
 - (iv) details an action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

B44. The certification and the GMP is to be submitted to the Certifier prior to the commencement of any works other than any above ground demolition and site clearing works. Copies of the certification and GMP must be provided to the Planning Secretary.

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

PRE-CONSTRUCTION DILAPIDATION REPORT

B45. The Applicant is to engage a qualified structural engineer to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. The report shall be submitted to the Certifier prior to any works commencing. A copy of the report must be forwarded to the Council and each of the affected property owners.

The **Pre-Construction Dilapidation Report** shall also include a photographic recording of the public domain site frontages and must be submitted to Council. The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers 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 images at a scale 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 plan;
- (d) a summary report, prepared by a suitable qualified 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; and
- (e) include written confirmation, issued with the authority of both the Applicant and the photographer that Council is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

SURVEY CERTIFICATE

- B46. Prior to the commencement of above ground works, the Applicant must cause the building to be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels, and cause the Registered Surveyor to submit a plan to the Certifier, certifying that structural works are in accordance with this consent.
- B47. The Applicant must cause a Registered Surveyor to measure and mark:
- (a) prior to commencement of works - the positions of all footings/ foundations; and
 - (b) at other stages of construction - any marks that are required by the Certifier, and provide information on the positions to the Certifier.

HOARDING

- B48. 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, only as they relate to the specific works under section 138 of the *Roads Acts 1993* required by condition **B48**.

BARRICADE PERMIT

- B49. 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 must be obtained prior to the commencement of works, only as they relate to the specific works under section 138 of the *Roads Act 1993* required by condition B51. Details of the barricade construction, area of enclosure and period of work must be submitted to the satisfaction of the relevant road authority.

ROAD OCCUPANCY LICENCE

- B50. 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.

CONTAMINATION UNEXPECTED FINDS

- B51. Prior to the commencement of works, an Unexpected Contamination Finds Protocol (**UFP**) prepared by a suitably qualified and experienced expert shall be prepared. The protocol should include detailed procedures for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The Applicant should ensure that the procedure includes details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The UFP must be submitted to the satisfaction of Certifier. The UFP must be implemented for the duration of construction works. Details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of all the documentation outlined in the above requirements must be submitted to the Planning Secretary.

HISTORICAL ARCHAEOLOGY – HERITAGE NSW

- B52. A procedure for the management of unexpected relics and human remains must be developed in consultation with Heritage NSW. This procedure must:

- (a) be prepared in accordance with Heritage NSW guidelines and codes of practice.
 - (b) include a hold point requiring the development of a revised historical archaeological assessment in the event an unexpected relic is identified.
 - (i) The Archaeological Assessment must be prepared in accordance with the guideline Archaeological Assessment (1996) and Assessing Significance for Historical Archaeological Sites and Relics (2009) to inform and guide archaeological mitigation measures.
 - (ii) If harm cannot be avoided in whole or part, an Archaeological Research Design and Excavation Methodology (ARDEM) with a nominated Excavation Director should also be prepared to guide any proposed excavations or salvage program.
 - (iii) The Archaeological Assessment must be provided to the Secretary of the Department of Planning, Housing and Infrastructure for approval in consultation with Heritage NSW.
 - (c) must be implemented for the duration of the project.
- B53. All reasonable steps must be taken to avoid harm, modification of or impact to relics except as authorised by this approval.
- B54. Keep a record of, and ensure all on-site workers receive suitable heritage inductions prior to carrying out any development activities on site.

MARITIME UNEXPECTED FINDS – HERITAGE NSW

- B55. A maritime specific Unexpected Finds Protocol (MUFP) is to be prepared by a suitably qualified and experienced maritime archaeologist as defined in the Australasian Institute for Maritime Archaeology Code of Ethics. The MUFP items must specifically include:
- (a) briefings of onsite works staff in recognition of maritime heritage items.
 - (b) consideration of short and long term management, conservation, restoration, storage and interpretation of any significant maritime heritage items and how these aspects will be funded.
 - (c) the possibility for redesign if significant maritime heritage items are discovered during works.

ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN - ACHAR

- B56. Prior to the commencement of works, the Applicant must prepare an ACHMP for the development. This plan must:
- (a) be prepared by a suitably qualified and experienced person;
 - (b) be prepared in consultation with the RAPS and reviewed by Heritage NSW
 - (c) include a methodology for a test excavation and salvage excavation program with Aboriginal Stakeholder participation of sites to be impacted with consideration to understanding site characteristics, and local and regional archaeological context
 - (d) include a description of the measures (and associated methodologies) that would be implemented for:
 - (i) salvaging and relocating the Aboriginal heritage items located within the approved development footprint;
 - (ii) include updated baseline mapping of the heritage items within and adjoining to the development disturbance area;
 - (iii) include updated mapping of all areas that have been and will be subject to test excavations, and salvage excavations;
 - (iv) include conservation options for the mitigation and avoidance to impacts AHIMS registered sites situated within and outside the project footprint;
 - (v) include a procedure for assessing significance of Aboriginal Objects identified during the test excavations, and salvage excavation and ensure that the management and mitigation

measures are considered for all sites, and with special consideration for those of high significance

- (vi) the long-term management of any Aboriginal heritage items or material collected during the test excavations or salvage works;
 - (vii) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions;
 - (viii) ongoing consultation with RAPs during the implementation of the ACHMP;
 - (ix) preparing Aboriginal Site Impact Recording Form/s (ASIRFs) for all Aboriginal heritage sites following construction activities with ASIRFs to be submitted to the Aboriginal Heritage Information Management System (AHIMS) registrar.
- (e) include a contingency plan and reporting procedure including:
- (i) an Unexpected Heritage Finds and Human Remains Procedure prepared in relation to Aboriginal Cultural heritage, with these measures to be prepared in accordance with the guidelines and standards specified by Heritage NSW, be implemented for the duration of the project and to include the requirement to register any newly identified Aboriginal objects or sites in the AHIMS database.
- (f) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

B57. Upon the completion of Aboriginal cultural heritage test and salvage excavations, an Aboriginal Cultural Heritage Excavation Report (s), prepared by a suitable qualified expert. The Aboriginal Cultural Heritage Excavation Report(s) must:

- (a) be prepared in accordance with the Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW, 2011 and the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales , 2010; and
- (b) document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds)
- (c) The RAPs must be given a minimum of 28 days to consider the report and provide comments before the report is finalised. The final report must be provided to the Planning Secretary, Heritage NSW, Councils, and the relevant Local Aboriginal Land Council, and the RAPs within 24 months of the completion of the Aboriginal archaeological collections and excavations (both test and salvage).

TEMPORARY PROTECTION PLAN

B58. Prior to commencement of works, a temporary protection plan prepared by a suitably qualified and experienced consultant shall be submitted to the Certifier. The plan is to identify the potential risks and outlines measures to reduce the potential for damage to significant built, landscape and archaeological elements during site preparation and the works.

HERITAGE CONSULTANT

B59. A suitably qualified and experienced heritage consultant is to be commissioned by the Applicant to provide detailed heritage advice to the project for its duration, including providing guidance to the construction documentation, the implementation of the conditions of consent and through the construction process. Written documentation to support the commission of the heritage consultant is to be submitted to the Certifier prior to the commencement of works.

PROTECTION OF STREET TREES

B60. Prior to commencement of works, the street trees on the Worth Place frontage of the site are to be retained and physically protected in accordance with the Council's Urban Forest Technical Manual

Note: The tree protection fencing is to remain in place and be maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

CAR PARKING

- B61. Prior to the commencement of above ground works, the Applicant must submit to the Certifier a Car Parking plan. The plan must demonstrate the provision in the adjacent Wright Lane carpark of the following:
- (a) a minimum of 6 disabled parking spaces;
 - (b) a minimum of 2 car parking bays dedicated for use as Loading Zone bays;
 - (c) a minimum of 4 car parking spaces to be dedicated for use as Short-term Parking bays; and
 - (d) a minimum of 2 car parking spaces dedicated for use as Ride Share spaces. The design of the on-site car parking and vehicular access is to comply with the relevant provisions of the latest version of AS/NZS 2890 -Parking facilities.

ROADS ACT APPROVAL

- B62. Prior to the commencement of works within the road reserve, a separate application is to be lodged, and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, or other satisfactory arrangements confirmed in writing from Council.

PUBLIC DOMAIN WORKS

- B63. Prior to the commencement of Civic Lane public domain works, full details are to be provided to, and consent obtained, or other satisfactory arrangements confirmed in writing, from Council pursuant to Section 138 of the *Roads Act 1993* for the following works to be designed and constructed by the Applicant within Civic Lane public road reserve and Worth Place, adjacent to the site, at no cost to Council and in accordance with Council's guidelines and design specifications:
- (a) a permanent shared path along the Civic Lane frontage of the student accommodation site and other associated works on Worth Place, up to the transition point located east of the proposed student accommodation building. The design details must include those works associated with that portion of the shared path located within the site.
 - (b) a temporary shared path and other associated works from the eastern boundary (transition point) of the student accommodation site to the eastern end of the Newcastle City Campus in the Museum Precinct.
 - (c) phase 1 works of the Civic Lane Concept Proposal as indicated by Council's notations on the Northrop drawing (CC2-C04.01 Rev 3) identified as 'Public Domain Works Plan-CN Mark-up Concept-dated 15 April 2025'. These works include, but are not limited to, a shared path ramp and footpath continuation at the intersection of Civic Lane and Worth Place, street lighting, kerb extension and streetscape improvements.
 - (d) all the above works in Civic Lane and Worth Place must be designed and constructed generally in accordance with the requirements of 'Public Domain Works Plan-CN Mark-up Concept-dated 15 April 2025'.
 - (e) all associated traffic and parking works.
 - (f) the proposed driveway to the Loading Dock must be designed generally as identified on 'Public Domain Works-CN Mark-up Concept-15 April 2025 to enable both Medium Rigid vehicles and Small Rigid vehicles to drive forward in and reverse out. Plans of the vehicular turning movements of the above vehicles must be provided with the detailed design of Civic Lane.

Engineering design plans and specifications for the works to be undertaken within the public road reserve are to be prepared by a practising professional engineer and associated relevant consultants with experience and competence in the related field, and in compliance with all relevant Australian and NSW standards, guidelines, and technical directions.

FLOOD EMERGENCY RESPONSE PLAN – CONSTRUCTION

B64. Prior to the commencement of above ground works, the Applicant is to submit to the Certifier a Flood Emergency Response Plan for the construction phase of the development. It is to be prepared by a professional engineer, who is experienced in flood management. The plan is to include an education and awareness component for the workforce, detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan and provisions for any third parties likely to be involved.

The flood emergency response plan is to describe the following components:

- (a) the flood emergency responses for the construction phase of the development;
- (b) likely flood behaviour
- (c) flood warning systems
- (d) an education awareness program
- (e) evacuation and evasion procedures
- (f) evacuation routes and flood refuges and flood warning system
- (g) flood preparedness and awareness procedures for employees and contractors

Considerations are to include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. The plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources.

FLOOD REFUGE

B65. Prior to the commencement of above ground works, the Applicant is to submit to the Certifier a plan prepared by a suitably qualified and experienced Civil Engineer showing an onsite flood refuge. The plan must:

- (a) demonstrate the level of the refuge is above the level of the Probable Maximum Flood Event; and
- (b) the design and/or suitability of the refuge is to be structurally certified by the engineer, ensuring that the building is able to withstand the hydraulic loading due to flooding from the Probable Maximum Flood.

PART C DURING CONSTRUCTION

SITE NOTICE

- C1. 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, Certifier 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.

APPROVED PLANS TO BE ON-SITE

- C2. 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 PCA.

CONTACT TELEPHONE NUMBER

- C3. 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.

CHECKING FLOOR LEVELS

- C4. During building work, certification is to be prepared by a Registered Surveyor and submitted to the Certifier at the following stages of construction:
- (a) on completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
 - (b) on completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.
 - (c) when the roof has been completed, confirming that the building does not exceed the approved levels.

SETTING OUT OF STRUCTURES

- C5. The building shall be set out by a registered surveyor to verify the correct position of the structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the Certifier, certifying that structural works are in accordance with the approved development application.

HOURS OF CONSTRUCTION

- C6. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive; and
 - (b) between 8:00 am and 1:00 pm, Saturdays.
- C7. No work may be carried out on Sundays or public holidays.

- C8. 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.
 - (c) where the works are inaudible at the nearest sensitive receivers; or
 - (d) where a variation is approved in advance in writing, by the Planning Secretary or their nominee, if appropriate justification is provided for the works.
- C9. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C10. 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

- C11. The Applicant shall ensure that the requirements of the **CEMP, CPTMP, CNVMP, CWMP, AQMP, GMP, UFP and MUFP** required by Parts B and C of this consent are implemented during construction.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- C12. 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.
- C13. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C14. Heavy vehicles and oversized vehicles must not queue or idle on Civic Lane or Worth Place outside of construction zones awaiting access to the site.
- C15. 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.
- C16. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required, they must only be installed where outlined in the CEMP.
- C17. 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.
- C18. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

EROSION AND SEDIMENT CONTROL

- C19. 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.

DISPOSAL OF SEEPAGE AND STORMWATER

- C20. Any seepage or rainwater collected on-site during construction shall be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

LOADING AND UNLOADING DURING CONSTRUCTION

- C21. The following requirements apply:

- (a) all loading and unloading associated with demolition and 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

COVERING OF LOADS

- C22. 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

- C23. 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.

HOARDING/FENCING REQUIREMENTS

- C24. The following hoarding requirements must be complied with:

- (a) no third-party advertising, unless associated with State or Commonwealth Funding of the development or development deeds (such as logos of such associated stakeholders), 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.

WASTE MANAGEMENT

C25. Notwithstanding the **CWMP** referred to in condition **B40**, the Applicant must ensure that:

- (a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;
- (b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;
- (c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of the nearby harbour;
- (d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (e) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises; and
- (f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of the nearby harbour.

STOCKPILE MANAGEMENT

C26. The Applicant must ensure that:

- (a) stockpiles of excavated material do not exceed 4 metres in height;
- (b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and
- (c) suitable erosion and sediment controls are in place for stockpiles.

DUST CONTROL MEASURES

C27. 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.

NO OBSTRUCTION OF THE PUBLIC WAY

C28. 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

- C29. 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.

ASBESTOS AND HAZARDOUS WASTE REMOVAL

- C30. Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
- C31. 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.
- C32. Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.
- C33. The Applicant must implement the UFP (see condition **B51**) for the duration of construction. 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.

SAFework NSW REQUIREMENTS

- C34. 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.

ABORIGINAL HERITAGE - ACHAR

- C35. All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.
- C36. The Registered Aboriginal Parties (RAPs) must be kept informed about the SSD. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal Cultural heritage management requirements of the SSD.

WATER SUPPLY, TAKE AND LICENSING – DCCEW – Water

- C37. Should groundwater be intercepted, a water access license (WAL) must be obtained prior to any take occurring unless an exemption applied under the *Water Management (General) Regulation 2018*.

EMERGENCY MANAGEMENT

- C38. The Applicant must prepare and implement awareness training for employees and contractors, including locations of assembly points and evacuation routes, for the duration of construction.

LOCOMOTIVE TURNTABLE – HERITAGE NSW

- C39. The location of the turntable is to be accurately mapped and the AHD level of the top of the perimeter wall is to be measured. This information is to be used in the development of the landscape design to avoid potential impacts.
- C40. There are to be no physical impacts to the locomotive turntable as result of the proposed works. This includes impacts related to paving and bedding, soft landscaping, structures and footings, and services.
- C41. An exclusion zone is to be established around the turntable during construction to protect it from damage. The establishment of the exclusion zone is to be included in any Construction Environmental Management Plan (CEMP) for the site.
- C42. The location of the locomotive turntable should be accurately identified in the finished works to help prevent future damage to the structure.
- C43. Interpretation of the locomotive turntable is to be developed in consultation with an experienced heritage practitioner and is to be based on accurate historical information.

HISTORICAL ARCHAEOLOGY – HERITAGE NSW

- C44. Where works to identify and protect the location of the locomotive turntable require subsurface investigation, these are to be monitored by a suitably qualified historical archaeologist to ensure that the locomotive turntable is not impacted. An Archaeological Method Statement to guide archaeological monitoring and specify measures which will be implemented to protect the turntable is to be included as a part of a Construction Environmental Management Plan (CEMP) for the site. The CEMP is to be provided to the Department for approval prior to the commencement of works within the area of influence of the locomotive turntable.

HERITAGE INTERPRETATION PLAN

- C45. Following the completion of the archaeology works, a detailed Heritage Interpretation Plan (HIP) prepared by a suitably experienced heritage interpretation practitioner shall be submitted to the Certifier. The HIP must:
- (a) be in accordance with the Heritage Council's 'Interpreting Heritage Places and Items Guidelines' (2005);
 - (b) build upon the themes and opportunities identified in the Umwelt Heritage Interpretation Strategy (18 June 2024);
 - (c) make allowance for the display of any potential archaeology uncovered during the works; and
 - (d) interpret the multiple uses and history of the various heritage buildings and elements on the site in a way that is engaging, informative and readily accessible to the majority of visitors.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

NOTICE OF OCCUPATION

- D1. The date of commencement of the occupation of the development must be notified to the Department in writing, at least one month before occupation. If the operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

HEIGHT CERTIFICATION

- D2. A Registered Surveyor is to certify that the height of the building does not exceed [the height described in Condition B18](#). Details shall be provided to the Certifier demonstrating compliance with this condition prior to occupation or commencement of use.

OPERATIONAL PLAN OF MANAGEMENT

- D3. Prior to the occupation or commencement of use, a detailed Operational Plan of Management (OPM) shall be submitted to the Certifier. The OPM must be prepared in consultation with Council. The OPM must address (but not be limited to):
- (a) management of communal areas and open spaces (see conditions **E2 to E6**);
 - (b) loading and unloading, security and staff management, emergency management/evacuation and incident response protocols, occupational health and safety, waste management, water management, wayfinding and signage, and lighting;
 - (c) tenant induction and education programs regarding use of the building's environmental systems;
 - (d) community consultation and complaint management; and
 - (e) management of student move-in and move-outs.

TREE PLANTING, LANDSCAPING AND PUBLIC DOMAIN WORKS

- D4. All tree planting, landscaping and public domain works approved by condition A2, must be completed in accordance with the approved plans, including the detailed landscape plan prior to occupation or commencement of use.
- D5. Prior to occupation or commencement of use, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Certifier

ROAD DAMAGE

- D6. 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.

UTILITY PROVIDERS

- D7. 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.

POST-CONSTRUCTION DILAPIDATION REPORT

D8. Prior to occupation or commencement of use:

- (a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (b) The report is to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifier must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
 - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) A copy of this report is to be forwarded to the Council and the Planning Secretary and each of the affected property owners.

STRUCTURAL INSPECTION CERTIFICATE

D9. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier prior to occupation 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.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

D10. Unless otherwise agreed by the Planning Secretary, within 12-months of commencement of operation, Green Star certification is obtained demonstrating the development achieves a minimum 4-star (or aspirational 5-star) Green Star Buildings v1 rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary.

MECHANICAL VENTILATION

D11. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifier, prior to occupation or commencement of use, that the installation and performance of the mechanical systems complies with:

- (a) the NCC;
- (b) Australian Standard AS1668 and other relevant codes;
- (c) the development consent and any relevant modifications; and,
- (d) any dispensation granted by Fire and Rescue NSW.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

D12. Prior to occupation or commencement of use, evidence shall be submitted to the Certifier demonstrating the recommendations of the CPTED Report, prepared by Ethos Urban, dated 22 November 2024 have been implemented.

WIND MITIGATION MEASURES

- D13. Prior to occupation or commencement of use, evidence shall be submitted to the Certifier demonstrating compliance with all wind mitigation recommendations of the Pedestrian Wind Environment Assessment, prepared by Windtech Consultants dated 15 July 2024.

FIRE SAFETY CERTIFICATION

- D14. 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.

SANITARY FACILITIES FOR DISABLED PERSONS

- D15. Prior to occupation or commencement of the use, details must be provided to the Certifier demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the NCC and condition **B31**.

WASTE AND RECYCLING COLLECTION

- D16. Prior to occupation or commencement of use, 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, through-site link and reserves at any time.
- D17. Prior to occupation or commencement of use, the Certifier must ensure that waste handling works have been completed in accordance with the OWMP.

ACOUSTIC COMPLIANCE

- D18. Prior to occupation or commencement of, evidence shall be submitted to the Certifier demonstrating compliance with all noise mitigation measures required under condition **B19** to ensure the development achieves compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

- D19. Prior to occupation or commencement of use, evidence shall be submitted to the Certifier demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of condition **B15**.

PROTECTION OF PUBLIC INFRASTRUCTURE

- D20. 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

REFLECTIVITY

- D21. Prior to occupation or commencement of use, evidence shall be submitted to the Certifier demonstrating that the building materials have a maximum normal specular reflectivity of visible light of 20 per cent or consist of alternate materials / mitigation measures that so that the facades of the building do not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers.

VERIFICATION OF ACOUSTIC PERFORMANCE – PORT AUTHORITY

- D22. Prior to occupation or commencement of use, verification be provided to the consent authority that the development has achieved its required acoustic performance for all living/dining and sleeping areas.

GREEN TRAVEL PLAN – TfNSW

- D23. Prior to occupation or commencement of use, the Green Travel Plan (prepared by SECA Solutions, version Ver04, dated 11 July 2024) shall be updated to include:

- (a) An Implementation Plan section with committed actions ready for implementation from the first day of occupancy; and
- (b) A Travel Survey included as a separate appendix. The survey should be included in the Implementation Plan and distributed three (3) months post-occupancy to both staff and students. The survey should include questions to obtain residential postcodes to identify origin and destination patterns to inform strategies that aim to increase the use of public and active transport by staff and visitors driving to and from the site. Questions regarding interest in initiatives promoting sustainable transport should also be used here; and
- (c) Additional information about walking and cycling routes to/from and around the site; and
- (d) A website link to the Travel Access Guides (TAGs) as referred to in condition **D26** shall be included as an appendix in the GTP.

The updated Green Travel Plan shall be provided to and endorsed by TfNSW.

A copy of the final plan shall be submitted to the Planning Secretary. Details demonstrating compliance with these requirements must be submitted to the Certifier prior to occupation or commencement of use.

- D24. The GTP will need to be appropriately funded and otherwise resourced, by the applicant, for a period of at least 5 years, or via an appropriate appointed entity. This will include ongoing travel demand initiatives in the Implementation Plan that will require resourcing. This is in recognition that any travel demand management interventions will need to be significant in scale to be effective.
- D25. A Travel Plan Coordinator (TPC) shall be appointed for the life of the development who will manage the GTP from the first day of occupancy. Further consideration should also be given to having other staff involved to ensure the GTP is adequately monitored and evaluated, as well as implementing strategies if the TPCs change over the lifecycle of the development.

TRANSPORT ACCESS GUIDE – TfNSW

- D26. Prior to occupation or commencement of use a Transport Access Guide must be prepared in consultation with TfNSW. The Transport Access Guide shall include the following:

- (a) Additional information about service routes and timetables for buses, light rail, and trains to and from the site.
- (b) Additional information about service routes and timetables for university shuttle buses to and from the site.
- (c) Promotes bike parking and End of Trip facilities (EoT) such as showers, lockers and change rooms.
- (d) Does not promote parking areas where staff, students and visitors can park.

- (e) Suitable nearby drop-off/pick-up locations; and
- (f) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and
- (g) Suitable nearby Taxi Zones.

The Travel Access Guide shall be provided to and endorsed by TfNSW.

A copy of the final plan shall be submitted to the Planning Secretary. Details demonstrating compliance with these requirements must be submitted to the Certifier prior to occupation or commencement of use.

NO OBSTRUCTIONS – PUBLIC DOMAIN

- D27. All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel, then this must be undertaken at the developer's expense. All obstructions are to be removed prior to occupation or commencement of use.

UTILITIES AND SERVICES – HUNTER WATER

- D28. Prior to the commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 50 of the *Hunter Water Corporation Act 1991*.

The proponent is required to submit an application for Development Assessment (Section 50) for the proposed development in accordance with Section 49 of the Hunter Water Act 1991 (the Act) via the Hunter Water Self Service Portal (<https://selfservice.hunterwater.com.au/>).

A Compliance Certificate will be issued under Section 50 of the Act for the proposed development once Hunter Water's specific requirements have been satisfied, and this Compliance Certificate must be submitted to the Certifier prior to commencement of works.

The proponent is responsible for ensuring that any development staging is clearly defined in the development consent in order to allow the release of Section 50 Compliance Certificates for each development stage and, if required, the associated staged delivery of water and sewer infrastructure

DEVELOPER CONTRIBUTIONS

- D29. Prior to occupation, the Certifier must provide a copy of the documentation to the Planning Secretary which confirms that there are no outstanding infrastructure contributions or levies.

OUTDOOR LIGHTING

- D30. Prior to occupation, the Applicant must submit evidence, from a suitably qualified practitioner to the Certifier, which demonstrates that all outdoor lighting within the site complies with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

STUDENT ACCOMMODATION AFFORDABILITY AND SUPPLY STRATEGY

- D31. Prior to occupation or commencement of use, the Applicant must submit to the Certifier an Approach to Providing Affordable Student Accommodation statement. The Approach statement is to address the following at a minimum:
- (a) accommodation demand and supply analysis with benchmarking against student accommodation and other forms of accommodation typically occupied by students;
 - (b) affordable student accommodation analysis trends and statistics associated with student demand and affordability price point for the University of Newcastle students;
 - (c) the mechanisms deployed by the University to support affordable student housing;

- (d) confirmation of current student accommodation portfolio including age, price point, type of facility and details of future planned student accommodation development; and
- (e) typical student income (including government benefits) and accommodation costs as a proportion of that income.

HERITAGE INTERPRETATION PLAN

D32. The Heritage Interpretation Plan required by Condition **C45** must be implemented prior to occupation or commencement of use.

SECTION 88B INSTRUMENT - PERMANENT SHARED PATH

D33. Prior to occupation or commencement of use, a notation is to be made on a survey plan and accompanying instrument under Section 88B of the Conveyancing Act 1919. It is to set out the terms of a required right of carriageway benefiting Newcastle City Council and the general public over the permanent shared path along the Civic Lane frontage of the student accommodation site up to the transition point located east of the proposed student accommodation building.

The plan and instrument are to detail that Newcastle City Council and the general public can pass and repass without any costs, and such must not burden Council or the general public for any risks, liability and maintenance responsibility and must be accessible at all times without any restrictions.

SECTION 88B INSTRUMENT – TEMPORARY SHARED PATH

D34. Prior to occupation or commencement of use, a notation is to be made on a survey plan and accompanying instrument under Section 88B of the Conveyancing Act 1919. It is to set out the terms of a required right of carriageway benefiting Newcastle City Council and the general public over the temporary shared path from the eastern boundary (transition point) of the student accommodation site to the eastern end of the Newcastle City Campus in the Museum Precinct.

The plan and instrument are to detail that Newcastle City Council and the general public can pass and repass without any costs, and such must not burden council or the general public for any risks, liability and maintenance responsibility and must be accessible at all times without any restrictions.

- Note:** i) *Council in addition to the owner of any land benefited by the easement is to be a party whose consent is needed to release or vary easements or positive covenants.*
- ii) *Council will not withhold consent to release the positive covenants or easements in respect of temporary shared path subject to adequate alternate measures being provided.*

STORMWATER WORKS AS EXECUTED

D35. Prior to occupation or commencement of use, a copy of the approved stormwater drainage design plans with 'work as executed' levels indicated, must be submitted to the Certifier and to Council. The plans must be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

WATER MANAGEMENT MEASURES COMPLETION

D36. Prior to occupation or commencement of use, the water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational.

CARPARKING

- D37. Prior to occupation or commencement of use, allocated car parking within the Wright Lane Carpark is to be provided generally in accordance with the approved plans except as otherwise provided by the conditions of consent.

PUBLIC DOMAIN WORKS

- D38. The public domain works required by Condition **B63** must be constructed and completed prior to occupation or commencement of use or otherwise agreed between Council and the applicant.

BICYCLE PARKING AND END OF TRIP FACILITIES

- D39. Prior to the occupation, details demonstrating compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifier:
- (a) a minimum of 90 bicycle parking spaces are to be provided internally for students and staff (including retail staff);
 - (b) minimum of 23 bicycle loops (capable of securing 46 bicycles) are to be provided externally for students and staff;
 - (c) the layout, design and security of all bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 – 2015;
 - (d) the provision of end-of-trip facilities;
 - (e) appropriate pedestrian and cyclist advisory signs are to be provided; and
 - (f) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

FLOOD EMERGENCY RESPONSE PLAN – OPERATIONAL

- D40. The Prior to the occupation or commencement of use, the Applicant is to submit to the Certifier a Flood Emergency Response Plan for the operational phase of the development. It is to be prepared by a professional engineer, who is experienced in flood management. The plan is to include an education and awareness component for the workforce, detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan and provisions for any third parties likely to be involved.

The flood emergency response plan is to describe the following components:

- (a) the flood emergency responses for the operational phase of the development;
- (b) likely flood behaviour;
- (c) flood warning systems;
- (d) an education awareness program;
- (e) evacuation and evasion procedures;
- (f) evacuation routes and flood refuges and flood warning system; and
- (g) flood preparedness and awareness procedures for residents, visitors, staff and the like.

Considerations are to include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. The plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources.

PART E POST OCCUPATION

OPERATIONAL PLAN OF MANAGEMENT

- E1. The OPM (see condition **D3**) and all relevant plans must be fully implemented during use of the premises.

OPERATIONAL RESTRICTIONS

- E2. The use of the communal facilities, including the rooftop terrace on level 1 is restricted to staff, residents and their guests.
- E3. Amplified noise/music is prohibited within external terraces and only low-level background music is permitted in internal communal areas.
- E4. Alcohol is prohibited to be consumed within the building, except within student rooms and the internal communal areas.
- E5. Internal speakers must not be placed to direct the playing of music towards the public domain or outdoor areas associated with the premises.
- E6. Noise associated with the operation of the development shall not give rise to the transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

NOISE CONTROL – PLANT AND MACHINERY

- E7. 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) 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; and
 - (c) notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

LOADING AND UNLOADING

- E8. All loading and unloading operations associated with the site must be carried out:
- (a) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

WASTE MANAGEMENT

- E9. Waste Management shall be undertaken in accordance with the OWMP.

NO OBSTRUCTION OF THE PUBLIC WAY

- E10. The public way must not be obstructed by any materials, waste, vehicles, refuse, skips or the like under any circumstances.

OUTDOOR FURNITURE

- E11. Lightweight furniture is not permitted within communal open space areas unless securely attached to the floor slab. Use of loose glass-tops and lightweight sheets or covers is not permitted

ANTI-GRAFFITI

- E12. Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

PLAN OF MANAGEMENT FOR LANDSCAPE MAINTENANCE

- E13. Within six months of the issue of occupation, a Plan of Management for the ongoing maintenance of landscaped areas and tree planting is to be prepared and adopted by the operator of the student accommodation.

TRANSPORT ACCESS GUIDE

- E14. The Transport Access Guide shall be implemented and maintained by the operator of the student accommodation and be made available to staff, guests, clients, customers, and visitors at all times.

MAINTENANCE OF TREES ON SITE

- E15. Tree maintenance must be implemented and complied with immediately following tree planting, and until the tree reaches the required minimum height limits.
- E16. Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilising, pest and disease control and any other operations required to maintain a healthy robust tree.

MAINTENANCE OF LANDSCAPING

- E17. Landscaping in communal areas and level 1 external terrace must be maintained in accordance with the respective maintenance plans.

STREET LEVEL FAÇADE

- E18. No opaque glass, film or security roller doors are permitted at any time on any part of the façade that faces the public domain at street level except for any signage, fixture, feature or the like provided as part of AS 1428.1 Design for access and mobility.

OPERATION OF PLANT AND EQUIPMENT

- E19. 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.

CAR PARKING

- E20. During occupation and ongoing use, the proposed 14 allocated parking bays within the adjacent Wright Lane carpark as approved under this development are to be made available for their intended uses until further developments commence under the site's approved Concept Plan (SSD-9262). The utilisation of these spaces will be monitored by the applicant to assist in providing appropriate long-term amenity as the City Campus is further developed.

SITE MAINTENANCE

- E21. During occupation and ongoing use of the site and student accommodation building, the driveway crossing associated with the service/loading bay, parking areas and stormwater management system are to be properly maintained for the life of the development.

LOADING AND UNLOADING

- E22. During occupation and ongoing use, vehicles are to be loaded or unloaded standing wholly within the premises and within loading bays designated on the approved plans or as otherwise provided in accordance with the conditions of this consent and under no circumstances are vehicles to be loaded or unloaded at the kerbside, across the public footpath or in a manner which obstructs vehicular access to the site.

FLOOD EMERGENCY RESPONSE PLAN

- E23. The Flood Emergency Response Plan required by condition **D40** shall be effectively updated and maintained by the applicant.

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.

LONG SERVICE LEVY

AN2. For work costing \$250,000 or more, a Long Service Levy must be paid. For further information, please contact the Long Service Payments Corporation Helpline on telephone 131 441.

OTHER APPROVALS AND PERMITS

AN3. The Applicant shall apply to Council or other relevant authority for all necessary permits, including crane permits, road opening permits, stormwater drainage, footpaths, kerb and gutter, street trees, street lighting and signage, 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

AN4. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

TEMPORARY STRUCTURES

AN5.

- (a) 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 NCC.
- (b) 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

AN6. 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 NCC 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.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN7.

- (a) 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.
- (b) 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 Sustainability,

Environment, Water, Population and Communities 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.

WORKS AND SIGNPOSTING

AN8. All works and signposting (including any adjustment/relocation works) shall be at no cost to RMS

FOR INFORMATION

APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition **A13** 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. 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.