

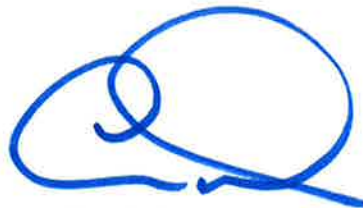
Development consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 10 November 2014, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.



Chris Wilson
Executive Director
Infrastructure and Industry Assessments

Sydney **5 FEBRUARY** 2015

SCHEDULE 1

Application No.:	SSD 6457
Applicant:	The University of Newcastle
Consent Authority:	Minister for Planning
Land:	409 Hunter Street, Newcastle; 300 King Street, Newcastle; and 20 and 26 Laman Street, Cooks Hill.
Development:	Construction of an educational establishment, known as the New Space Project, comprising: <ul style="list-style-type: none">• construction of a new ten storey educational building to provide lecture theatres, library, teaching and learning spaces, office spaces and ancillary retail space;• refurbishment works to University House;• construction of pedestrian links between the new education building and University House;• upgrade and expansion of the existing Laman Street Car Park; and• associated civil and landscaping works.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	The University of Newcastle
Application	The development application for a concept proposal and the accompanying building envelope drawing plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Newcastle City Council
Certification of Crown Building works	Certification under s109R of the EP&A Act
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment or its successors
Evening	The period from 6pm to 10pm
Environmental Impact Statement (EIS)	Environmental Impact Statement titled <i>State Significant Crown Development, 409 Hunter Street, 300 King Street, Newcastle and 20 Laman Street, Cooks Hill, University of Newcastle NeW Space Campus</i> , prepared by JBA Urban Planning Consultants Pty Ltd, August 2014.
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning, or nominee
New Space building	Development at 409 Hunter Street, Newcastle (Lot 1 in DP 1188877)
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water, or its successor
OEH	Office of the Environment and Heritage, or its successor
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
Response to Submissions (RtS)	Response to Submissions report titled <i>State Significant Crown Development, 409 Hunter Street, 300 King Street, Newcastle and 20 Laman Street, Cooks Hill, University of Newcastle NeW Space Campus</i> , prepared by JBA Urban Planning Consultants Pty Ltd, December 2014.
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the applicant to respond in writing will be added to the one month period.
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Subject Site	409 Hunter Street, Newcastle (Lot 1 in DP 1188877); 300 King Street, Newcastle (Lot 2 in DP 225689); and 20 and 26 Laman Street, Cooks Hill (Lot 15 in DP999751, Lot 1 in DP150762, Lots 1 and 2 in DP995015).

SCHEDULE 2

A ADMINISTRATIVE CONDITIONS

Development Description

A1. Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule 1.

Development in Accordance with Plans and Documents

A2. The applicant shall carry out the development generally in accordance with the:

- a) Environmental Impact Statement titled *State Significant Crown Development, 409 Hunter Street, 300 King Street, Newcastle and 20 Laman Street, Cooks Hill, University of Newcastle NeW Space Campus*, prepared by JBA Urban Planning Consultants Pty Ltd, August 2014.
- b) Response to Submissions report titled *State Significant Crown Development, 409 Hunter Street, 300 King Street, Newcastle and 20 Laman Street, Cooks Hill, University of Newcastle NeW Space Campus*, prepared by JBA Urban Planning Consultants Pty Ltd, December 2014.
- c) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) as otherwise provided by the conditions of this consent.
- d) the conditions of this consent.

Architectural (or Design) Drawings prepared by Lyons and EJE Architects			
Drawing No.	Issue	Name of Plan	Date
A-100	T1	SITE PLAN – EXISTING	31.10.14
A-101	T1	SITE PLAN – PROPOSED	31.10.14
A-300	T1	PLAN – GROUND LEVEL	31.10.14
A-301	T1	PLAN – LEVEL 1	31.10.14
A-302	T1	PLAN – LEVEL 2	31.10.14
A-303	T1	PLAN – LEVEL 3	31.10.14
A-304	T1	PLAN – LEVEL 4	31.10.14
A-305	T1	PLAN – LEVEL 5	31.10.14
A-306	T1	PLAN – LEVEL 6	31.10.14
A-307	T1	PLAN – LEVEL 7	31.10.14
A-308	T1	PLAN – LEVEL 8	31.10.14
A-309	T1	PLAN – LEVEL 9	31.10.14
A-310	T1	PLAN – ROOF	31.10.14
A-400	T1	BUILDING ELEVATIONS – NORTH	31.10.14
A-401	T1	BUILDING ELEVATIONS – EAST	31.10.14
A-402	T1	BUILDING ELEVATIONS – SOUTH	31.10.14
A-403	T1	BUILDING ELEVATIONS – WEST	31.10.14
A-450	T1	BUILDING SECTIONS – SECTION A-A	31.10.14
A-451	T1	BUILDING SECTIONS – SECTION B-B	31.10.14
A-452	T1	BUILDING SECTIONS – SECTION C-C	31.10.14
A-130	T1	UH – BASEMENT AND GROUND FLOOR PLAN	31.10.14

A-131	T1	UH – LEVEL 1 FLOOR PLAN	31.10.14
A-132	T1	UH – LEVEL 2 FLOOR PLAN	31.10.14
A-133	T1	UH – LEVEL 3 FLOOR PLAN	31.10.14
A-135	T1	UH – DEMOLITION PLANS – BASEMENT & GROUND FLOOR	31.10.14
A-136	T1	UH – DEMOLITION PLAN – LEVEL 1	31.10.14
A-137	T1	UH – DEMOLITION PLAN – LEVEL 2	31.10.14
A-138	T1	UH – DEMOLITION PLAN – LEVEL 3	31.10.14
A-170	T1	UH – ELEVATIONS – SHEET 1	31.10.14
A-171	T1	UH – ELEVATIONS – SHEET 2	31.10.14
A-175	T1	UH – SECTIONS A-A & B-B	31.10.14
A-176	T1	UH – SECTIONS C-C, D-D & E-E	31.10.14
DA-500	Rev 2	CONSERVATORIUM CAR PARK	23.06.14
New Space Project Landscape (or Design) Drawings prepared by McGregor Coxall			
Drawing No.	Issue	Name of Plan	Date
09	Rev A	SITE ANALYSIS	
04	Rev F	MASTER PLAN	
Conservatorium Car Park Landscape (or Design) Drawings prepared by Terras			
Drawing No.	Issue	Name of Plan	Date
L00	Rev A	SITE ANALYSIS	26.06.14
L01	Rev A	SOFT LANDSCAPING PLAN	26.06.14

Inconsistency between documents

A3. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Building Code of Australia Compliance

A4. All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as 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).

Car Parking

A5. The applicant shall provide a minimum of 306 car spaces at designated 'park and ride' facilities for students that attend courses, and staff that work, within the new building. The car spaces to be used for 'park and ride' facilities must be clearly sign posted and identified in any associated car parking management plan. The cost of parking at these facilities should not exceed the equivalent costs of parking within the Newcastle City

Centre. A free shuttle bus service from the 'park and ride' facilities to the subject site must be provided frequently for users of the 'park and ride' facilities.

Development Expenses

- A6. It is the responsibility of the applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

Lapsing of approval

- A7. This consent will lapse five (5) years from the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

- A8. The applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Secretary as Moderator

- A9. Where this consent requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within two (2) months or a timeframe otherwise agreed to by the Secretary, the matter is to be referred to the Secretary for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Secretary's resolution of the matter will be binding on the parties.

Long Service Levy

- A10. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal Notices

- A11. Any advice or notice to the consent authority shall be served on the Secretary.

B PRIOR TO COMMENCEMENT WORKS

Mine Subsidence

- B1. Prior to commencement of works, the applicant must demonstrate to the satisfaction of the Certifying Authority that the mine subsidence stabilisation works approved by Council (DA 201/1405) have been completed.

Heritage Interpretation Strategy and Conservation Management

- B2. Prior to the commencement of works on University House, the applicant shall submit to the Heritage Division of OEH for approval a schedule of conservation works for Nesca House as outlined in the Conservation Management Plan by EJE dated April 2011 and identify timeframes for implementation.
- B3. Prior to the commencement of works on University House, the applicant shall prepare a Heritage Interpretation Strategy for Nesca House in consultation with Council and the Heritage Division of OEH.

Certified Plans

- B4. Plans certified in accordance with section 109R of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

Ecologically Sustainable Development

- B5. Prior to the commencement of the works (excluding site preparatory works), the applicant shall submit details of all design, operation and construction measures to the Certifying Authority demonstrating that the proposed new building has been designed to achieve a minimum 5 star Green Star Design rating.

Public Domain Works

- B6. Prior to the commencement of any footpath or public domain works, the applicant shall consult with Council's City Centre Team and demonstrate to the Certifying Authority that the streetscape design and treatment meets Council's City Centre Technical Manual. The applicant shall submit documentation of the consultation with Council to the Certifying Authority.

Notice of Commencement of Works

- B7. The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of building works on the subject site.

Reflectivity

- B8. The building materials used on the facades of the buildings shall have a maximum normal spectral reflectivity of visible light of 20 percent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to commencement of above ground works.

Outdoor Lighting

- B9. 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 satisfaction of the Certifying Authority prior to commencement of above ground works.

Access for People with Disabilities

- B10. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any construction drawings.

Erosion and Sedimentation Control

- B11. A soil erosion and sediment control plan must be developed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to commencement of above ground works involving vegetation removal or soil disturbance.

Stormwater and Flooding

B12. Final design plans of the stormwater drainage systems, prepared by a suitably qualified practicing professional and in accordance with the requirements of and in consultation with Newcastle City Council, shall be submitted to the certifier prior to the certification of Crown Building Works. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australia Rainfall and Runoff*.

B13. The applicant shall demonstrate to the Certifying Authority that:

- a) the whole of the proposed structure below known flood planning level (i.e. reduced level 3.0 m Australian Height Datum) is to be constructed in materials and finishes that are resistant to damage from floodwaters; and
- b) any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters being installed above the known flood planning level or alternatively being of materials and functional capability resistant to the effects of floodwaters.

Demolition

B14. All demolition work shall comply with the provisions of Australia Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

Safety/Health/Amenity

B15. Toilet facilities shall be provided on the land at the rate of one toilet for every 20 persons or part thereof employed at the site and maintained throughout development. Each toilet provided shall be:

- a) a standard flushing toilet, and
- b) connected:
 - i) to a public sewer, or
 - ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
 - iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

B16. A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- a) the name, address and telephone number of the principal certifying authority for the work, and
- b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

B17. Should the development work:

- a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

Pre-Construction Dilapidation Reports

B18. 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, structures and infrastructure (including all public infrastructure) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'.

The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the commencement of works. A copy of the report is also to be forwarded to the Council.

Parking and Service Vehicle Layout

B19. Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the Certifying Authority prior to commencement of above ground works:

- a) all vehicles should enter and leave the subject site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the subject site in a forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing;
- b) car parking (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS 2890.6 for accessible spaces;
- c) all car parking areas must be illuminated in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces;
- d) the layout, design and security of bicycle facilities off-street must comply with the minimum requirements of Australian Standard AS 2890.3 Bicycle Parking Facilities, and be located in easy to access, well lit areas that incorporate passive surveillance;
- e) appropriate pedestrian and cyclist advisory signs are to be provided at the egress from the car park; and
- f) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Structural Details

- B20. Prior to the commencement of works, the applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- a) the relevant clauses of the BCA; and
 - b) the development consent.

Mechanical Ventilation

- B21. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia 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 satisfaction of the Certifying Authority prior to commencement of above ground works.

Storage and Handling of Waste

- B22. The building plans and specifications submitted to the principal certifying authority prior to the commencement of any works shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises, including:
- a) All internal walls of the storage area are rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
 - b) Include provision for the separation and storage, in appropriate categories, of material suitable for recycling; and
 - c) include provision for separate storage and collection of organic/food waste.

NOTE:

No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

The applicant must retain weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited. Documentation must include quantities and nature of the waste.

The waste handling and storage area must be retained on site until occupation of the building.

Construction Environmental Management Plan

- B23.
- a) Prior to the commencement of any works on the subject site, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority, a copy of which shall be submitted to the Department and to Council prior to the commencement of work. The Plan shall address, but not be limited to, the following matters where relevant:
 - i) hours of work;
 - ii) 24 hour contact details of site manager;
 - iii) traffic management, in consultation with Council;

- iv) construction noise and vibration management, prepared by a suitably qualified person;
 - v) management of dust to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;
 - vii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the subject site;
 - viii) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
 - ix) flora and fauna management.
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

Construction Waste Management Plan

B24.

- a) Prior to the commencement of any works on the subject site, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
 - i) recycling of demolition materials including concrete; and
 - ii) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The applicant shall submit a copy of the Plan to the Department and to the Council, prior to commencement of work.
- d) The applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the subject site.

Construction Noise and Vibration Management Plan

B25. Prior to the commencement of any works, a Construction Noise and Vibration Management Plan shall be prepared and submitted to the Certifying Authority, that includes but is not limited to the following:

- a) Identification of each work area, site compound and access route (both private and public);
- b) Identification of specific activities that will be carried out and associated noise sources at the premises and access routes;
- c) Identification of all potentially affected sensitive receivers;
- d) The construction noise and vibration objectives identified in accordance with the NSW Interim Construction Noise Guideline and Assessing Vibration: A technical Guideline;

- e) Assessment of potential noise and vibration from construction methods (including noise from construction traffic) against the objectives identified in (d);
- f) Where the objectives are predicted to exceed an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce noise impacts;
- g) Description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including early erection of operation noise control barriers;
- h) Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
- i) Measures to monitor noise performance and respond to complaints.

The applicant shall submit a copy of the plan to the Department and to the Council, prior to commencement of work.

Construction Traffic Management Plan

B26. Prior to the commencement of any works, a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be prepared in consultation with Council, Transport for NSW and the Roads and Maritime Services (RMS) and submitted to Council. The plan is to address access and parking and maintain safe access for pedestrians and cyclists and parking for vehicles. The plan shall include, but not be limited to, the following matters which are to be addressed by suitably qualified person(s):

- a) strategies to manage traffic volumes and movement anticipated during construction and demolition;
- b) management of loading and unloading of materials on the site and not from the adjoining road reserves;
- c) identify strategies and procedures for the parking of construction worker vehicles that will minimise impact on existing parking requirements within the area;
- d) measures to minimise the impact of construction traffic on the surrounding road network including the restriction on access for large vehicles during the morning and afternoon peak traffic periods; and
- e) complaint management and contingency measures.

The applicant shall submit a copy of the plan to the Department prior to commencement of work.

Air Quality Management Plan

B27. Prior to the commencement of any works on the subject site, an Air Quality Management Plan is to be prepared which describes project specific mitigation measures and safeguards to control dust and exhaust emissions and shall be submitted to the Certifying Authority. This plan must be implemented at all stages of the development to minimise impacts on nearby sensitive receivers.

Utility Services

B28. Prior to the commencement of works 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.

- B29. Prior to the commencement of works written advice shall 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.
- B30. If required, all works within the road reserve are to include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities and to ensure that the services are constructed flush with the finished surface levels.
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C DURING CONSTRUCTION

Hours of Work

- C1. The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:
- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive
 - b) between 8:00 am and 1:00 pm, Saturdays
 - c) no work on Sundays and public holidays
 - d) Works may be undertaken outside these hours where:
 - i) the delivery of materials is required outside these hours by the Police or other authorities; or
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
 - iii) variation is approved in advance in writing by the Secretary or her nominee.

Erosion and Sediment Control

- C2. 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.

Excavation

- C3. All excavation and backfilling associated with the erection/demolition of buildings must be properly guarded and protected to prevent them from being dangerous to life or property.

Disposal of Seepage and Stormwater

- C4. Any seepage or rainwater collected on-site during construction or ground water shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Approved Plans to be On-site

- C5. A copy of the approved and certified plans, specifications and documents incorporating conditions of consent and certification shall be kept on the subject site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

Site Notice

C6.

- a) A site notice(s) shall be prominently displayed at the boundaries of the subject site for the purposes of informing the public of the development details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
- b) The notice(s) is to satisfy all but not be limited to, the following requirements:
 - i) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size
 - ii) The notice is to be durable and weatherproof and is to be displayed throughout the works period
 - iii) 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
 - iv) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the subject site is not permitted.

Protection of Trees

C7.

- a) No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.
- b) All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of Council.
- c) All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

Construction Noise Management

- C8. The development shall 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 Construction Noise and Vibration Management Plan.
- C9. 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), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C10. The applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan.
- a) 8.00 am to 12.00 pm, Monday to Friday
 - b) 2.00 pm to 5.00 pm Monday to Friday
 - c) 9.00 am to 1.00 pm, Saturday

- C11. 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 a Construction Noise and Vibration Management Plan.
- C12. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the subject site.

Vibration Criteria

- C13. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
 - b) 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.
 - c) Vibratory compactors must not be used closer than 30 metres distance from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
 - d) These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Secretary.

Work Cover Requirements

- C14. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Hoarding Requirements

- C15. The following hoarding requirements shall be complied with:
- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing
 - b) the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

Construction Vehicles

- C16. All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

No Obstruction of Public Way

- C17. The public way (outside of any construction works zone) 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 relevant Authority to stop all work on site.

Heritage Management

- C18. All heritage work shall be supervised by a qualified heritage consultant to ensure that the impact of the works on the heritage significance of the building is minimised and all work has been carried out in accordance with the approved documentation and the conditions of this consent.

- C19. All heritage work shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage items. The nominated heritage consultant shall be consulted prior to the selection of appropriate tradespersons.
- C20. Significant building fabric and elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.
- C21. The installation of new services shall be carried out in such a manner as to minimise damage to or removal of historic fabric and shall not obscure historic features.

Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics

- C22. The applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in 'Results of Archaeological Test Excavations' prepared by AMAC dated March 2014, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified under Section 146 of the Heritage Act 1977. Works are not to re-commence until advised by the Heritage Council (or its delegate).
- C23. The Heritage Council (or its delegate) must approve any substantial deviations from the approved research design outlined in 'Results of Archaeological Test Excavations' prepared by AMAC dated March 2014, including extent and techniques of excavations.
- C24. The applicant must ensure that the approved Primary Excavation Director is present at the site supervising all archaeological fieldwork activity likely to expose significant relics.
- C25. The applicant must ensure that the approved Primary Excavation Director takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This work must be undertaken in accordance with relevant Heritage Council guidelines.
- C26. The applicant must ensure that the nominated Excavation Director and the excavation team is given adequate resources to allow full and detailed recording to be undertaken.
- C27. The applicant must ensure that the site under archaeological investigation is made secure and that the unexcavated artefacts, structures and features are not subject to deterioration, damage, destruction or theft during fieldwork.
- C28. The applicant is responsible for the safe-keeping of all relics recovered from the site.
- C29. The applicant must ensure that the approved Primary Excavation Director or an appropriate specialist, cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance.
- C30. The applicant must ensure that a final excavation report is written by the approved Primary Excavation Director to publication standard, within one (1) year of the completion of the field based archaeological activity.
- C31. The applicant must ensure that one (1) electronic copy of the final excavation report is submitted on CD to the Heritage Council of NSW together with a printed copy of the final excavation report. The applicant must also ensure that further copies are lodged with the local library and/or another appropriate local repository in the area in which the site is located. It is also required that all digital resources (including reports, context and artefact data, scanned field notes, other datasets and documentation) should be lodged with a sustainable, online and open-access repository.

Discovery of Aboriginal Heritage

- C32. The applicant shall only undertake further archaeological excavations or remove any Aboriginal archaeological resources present on the study site if a Heritage Management Plan has been prepared and approved by the Department. The Plan must:
- a) be prepared by suitably qualified and experienced persons;
 - b) be prepared in consultation with OEH;
 - c) include the mechanisms for ensuring any workers on site receive suitable heritage inductions prior to carrying out any development on site, and that suitable records are kept of these inductions; and
 - d) the measures that would be implemented to manage the discovery of any human remains or previously unidentified Aboriginal objects on site.
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D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Car Parking

- D1. Prior to the occupation of the New Space building, the applicant shall submit to the satisfaction of the Department details regarding the location of the 'park and ride' facilities required by condition A5 and details regarding the shuttle bus service, including: any relevant approvals for the 'park and ride' facilities; proposed fee structure; and an operational timetable for the shuttle bus service.

Workplace Travel Plan and University Travel Plan

- D2. Prior to the occupation of the New Space building, the applicant shall submit to the Department a copy of the Workplace Travel Plan and University Travel Plan.

Ecologically Sustainable Development

- D3. Prior to the occupation of the New Space building, the applicant shall submit details to the Certifying Authority demonstrating that the subject building has achieved a minimum 5 star Green Star Design rating.

Structural Inspection Certificate

- D4. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to occupation of the New Space building. 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.
 - b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Certificates for engineering works to be dedicated to Council

- D5. For works proposed to be dedicated to Council, the applicant shall submit to Council all test certificates, owners manuals, warranties and operating instructions for civil works, mechanical and/or electrical plant, together with a certificate from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans.

Works-as-Executed Plans

- D6. A copy of the stormwater drainage design plans approved with the Crown Certification with *'work as executed'* levels indicated, shall be submitted to the Certifying Authority and to the Council prior to the occupation of the New Space building. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

Stormwater and Flooding

- D7. Prior to occupation of the New Space building, a Maintenance Manual for all water quality devices is to be prepared in accordance with Council's 'Stormwater and Water Efficiency for Development' Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times.
- D8. Prior to occupation of the New Space building, all on-site stormwater detention or water quality treatment systems are to be individually identified and sign posted in accordance with Council's 'Stormwater and Water Efficiency for Development' Technical Manual.

Mechanical Ventilation

- D9. Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the Certifying Authority, prior to the issue of any occupation or commencement of use, that the installation and performance of the mechanical systems complies with:
- a) The Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) The development consent and any relevant modifications; and,
 - d) Any dispensation granted by the New South Wales Fire Brigade.

Post-construction Dilapidation Report

- D10. Prior to the commencement of use or occupation of the New Space building:
- 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 is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads within the zone of influence defined in condition B18.
 - b) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority 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.

Road and Infrastructure Damage

- D11. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development and as identified within the Post-construction Dilapidation

Report required in accordance with condition D10, is to be met in full by the applicant/developer prior to the commencement of use or occupation of the building.

Fire Safety Certification

D12. Prior to commencement of use or occupation of the New Space building, 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, Council and a copy forwarded to the New South Wales Fire Brigades and prominently displayed in the building.

Completion of Landscape and Public Domain Works

D13. Prior to the commencement of use or occupation of the New Space building, the Certifying Authority is to be satisfied that all landscape and public domain works, including the removal of all noxious and/or environmental weed species, has been undertaken in accordance with the approved plan(s) and conditions of consent.

Food Preparation Areas

D14. All food premises must be designed and constructed to comply with Food Safety Standard 3.2.3 *Food Premises and Equipment* of the Food Standards Code.

D15. The applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with Australian Standard AS4674 *Design, construction and fit-out of food premises*. The applicant shall provide evidence of receipt of the certificate to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

E POST OCCUPATION

Stormwater and Flooding

E1. The water quality devices shall be maintained in accordance with the Maintenance Manual.

E2. All stormwater runoff from the proposed development shall be managed in accordance with the requirements of Section 7.06 Stormwater of the Newcastle Development Control Plan 2012, the associated 'Stormwater and Water Efficiency for Development' Technical Manual (Updated 2013) and the current version of AS 3500.3 -Plumbing and Drainage.

Loading and Unloading

E3. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the subject site at all times.

Unobstructed Driveways and Parking Areas

E4. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Noise Control – Plant and Machinery

- E5. Noise associated with the operation of any plant, machinery or other equipment on the subject site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the subject site.
- E6. Details demonstrating compliance with the development specific noise levels are to be verified within six months of commencement of operations and submitted to the satisfaction of the Secretary or her nominee.

Storage of Hazardous or Toxic Material

- E7. Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110 per cent of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Public Way to be Unobstructed

- E8. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- E9. External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Fire Safety Certification

- E10. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

ADVISORY NOTES

Appeals

- AN1 The applicant has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

Other Approvals and Permits

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

Use of Mobile Cranes

- AN3 The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with:

- a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - i) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - ii) At least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30 am without the prior approval of Council.

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.

Movement of Trucks Transporting Waste Material

AN5 The applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the subject site, prior to the commencement of the removal of any waste material from the subject site.

Building Identification

AN6 The building name and number, if any, should be clearly displayed at either end of the ground level frontages prior to the occupation of the building or commencement of the use.

Temporary Structures

AN7

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

AN8 This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. 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 Building Code of Australia 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

AN9

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* 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 New South Wales Environmental Planning & Assessment Act, 1979. 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 Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos Removal

AN10 All excavation and demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with Work Health and Safety Regulation 2011 , the NSW Government and WorkCover document titled *How to Safely Remove Asbestos: Code of practice* and NOHSC: "Code of Practice for the Safe Removal of Asbestos"

AN11 Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

Site contamination issues during construction

AN12 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.