

Development consent

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

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I approve the development 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.



David Gainsford
Executive Director
Priority Projects Assessments

Sydney 13th April

2017

SCHEDULE 1

Application No.:	SSD 7518
Applicant:	The University of New South Wales
Consent Authority:	Minister for Planning
Land:	Lot 3 in DP 1104617
Development	Development approval is sought for: • earthworks, bulk excavation and tree removal; • demolition of Buildings D9 and D10; • construction of a 10 storey building (including one basement level and one rooftop level) and a single storey theatre building with a combined total of 18,722sqm of floor space; and • landscaping works consisting of external paving, construction of a podium and minor soft landscaping works.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	The University of New South Wales
Application	The development application and the accompanying drawings, plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Randwick 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 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	Department of Planning and Environment or its successors
Evening	The period from 6 pm to 10 pm
Environmental Impact Statement (EIS)	Environmental Impact Statement titled <i>Science and Engineering Building State Significant Development (SSD 7518)</i> , prepared by JBA Urban Planning Consultants Pty Ltd and dated September 2016.
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
Minister	Minister for Planning, or nominee
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays.
OEH	Office of Environment and Heritage, or its successor
OGA	Office of the Government Architect
Heritage Office	Heritage Division, Office of Environment and Heritage
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm to the environment, community or any member of the community, being actual or potential harm to the health or safety of human beings or to threatened species, endangered ecological communities or ecosystems that is not trivial. Note: This meaning of "material harm" applies for the purpose of this approval only.
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 and accompanying documentation prepared by the University of New South Wales and dated 21 December 2016.
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	The University of New South Wales, Kensington Campus (Lot 3 DP 1104617).
Zone of Influence	The horizontal distance from the edge of the excavation site or any construction zone (including on-site haulage routes) to twice the maximum excavation depth.

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 must carry out the project in accordance with the conditions of consent and generally in accordance with:
- a) State Significant Development Application SSD 7518;
 - b) *Science and Engineering Building State Significant Development (SSD 7518)*, prepared by JBA Urban Planning Consultants Pty Ltd and dated September 2016, except where amended by the Response to Submissions and accompanying documentation, prepared by The University of New South Wales, dated 21 December 2016;
 - c) the conditions of this consent; and
 - d) the following drawings, except for:
 - i) any modifications which are Exempt or Complying Development; and
 - ii) otherwise provided by the conditions of this consent.

Architectural Drawings prepared by Grimshaw Architects			
Drawing No.	Rev	Name of Plan	Date
A00 1001-SSD	1	COVER PAGE	22/07/16
A02 1001-SSD	1	EXISTING SITE PLAN	22/07/16
A02 1002-SSD	1	PROPOSED SITE PLAN	22/07/16
A03 1001 A-SSD	1	LOWER GROUND FLOOR ZONE A	22/07/16
A03 1001 B-SSD	1	LOWER GROUND FLOOR ZONE B	22/07/16
A03 1002 A-SSD	1	GROUND FLOOR ZONE A	22/07/16
A03 1002 B-SSD	1	GROUND FLOOR ZONE B	22/07/16
A03 1003 A-SSD	1	LEVEL 1 ZONE A	22/07/16
A03 1003 B-SSD	1	LEVEL 1 ZONE	22/07/16
A03 1004-SSD	1	LEVEL 2	22/07/16
A03 1005-SSD	1	LEVEL 3	22/07/16
A03 1006-SSD	1	LEVEL 4	22/07/16
A03 1007-SSD	1	LEVEL 5	22/07/16
A03 1008-SSD	1	LEVEL 6	22/07/16
A03 1009-SSD	1	LEVEL 7	22/07/16
A03 1010-SSD	1	LEVEL 8 PLANT	22/07/16
A03 1011-SSD	1	LEVEL 8 MEZZANINE	22/07/16
A03 1012-SSD	1	LEVEL 9 ROOF	22/07/16
A06 1001-SSD	1	NORTH ELEVATION	22/07/16
A06 1002-SSD	1	WEST ELEVATION	22/07/16
A06 1003-SSD	1	SOUTH ELEVATION	22/07/16
A06 1004-SSD	1	WEST ELEVATION	22/07/16
A06 2001-SSD	1	NORTH & SOUTH STREETSCAPE ELEVATION	22/07/16
A06 2002-SSD	1	EAST & WEST STREETSCAPE ELEVATION	22/07/16
A07 1001-SSD	1	SECTION 01	22/07/16
A07 1002-SSD	1	SECTION 02	22/07/16
A07 1003-SSD	1	SECTION 03	22/07/16
A07 1004-SSD	1	SECTION 04	22/07/16
A23 1001 A-SSD	1	LOWER GROUND FLOOR AREA PLAN - ZONE A	22/07/16
A23 1001 B-SSD	1	LOWER GROUND FLOOR AREA PLAN - ZONE B	22/07/16

A23 1002 A-SSD	1	GROUND FLOOR AREA PLAN - ZONE A	22/07/16
A23 1002 B-SSD	1	GROUND FLOOR AREA PLAN - ZONE B	22/07/16
A23 1003-SSD	1	LEVEL 01 AREA PLAN	22/07/16
A23 1004-SSD	1	LEVEL 02 AREA PLAN	22/07/16
A23 1005-SSD	1	LEVEL 03 AREA PLAN	22/07/16
A23 1006-SSD	1	LEVEL 04 AREA PLAN	22/07/16
A23 1007-SSD	1	LEVEL 05 AREA PLAN	22/07/16
A23 1008-SSD	1	LEVEL 06 AREA PLAN	22/07/16
A23 1009-SSD	1	LEVEL 07 AREA PLAN	22/07/16
A23 1010-SSD	1	LEVEL 08 AREA PLAN	22/07/16
A40 1001-SSD	1	SHADOW DIAGRAM DECEMBER 21 ST	22/07/16
A40 1002-SSD	1	SHADOW DIAGRAM JUNE 21 ST	22/07/16
A40 1003-SSD	1	SHADOW DIAGRAM SEPTEMBER 21 ST	22/07/16

Landscape Drawings prepared by <i>Aspect Studios</i>			
Drawing No.	Rev.	Name of Plan	Date
16009_LA_101	F	LANDSCAPE PLAN	19/07/16

Inconsistency between documents

- A3. If there is any inconsistency between the plans and documentations 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.
- A4. The Applicant must comply with any reasonable requirements of the Secretary arising from the Department's assessment of:
- any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; and
 - the implementation of any actions or measures contained in these documents.

Design Quality Excellence

- A5. In order to ensure the design quality excellence of the development is retained:
- the design architects (*Grimshaw Architects*) are to have direct involvement in the design documentation, contract documentation and construct stages of the project;
 - the design architect is to have full access to the site and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project; and
 - evidence of the design architect's commission is to be provided to the Department prior to certification of any Crown building works, except for site preparatory works.
- A6. The design architects for the project are not to be changed without the approval of the Secretary.

Building Code of Australia Compliance

- A7. All aspects of the building design shall comply with the applicable performance requirements of the BCA 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:
- complying with the deemed to satisfy provisions, or
 - formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or

- iii) a combination of a) and b).

Development Expenses

- A8. 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

- A9. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

- A10. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Dispute Resolution

- A11. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the Development, either party may refer the matter to the Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.

Secretary's Approval, Agreement or Satisfaction

- A12. Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary (or nominee/delegate) 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.

Long Service Levy

- A13. 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

- A14. Any advice or notice to the consent authority shall be served on the Secretary.
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B PRIOR TO COMMENCEMENT OF WORKS

Certified Plans

- B1. 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.

Development Contributions

- B2. A total monetary contribution of \$670,928 is to be paid to Council for public domain works in the vicinity of the site, including the Specialised Health and Education Precinct, Kensington Precinct and Kingsford Precinct pursuant to section 94B(2) of the *Environmental Planning and Assessment Act 1979*, prior to commencement of works in respect of the proposed development.

The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of approval and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approx. release date
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this approval should contact Randwick Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

Demolition

- B3. 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 Certifying Authority prior to certification of the relevant works.

Site Contamination

- B4. Upon completion of the remediation works on the subject site (being undertaken under a separate approval), the Applicant shall submit to the Certifying Authority a Site Audit Report and Site Audit Statement prepared by an EPA accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the uses proposed as part of this approval.

Hazardous Building Materials

- B5. Prior to commencement of demolition works, a Hazardous Building Materials Survey shall be undertaken of existing buildings and structures on the subject site. The findings of the

Hazardous Building Materials Survey are to be reviewed by a suitably qualified environmental consultant and used to develop appropriate controls during demolition.

Wind Tunnelling Testing

- B6. Prior to certification of the relevant works, wind tunnel testing is to be undertaken to quantify environmental wind conditions. Recommendations of the testing is to be implemented and, where required, referenced on any construction drawings.

Notice of Commencement of Works

- B7. The Certifying Authority, Randwick City Council and the Department shall be in receipt of a written notice at least 48 hours prior to the commencement of each stage of works on the subject site.

Reflectivity

- B8. The building materials used on the façades of the buildings must have a maximum normal specular reflectivity of visible light of 20 per cent and must be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A statement demonstrating compliance with these requirements or where compliance cannot be met a report that demonstrates that the exceedance would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers is to be submitted to the satisfaction of the Certifying Authority prior to certification of the relevant works, except for site preparatory works.

Access for People with Disabilities

- B9. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to certification of the relevant works 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.

Stormwater Drainage Plans

- B10. The site stormwater drainage system is to be prepared by a qualified practicing professional and submitted to the Certifying Authority prior to the commencement of building works, except for site preparatory works, piling and excavation, where relevant in accordance with the following requirements;
- a) generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system; and
 - b) should a pump system be required to drain any portion of the site the system must be designed with two pumps connected in parallel (with each pump being capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well is required to be sized for the 1 in 100 year, 2-hour storm assuming both pumps are not working. All pump-out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.

Pump-out systems must be designed by a suitably qualified and experienced hydraulic consultant/engineer and the pump-out system designed and constructed generally in accordance with the UNSW Kensington Campus, Campus 2020 Master Plan, Stormwater Strategy (November 2005).

- B11. Stormwater runoff from the Subject Site is to be managed in general accordance with the Stormwater Strategy prepared for UNSW by ANA Technical Services Pty Ltd dated

28/11/2005. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the relevant certifying body prior to commencement of building works. The engineering calculations and plans must demonstrate compliance with the above referenced stormwater strategy. A copy of the engineering calculations and plans are to be forwarded to Council, prior to commencement of building works. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition;
- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
- c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
- d) The details of any special features that will affect the drainage design e.g. the nature of the soil in the site and/or the presence of rock etc.

Erosion and Sedimentation Control

B12. 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 works involving vegetation removal or soil disturbance.

Seepage/Groundwater

B13. Prior to the commencement of site works a report must be obtained from a qualified, experienced Hydro-geological Engineer, which provides an assessment of the site and the potential impact of groundwater and the water table upon the development to the satisfaction of the Certifying Authority.

The report must confirm whether or not the site is or may be affected by groundwater or fluctuating water table and the report must include details of the measures to be implemented to effectively manage any groundwater.

B14. Where the site is affected by groundwater or fluctuating water table (including during the course of construction), the following requirements must be satisfied:

- a) Groundwater and subsoil drainage must not be connected or discharged to the stormwater system or to Council's street gutter or drainage system, unless specific written approval has been obtained from Council beforehand, and
- b) Groundwater and sub-soil drainage must be restricted from entering the basement level/s and the stormwater drainage system, by tanking and waterproofing the basement areas of the building, and
- c) Adequate provisions must be made for the groundwater to drain around the basement level/s and ensure that the basement will not impede the movement of the ground water through the development site, and
- d) Details of the proposed methods of managing groundwater, tanking and waterproofing must be prepared by a suitably qualified and experienced Hydro-geological Engineer and be submitted to and approved by the relevant crown Certifying Authority, prior to issuing the crown construction certificate for the relevant works.

Flooding

- B15. The 1% AEP (1 in 100 year) flood level must be determined for the subject site prior to issuing of a certification of works. Any openings into the basement area or ground floor level of the building shall be provided at a minimum of 0.5m above the determined 1% AEP flood or suitably protected up to this level.

Pre-Construction Dilapidation Reports

- B16. The Applicant is to engage a qualified structural engineer to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained buildings within and adjoining the subject site, infrastructure and roads within the 'zone of influence' or public domain areas adjoining the site. The report must be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works.

Outdoor Lighting

- B17. 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 the certification of the relevant of works.

Structural Details

- B18. Prior to the commencement of the relevant works, the Applicant must submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the BCA; and
 - b) the development consent.

Mechanical Ventilation

- B19. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with the 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 must be submitted to the satisfaction of the Certifying Authority prior to the commencement of the relevant works.

Construction Environmental Management Plan

B20.

- a) Prior to the commencement of works on the Subject Site, a **Construction Environmental Management Plan (CEMP)** that addresses those works must be prepared and submitted to the satisfaction of the Certifying Authority. The Plan must 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 the local Council with all construction and demolition vehicles wholly contained within the site;
 - iv) construction noise and vibration management, prepared by a suitable qualified person;
 - v) tree protection management
 - vi) management of dust to protect the amenity of the neighbourhood;
 - vii) erosion and sediment control;
 - viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;

- ix) external lighting in compliance with AS4282:1997 *Control of the Obtrusive Effects of Outdoor Lighting*;
 - x) an Unexpected Finds Protocol (UFP); and
 - xi) waste classification (for materials to be removed) and validation (for materials to remain) during construction to confirm the contamination status in these areas of the site;
- 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; and
 - c) the Applicant must submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.
- B21. The CEMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Noise and Vibration

- B22. Prior to the commencement of works on the Subject Site, not including excavation or footing works, the Applicant is required to undertake quantitative detailed design acoustic assessments of noise impacts associated with construction and operation of the building together with design for feasible and reasonable noise impact avoidance and mitigation, including but not limited to:
- a) potential sleep disturbance impacts on surrounding residences and nearby hospitals;
 - b) potential sleep disturbance impacts on surrounding residences and nearby hospitals from the use of amplified sound systems other than during day-time hours, which are 7 am to 6 pm Monday to Saturday and 8 am to 6 pm Sundays and public holidays;
 - c) adequate design, selection and maintenance of amplified sound systems and noise generating mechanical services (especially air handling plant and equipment) and associated rooms and enclosures;
 - d) a schedule for noise compliance monitoring of mechanical services, noise and amplified sound systems during commission so as to avoid unintended noise impacts;
 - e) design of loading docks and waste collection areas to –
 - i) avoid or minimise the activation of vehicle reversing alarms during use of those facilities, or
 - ii) adequate noise shielding of surrounding noise sensitive receivers, especially residences from noise generated during activities associated with those facilities;
 - f) limiting the hours of operation of loading dock and waste collection activities to day-time hours, which are 7 am to 6 pm Monday to Saturday and 8 am to 6 pm Sundays and public holidays; and
 - g) potential noise management levels during construction at each sensitive on-campus and off-campus location.
- B23. Written confirmation shall be provided by a suitably qualified acoustic consultant to the Department that the recommendations of the detailed design acoustic assessment required by condition B22 have been incorporated, where required, into the construction plans and **Construction Noise and Vibration Management Plan**. A copy of the advice and detailed design acoustic assessment shall also be provided to the Certifying Authority and Council.

Construction Noise and Vibration Management Plan

B24. Prior to the commencement of works on the Subject Site, a **Construction Noise and Vibration Management Plan (CNVMP)** must be prepared and submitted to the satisfaction of the Certifying Authority. The plan must:

- a) be prepared by a suitably qualified expert;
- b) be prepared in consultation with all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
- c) describe the measures that would be implemented to ensure:
 - i) best management practice is being employed;
 - ii) compliance with the relevant conditions of this consent;
- d) describe the proposed noise and vibration management measures in detail;
- e) identify the selection of alternative construction appliances to avoid the generation of excessive noise levels;
- f) include strategies that have been developed to address impacts to noise sensitive receivers where noise levels exceed the construction noise management level, for managing high noise generating works;
- g) implement intra-day respite periods for construction activities identified in the Interim Construction Noise Guidelines as being annoying to sensitive noise receivers;
- h) implement noise reducing site/work practices and require regular noise checks of equipment;
- i) describe the consultation undertaken to develop the strategies in b) above;
- j) evaluates and reports on the effectiveness of the noise and vibration management measures; and
- k) include a complaints management system that would be implemented for the duration of the project.

B25. The CNVMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Waste Management Plan

B26.

- a) Prior to the commencement of works on the Subject Site, a **Construction Waste Management Plan (CWMP)**, prepared by a suitably qualified person in consultation with the Council and an accredited site auditor under the *Contaminated Land Management Act 1997*, must be submitted to the satisfaction of the Certifying Authority. The Plan must address, but not be limited to, the following matters:
 - i) recycling of demolition materials including concrete;
 - 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; and
 - iii) details of methods to be used to prevent spill, escape of any dust, waste or spoil from the vehicles or trailers used to transport waste or excavation spoil from the site.
- 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 must submit a copy of the plan to the Department and Council prior to the 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.
- B27. The CWMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Traffic and Pedestrian Management Plan

B28.

- a) Prior to commencement of any works, a **Construction Pedestrian and Traffic Management Plan (CPTMP)** shall be prepared in consultation with the CBD Coordination Office and Sydney Light Rail Team within TfNSW and submitted to the satisfaction of the Certifying Authority. The CPTMP must specify, but not be limited to, the following:
 - i. location of the proposed work zone on High Street;
 - ii. haulage routes;
 - iii. construction vehicle access arrangements;
 - iv. swept paths of the longest vehicle (to service the site) entering and exiting the site, as well as manoeuvrability through the site, in accordance with AUSTROADS requirements;
 - v. proposed construction hours;
 - vi. estimated number of construction vehicle movements;
 - vii. construction program;
 - viii. consultation strategy for liaison with surrounding stakeholders;
 - ix. any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
 - x. cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and
 - xi. should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.
- b) Any alterations to the public road, involving traffic and parking arrangements, must be referred to and approved by the relevant traffic committee.
- c) Submit a copy of the final CPTMP to the Coordinator General, CBD Coordination Office within TfNSW for endorsement, prior to the commencement of any work. A copy of the endorsed CPTMP is to be provided to Council, RMS and the Department.
- d) The CTPMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Utility Services

- B29. 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 any services affected by the construction of the building structure, where relevant.
- B30. Prior to the commencement of works, except for site preparatory works, written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services, where relevant.

Any electricity substation required for the site as a consequence of this development shall be located within the site and be screened from view. The proposed location and elevation shall be shown on relevant construction plans.

Complaints and Enquiries Procedure

B31. Prior to the commencement of works, or as otherwise agreed by the Secretary, the following must be made available for community enquiries and complaints for the duration of construction:

- a) a toll-free 24 hour telephone number(s) on which complaints and enquiries about the application may be registered;
- b) a postal address to which written complaints and enquires may be sent; and
- c) an email address to which electronic complaints and enquiries may be transmitted.

B32. A **Complaints Management System** must be prepared before the commencement of any works and be implemented and maintained for the duration of works.

The **Complaints Management System** must include a **Complaints Register** to be maintained recording information on all complaints received about the development during the carrying out of any works associated with the development. The **Complaints Register** must record the:

- a) number of complaints received;
- b) number of people affected in relation to a complaint; and
- c) nature of the complaint and means by which the complaint was addressed and whether resolution was reached, with or without mediation.

The **Complaints Register** must be provided to the Secretary upon request, within the timeframe stated in the request.

Pre-Construction Compliance Reporting

B33. A **Pre-Construction Compliance Report** must be prepared and submitted to the Secretary for information before the commencement of construction. The **Pre-Construction Compliance Report** must include:

- a) details of how the terms of this approval that must be addressed before the commencement of construction have been complied with; and
- b) the commencement date for construction.

Construction must not commence until the Pre-Construction Compliance Report has been submitted to the Secretary.

Bicycle Parking

B34. Plans demonstrating compliance with the following bicycle parking requirements shall be submitted to the satisfaction of the Certifying Authority prior to commencement of works on the Subject Site, not including excavation or footing works:

- a) a minimum of 11 bicycle parking spaces are to be provided for the development.; and
- b) the layout, design and security of bicycle facilities either on-street or 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.

Ecologically Sustainable Design

B35. Prior to the commencement of works on the Subject Site, not including excavation or footing works, the Applicant shall provide an **Ecologically Sustainable Design**

Statement to the Certifying Authority confirming that that the building has been designed, at minimum, to a “Best Practice” Green Star category.

Note: *This condition does not require the Applicant to pursue a formal Green Star accreditation.*

C DURING CONSTRUCTION

Hours of Work

C1.

- a) The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:
 - i) between 7 am and 6 pm, Mondays to Fridays inclusive;
 - ii) between 8 am and 5 pm, Saturdays; and
 - iii) no work on Sundays and public holidays.
- b) Works may be undertaken outside the hours specified in a) above 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.

Construction Traffic

- C2. All demolition and construction vehicles (including concrete agitator trucks) are not to arrive at the project site or surrounding residential areas prior to the approved start time of works for the day.

Site contamination issues during construction

- C3. 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 Certifying Authority must be immediately notified and works must cease. The Certifying Authority will determine whether further investigation, or the need for remediation, is required before construction works can recommence.

Erosion and Sediment Control

- C4. 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

- C5. Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- C6. Any required dewatering must be monitored by the consulting Engineer/s to the satisfaction of the Certifying Authority and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the Certifying Authority and Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with any measures required as a result of condition B13.

Approved Plans to be on-site

- C7. 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

C8.

- a) A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
- b) The site 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; and
 - 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.

Tree Removal

C9. Only trees identified for removal in the Arboricultural Impact Assessment prepared by The Ents Tree Consultancy, dated 1 August 2016, are to be removed as a result of the works.

Protection of Trees

C10.

- 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, within close proximity to the vehicular entry and exit, 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 and within close proximity to the site boundaries 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.
- d) Permission is granted for pruning should it be necessary in order to avoid damage to the trees listed for retention, or, for clearances reasons, and must be minimal and selective, and performed by the site Arborist, to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

Construction Noise Management

C11. 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 must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the Construction Noise and Vibration Management Plan.

- C12. 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.
- C13. The Applicant must schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved by the Secretary:
- a) 9 am to 12 pm, Monday to Friday;
 - b) 2 pm to 5 pm Monday to Friday; and
 - c) 9 am to 12 pm, Saturday.
- C14. 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.

Vibration Criteria

- C15. 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 - effects of vibrations 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* (1 Hz to 80 Hz) for low probability of adverse comment.
- C16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- C17. These limits apply unless otherwise outlined the Construction Noise and Vibration Management Plan required by condition B24.

SafeWork Requirements

- C18. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

- C19. The following hoarding requirements must be complied with:
- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
 - b) the construction site manager 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.

No obstruction of public way

- C20. Public footpaths and walkways (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under and circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

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

- C21. If any unexpected archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area and the Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and

management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage Office.

Discovery of Aboriginal Heritage

- C22. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and OEH to develop and implement management strategies for all projects/sites.

Waste Storage and Management

- C23. Waste Management provisions shall be implemented in general accordance with the approved Waste Management Plan.
- C24. The Applicant is to ensure that Polychlorinated Biphenyls material and waste encountered during the course of the project is kept, conveyed and disposed of in accordance with the requirements of the 'Polychlorinated Biphenyls Chemical Control Order 1997' (made under the *Environmentally Hazardous Chemicals Act 1985*).

Incident Reporting

- C25. Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Applicant must notify the Secretary and any other relevant agencies of the incident.
- C26. Within seven days of the detection of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

- C27. The Applicant must provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

Access to Information

- C28. Within six months of the date of this consent the Applicant must make the following information publicly available on its website and keep the information up to date:
- a) the EIS;
 - b) current statutory approvals for the Development;
 - c) approved strategies, plans or programs;
 - d) a complaints register, updated on an annual basis; and
 - e) any other matter required by the Secretary.

Note: This condition does not require any confidential information to be made available to the public.

Compliance – General

- C29. The Applicant must ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- C30. The Applicant shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.

C31. **Construction Compliance Reports** must be prepared and submitted to the Secretary for information every six months from the date of the commencement of construction or within another timeframe agreed with the Secretary, for the duration of construction. The **Construction Compliance Reports** must include:

- a) a results summary and analysis of environmental monitoring;
 - b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
 - c) details of any review of, and minor amendments made to, the **CEMP** as a result of construction carried out during the reporting period;
 - d) a register of any consistency assessments undertaken and their status;
 - e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
 - f) a summary of all incidents notified in accordance with this approval; and
 - g) any other matter relating to compliance with the terms of this approval or as requested by the Secretary.
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D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Noise Management Measures

- D1. Prior to the final occupation of the building, the Applicant shall submit a worst-case quantitative assessment of the night time background noise level in accordance with the *Industrial Noise Policy* to the satisfaction of the Secretary that demonstrates noise associated with the operation of any plant, machinery or other equipment on the Subject Site does not exceed 5 dB(A) above the background noise level when measured at the boundary of the sensitive receiver.

Mechanical Ventilation

- D2. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Certifying Authority, prior to commencement of use of each stage of the relevant building, that the installation and performance of the mechanical systems complies with:
- a) the BCA;
 - b) Australian Standard AS1668 *The use of ventilation and air conditioning in buildings*, and other relevant codes;
 - c) the development consent and any relevant modifications; and
 - d) any dispensation granted by the New South Wales Fire Brigade.

Road Damage

- D3. 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 is to be met in full by the Applicant prior to commencement of use of the buildings.

Post-construction Dilapidation Report

- D4.
- a) Prior to commencement of use of the development, the Applicant must 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.
 - 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.

Fire Safety Certification

- D5. Prior to commencement of use of the development, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- D6. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to commencement of use of the development. A copy of the Certificate with an electronic set of final drawings (contact approval

authority for specific electronic format) must be submitted to the approval authority and the Council after:

- a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
- b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Outdoor Lighting

- D7. 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 the commencement of use of the development.

Signage

- D8. Wayfinding signage for pedestrians and cyclists must be installed prior to commencement of use of the development.

Damage to Council Infrastructure

- D9. The Applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc. along High Street or associated with any Works Zone which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

Drainage Works-As-Executed Plan

- D10. Prior to the final occupation of the building a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Certifying Authority and a copy provided to Council. The works-as-executed plan must include the following details (as applicable):
- a) Finished site contours at 0.2 metre intervals;
 - b) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes; and
 - c) Details of any pumping systems installed (including wet well volumes).

Stormwater

- D11. Prior to the final occupation of the building the applicant shall submit to the Certifying Authority and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the BCA, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the Certifying Authority.
- D12. Prior to the final occupation of the building the applicant shall submit to the Certifying Authority and Council certification from a suitably qualified and experienced professional Engineer, to the satisfaction of the Certifying Authority confirming that the basement tanking/waterproofing and any sub-soil drainage systems (as applicable) have been provided in accordance with the conditions of consent and relevant BCA or Australia Standards.

Compliance Certificate

- D13. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Certifying Authority prior to the commencement of use of the facility.

Pre-operation Compliance Report

D14. A Pre-Operation Compliance Report must be prepared and submitted to the Secretary for information no later than one month before the commencement of operation or within another timeframe agreed with the Secretary. The Pre-Operation Compliance Report must include:

- a) details of how the terms of this approval that must be addressed before the commencement of operation have been complied with; and
- b) the commencement date for operation.

Operation of the building must not commence until the Pre-Operation Compliance Report has been submitted for information to the Secretary.

Green Travel Plan

D15. Prior to the final occupation of the development, the Applicant is to submit a **Green Travel Plan** for the School of Chemistry and School of Chemical Engineering for the Secretary's approval, prepared by a suitability qualified person, addressing the following requirements:

- a) measures and initiatives to promote and encourage cycling, walking, public transport, carpooling, and car sharing (including the location of car share parking spaces) as alternative transport modes;
 - b) a way finding and access guide strategy, including details of proposed signage to active transport infrastructure, including bicycle parking and end-of-trip facilities, and public transport; and
 - c) include methods to monitor the effectiveness and uptake of sustainable measures.
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E POST OCCUPATION

Noise and Vibration Control

- E1. Noise associated with the operation of any plant, machinery or other equipment on the subject site, must not exceed 5 dB(A) above the rating background noise level when measured at the boundary of the sensitive receiver.
- E2. Noise emitted by mechanical plant or equipment installed and operated at the building shall not exhibit tonal characteristics of the type defined in Chapter 4 of the *Industrial Noise Policy*:
- E3. The Applicant must carry out a noise and vibration monitoring program for a minimum period of one week during a semester teaching period where valid data is collected following the commencement of use of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Secretary within two months of the final day of noise monitoring to verify that operational noise and vibration levels do not exceed the relevant provisions identified in *Protection of the Environment Operations Act 1997*, NSW Environmental Protection Authority Noise Control Manual and Industrial Noise Policy. A copy of the monitoring report shall be provided to Council's Manager Environmental Health & Building Services.

Should the monitoring program identify any exceedance of the recommended noise and vibration levels referred to above, the Applicant is required to implement appropriate noise and vibration attenuation measures so that operational noise and vibration levels do not exceed the recommended noise levels or provide attenuation measures at the affected sensitive receivers.

Waste Classification

- E4. The Applicant shall ensure any waste generated on the site is classified in accordance with the EPA's *Waste Classification Guidelines* (DECCW, 2009), or any superseding document and disposed of to a facility that may lawfully accept the waste.

Waste Management

- E5. For the life of the development, the Applicant shall:
 - a) monitor the amount of waste generated by the development;
 - b) investigate ways to minimise waste generated by the development; and
 - c) implement reasonable and feasible measures to minimise waste generated by the development.

Transport and Storage of Hazardous or Toxic Material

- E6. The Applicant shall ensure that the quantities of Dangerous Goods present at any time on-site or transported to and from the development are below the screening threshold quantities listed in the Department of Planning's Applying SEPP 33 Guidelines (January 2011).
- E7. Any hazardous or toxic materials must be stored in accordance with WorkCover 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.
- E8. The Applicant shall store all chemicals, fuels and oils used on-site in accordance with the requirements of all relevant Australian Standards.

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.

Cooling Towers

- E11. Cooling Towers, warm water systems and water cooling systems must be registered with the Council together with the payment of the approved fee, prior to Occupation Certificate being issued for the development, and the system/s are to be maintained and certified in accordance with the provisions of the *Public Health Act 1991*.

Pollution Control

- E12. The use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and associated Regulations.
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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 must 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*.

Responsibility for other consents/agreements

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

Use of Mobile Cranes

- AN4 The Applicant must 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 must 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 four weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions; and
 - b) the use of mobile cranes must comply with the approved hours of construction and must not be delivered to the site prior to 7.30 am without the prior approval of Council.

Temporary Structures

AN5

- 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 BCA.
- 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

- AN6 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*

AN7

- 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

- AN8 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 NOHSC: "Code of Practice for the Safe Removal of Asbestos".
- AN9 Requirements of the *Protection of the Environmental Operations (Waste) Regulation 2014* shall be complied with.
- AN10 SafeWork NSW shall be consulted regarding the handling of any asbestos waste that may be encountered during construction.

Site contamination issues during construction

- AN11 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 Department must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

Impacts from the CBD and South East Light Rail

- AN12 The site may be subject to electromagnetic energy and/or vibration impacts associated with the operation of the CBD and South East Light Rail. The Applicant is solely responsible to ensure that the design of the development is adequate for the needs of any sensitive equipment to be used in the development.