

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 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.



David Gainsford
Executive Director
Priority Projects Assessments

Sydney 21st April 2017

SCHEDULE 1

Application No.:	SSD 7865
Applicant:	University of New South Wales
Consent Authority:	Minister for Planning
Land:	UNSW Kensington Campus (Lot 1 DP 510271)
Approved Development:	Biological Sciences Project Stage 2, comprising demolition works and internal refurbishment of lower ground level and levels 1 to 6 of Building D26.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	University of New South Wales, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
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 Act to issue a construction certificate under Part 4A of the 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
EIS	Environmental Impact Statement titled <i>State Significant Development Application, SSD 7865 Environmental Impact Statement, University of New South Wales, Biological Sciences Project – Stage 2</i> prepared by JBA Urban Planning Consultants, dated November 2016
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6 pm to 10 pm
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. <i>Note: This meaning of "material harm" applies for the purpose of this approval only.</i>
Minister	Minister for Planning, or nominee
NCC	National Construction Code
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 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
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 approval, 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	UNSW Kensington Campus (Lot 1 DP 510271)

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 Condition A2.

Development in Accordance with Plans and Documents

- A2 The Applicant must carry out the project generally in accordance with:
- (a) SSD 7865;
 - (b) the EIS; and
 - (c) 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 (or Design) Drawings prepared by Woods Bagot			
Drawing No.	Revision	Name of Plan	Date
BS2-WB-AR-802	A	SITE PLAN	25/08/16
BS2-WB-AR-809	A	FLOOR PLAN – LOWER GROUND	25/08/16
BS2-WB-AR-811	A	FLOOR PLAN – LEVEL 1	25/08/16
BS2-WB-AR-812	A	FLOOR PLAN – LEVEL 2	25/08/16
BS2-WB-AR-813	A	FLOOR PLAN – LEVEL 3	25/08/16
BS2-WB-AR-814	A	FLOOR PLAN – LEVEL 4	25/08/16
BS2-WB-AR-815	A	FLOOR PLAN – LEVEL 5	25/08/16
BS2-WB-AR-816	A	FLOOR PLAN – LEVEL 6	25/08/16
BS2-WB-AR-801	A	SECTIONS – 01	25/08/16

- 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 approval 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 requirement(s) of the Secretary arising from the Department's assessment of:
- (a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained within these reports, plans or correspondence.

Lapsing of approval

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

Prescribed Conditions

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

Secretary as Moderator

- A7 Where this consent requires further approval from public authorities, the parties must not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 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

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

Legal notices

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

National Construction Code Compliance

- A10 All aspects of the building design must comply with the applicable performance requirements of the National Construction Code 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).
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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 must include design or structural details as required by any of the following conditions and must be submitted to the Certifying Authority and the Department prior to commencement of each stage of the construction works.

Notice of Commencement of Works

- B2 The Certifying Authority, the Department and Council must be given written notice, at least 48 hours prior to the commencement of building works on the Subject Site.

Complaints and Enquiries Procedure

- B3 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.

The telephone number, the postal address and the email address must be published in newspaper(s) circulating in the local area including in newspapers of culturally and linguistically diverse communities affected by the proposal prior to the commencement of construction.

- B4 A **Complaints Management System** must be prepared before the commencement of any works and be implemented and maintained for the duration of works and for a minimum for 12 months following completion of construction of the refurbishment 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 and for a minimum of 12 months following the completion of construction. 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.

Construction Environmental Management Plan

B5

- (a) Prior to the commencement of any works on the Subject Site, a **Construction Environmental Management Plan** (CEMP) must be submitted to and approved by the Certifying Authority. The **CEMP** 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;

- iv) construction noise and vibration management, prepared by a suitably qualified person, incorporating measures to mitigate noise impacts to generally adhere to the construction noise management levels in the *Interim Construction Noise Guideline* (DECC 2009);
 - v) management of dust to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;
 - vii) further analysis of the contamination and soil testing undertaken by a suitably qualified contamination expert to confirm the contamination status;
 - viii) detailed procedures identifying and managing any unexpected finds of site contamination;
 - ix) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site; and
 - x) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (b) The Applicant must submit a copy of the **CEMP** to the Department and to the Council, prior to commencement of work.

Construction Noise and Vibration Management Plan

B6 Prior to the commencement of works on the Subject Site, a **Construction Noise and Vibration Management Plan** (CNVMP) must be submitted to and approved by the Certifying Authority. The **CNVMP** must:

- (a) be prepared by a suitably qualified expert;
- (b) be prepared in consultation with all noise sensitive receivers where noise levels exceed the highly affected noise management level, in accordance with EPA guidelines;
- (c) identify works that will exceed the highly affected noise management level, which must be restricted to the standard construction hours in the EPA guidelines;
- (d) describe the measures that would be implemented to ensure:
- (e) best management practice is being employed; and
- (f) compliance with the relevant conditions of this consent;
- (g) describe the proposed noise and vibration management measures in detail;
- (h) 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;
- (i) describe the consultation undertaken to develop the strategies in f) 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.

Construction Waste Management Plan

B7

- (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 Council, must be submitted to and approved by the Certifying Authority. The **CWMP** must 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 and approved by 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.

B8 All soil to be disposed of offsite must be classified in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (DECCW 2009), and disposed of to an appropriately licensed facility.

Construction Traffic and Pedestrian Management Plan

B9

- (a) A **Construction Traffic and Pedestrian Management Plan** (CTPMP) must be prepared by a suitably qualified person in consultation with Transport for NSW CBD Coordination Office and Sydney Light Rail Team, RMS and Council. The **CTPMP** must be submitted to and approved by the Certifying Authority prior to commencement of works. The **CTPMP** shall include, but not limited to, the following:
 - i) locations of the proposed work zone, plant storage, staff parking and staging area;
 - ii) haulage routes;
 - iii) construction vehicle access arrangements;
 - iv) proposed construction hours;
 - v) estimated number of construction vehicle movements during various times of the day;
 - vi) construction program;
 - vii) consultation strategy for liaison with surrounding stakeholders;
 - viii) any potential impacts to general traffic, cyclists, pedestrians, parking and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
 - ix) any potential impacts on the operation of existing helipads;
 - x) cumulative construction impacts of projects, including Sydney Light Rail Project, and details of the duration of the any cumulative impacts and measures to mitigate any associated general traffic, public transport, parking, pedestrian and cyclist impacts;
 - xi) reference to **CTPMPs** for developments within or around the development site to ensure that coordination of work activities are managed to minimise impacts on the road network; and
 - xii) details of consultation with Transport for NSW CBD Coordination Office, issues raised and how any issues were resolved.
- (b) The Applicant must submit a copy of the plan to the Department, Council and the Coordinator General – Transport for NSW CBD Coordination Office prior to the commencement of work. If during construction the plan is revised, the revised plan must be re-submitted.

Ecologically Sustainable Development

- B10 The project must incorporate design, operation and construction measures identified as committed initiatives in the ESD Response to SSD (Application Number: SSD 7865) Report by EMF Griffiths dated 3 November 2016. Details are to be submitted to the Certifying Authority prior to the commencement of the relevant works.

Access for People with Disabilities

- B11 The works the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the NCC. 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 certified plans.

Erosion and Sediment Control

- B12 Soil erosion and sediment control measures must be designed in accordance with the document *Managing Urban Stormwater–Soils and Construction Volume 1* (2004) by Landcom. Details are to be submitted to and approved by the Certifying Authority prior to the commencement of any works.

Structural Details

- B13 Prior to the commencement of each stage of works, the Certifying Authority must approve relevant structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:
- (a) the relevant clauses of the NCC; and
 - (b) the development consent.

Mechanical Ventilation

- B14 All mechanical ventilation systems must be installed in accordance with Part F4.5 of the National Construction Code and must 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 must be submitted to and approved by the Certifying Authority prior to the commencement of the relevant works for each building.

Storage and Handling of Waste

- B15 The building plans and specifications accompanying the relevant plans submitted to the Certifying Authority prior to the commencement of the relevant works must demonstrate that an appropriate area will be provided within the premises or an adjoining building for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Requirements of these storage areas must be designed to Council's guidelines, 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) identifying provisions for the separation and storage, in appropriate categories, of material suitable for recycling; and
 - (c) identifying provisions for separate storage and collection of organic/food waste.

Utility Services

- B16 Prior to the commencement of work the Applicant is to negotiate with the relevant utility authorities in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.

Pre-construction Road Damage

- B17 The Applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

Pre-Construction Compliance Reporting

- B18 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.

C DURING CONSTRUCTION

Hours of Work

- C1 The hours of construction, including the delivery of materials to and from the Subject Site, must be restricted as follows:
- (a) the hours of construction, including the delivery of materials to and from the Subject Site, must 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 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 nominee.

Management Plans

- C2 The **CEMP**, **CNVMP**, **CWMP** and **CTPMPs** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Erosion and Sediment Control

- C3 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

- C4 Any seepage or rainwater collected on-site during construction or groundwater must 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 approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

Site Notice

C6

- (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 notice(s) is to satisfy all but not be limited to, the following requirements:
 - i) minimum dimensions of the notice are to measure 841 mm x 594 mm (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.

Incident Reporting

- C7 Within 24 hours of the occurrence of an incident, the Applicant must notify the Secretary and any other relevant agencies of the incident.
- C8 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

- C9 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

- C10 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

- C11 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.

Construction Compliance Reports

- C12 **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 to by 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.

Construction Noise Management

- C13 The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC 2009), including the noise management level for educational premises for the university

buildings surrounding the works site and the noise management level for residential premises opposite the works site. 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 **CNVMP**.

- C14 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.
- C15 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.
- C16 All construction vehicles, including concrete agitator trucks and vessels involved in construction and construction related activities must not arrive at the site or surrounding residential area outside the approved construction hours.

Vibration Criteria

- C17 Vibration caused by construction at any residence or structure outside the Subject Site or at on-campus accommodation or nearby educational buildings 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.

These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Secretary.

- C18 Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

Work Cover Requirements

- C19 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 Work Cover requirements.

Hoarding Requirements

- C20 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 is responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

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

- C21 If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

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 proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.
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D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Pre-operation Compliance Report

D1 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 to by 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.

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 occupation of the building, that the installation and performance of the mechanical systems complies with:

- (a) NCC;
- (b) Australian Standard AS 1668 *The use of ventilation and airconditioning 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/developer prior to occupation of the building.

Fire Safety Certification

D4 Prior to the occupation of the building, 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

D5 A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to and approved by the Certifying Authority prior to the occupation of the relevant building. 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.
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E POST OCCUPATION

Loading and Unloading

- E1 All loading and unloading of service vehicles in connection with the use of the premises must be carried out wholly within the Subject Site at all times.

Unobstructed Driveways and Parking Areas

- E2 All driveways and parking areas must be unobstructed at all times. Driveways and car spaces must not be used for the manufacture, storage or display of goods, materials or any other equipment and must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Noise Control – Plant and Machinery

- E3 Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, must not exceed 5dB(A) above the rating background noise level when measured at the boundary of the sensitive receiver.
- E4 The Applicant must carry out a noise monitoring program for a minimum period of one week where valid data is collected following the commencement of use of the refurbished facilities. 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 commencement of use of the refurbished facilities to verify that operational noise levels do not exceed the operational noise emission goals identified in the *UNSW Biological Sciences Project, Stage 2, Acoustic Assessment* prepared by *Acoustic Logic*, dated 6 October 2016. Should the noise monitoring program identify any exceedance of the operational noise emission goals, the Applicant is required to implement appropriate reasonable and feasible noise attenuation measures.

Noise Control – General

- E5 The use of the premise must not cause nuisance, or an offensive noise as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.

Storage of Hazardous or Toxic Material

- E6 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 must be stored in a bunded area. The bund walls and floors must be constructed of impervious materials and must be of sufficient size to contain 110per cent of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

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 Council 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.

Temporary Structures

AN4

- 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 National Construction Code.
- 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

AN5 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 National Construction Code which references AS 1428.1 - *Design for Access and Mobility*. AS1428 Parts 2, 3 and 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

AN6

- 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 and 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

AN7 All excavation 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"

Site contamination issues during construction

AN8 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.