Development Consent – Key Sites

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 15 November, 2018

SCHEDULE 1

Application Number:	SSD 8976
Applicant:	University of Technology Sydney
Consent Authority:	Minister for Planning
Site:	100 Broadway, Chippendale (Lot 1 DP 807298 and Lot 12 DP 1194122)
Development:	Fit out and change of use at Block 4N, Central Park, including: • change of use of levels 5–10 from commercial office space to an educational establishment • associated fitout of administration, teaching and research facilities • a primary health clinic on levels 7 & 8 with operating hours between 8.00am and 9.00pm, Mondays to Fridays • one business identification sign.

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DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	University of Technology Sydney, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, Strata Schemes (Freehold Development) Act 1973 and Strata Schemes (Leasehold Development) Act 1986 or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Conditions of this consent	Conditions contained in Schedule 2 of this document
Council	City of Sydney
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising the fit out and signage for the UTS Graduate School of Health, as modified by the conditions of this consent.
EIS	The Environmental Impact Statement titled UTS Graduate School – Change of use from 'commercial office' to 'tertiary institution' including fitout and signage, prepared by UrbanAC, dated August 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	*Protection of the Environment Operations Act 1997*
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to Submissions (RtS)	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

A2. The development may only be carried out:

(a) in compliance with the conditions of this consent;

(b) in accordance with all written directions of the Planning Secretary;

(c) in accordance with the EIS and Response to Submissions;

(d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by Djrd Architects			
Dwg No.	**Rev**	**Name of Plan**	**Date**
DA-02	4	Level 5 General Arrangement Plan	29.05.2018
DA-03	4	Level 6 General Arrangement Plan	29.05.2018
DA-04	4	Level 7 General Arrangement Plan	29.05.2018
DA-05	4	Level 8 General Arrangement Plan	29.05.2018
DA-06	4	Level 9 General Arrangement Plan	29.05.2018
DA-07	4	Level 10 General Arrangement Plan	29.05.2018
Architectural Drawings prepared by Richard Bryson			
Dwg No.	**Rev**	**Name of Plan**	**Date**
35236	-	DUO Signage & Branding Variation (Entrance Text)	21.05.2018
Architectural Drawings prepared by Foster + Partners			
Dwg No.	**Rev**	**Name of Plan**	**Date**
PA-A4-3500	03	UTS Signage Proposal	18.12.2015
ARC-AR-DR-B4-00-1000	H	UTS Signage Proposal	22.05.2018

A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and

(b) the implementation of any actions or measures contained in any such document referred to in A3(a) above.

A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d)**Error! Reference source not found.**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

A5. This consent lapses five years after 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 EP&A Regulation.

LONG SERVICE LEVY

A7. For work costing $25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

LEGAL NOTICES

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

OPERATION OF PLANT AND EQUIPMENT

A9. All plant and equipment used on site, or to monitor the performance of the development must be:

(a) maintained in a proper and efficient condition; and

(b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

A10. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A11. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

A12. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent auditing.

***Note**: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A13. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.

A14. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

A15. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

A16. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A17. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

COMPLIANCE

A18. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

STRUCTURAL ADEQUACY

A19. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

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

EVIDENCE OF CONSULTATION

A20. Where conditions of this consent require consultation with an identified party, the Applicant must:

(a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and

(b) provide details of the consultation undertaken including:

(i) the outcome of that consultation, matters resolved and unresolved; and

(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

PART B PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

B1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

B2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

CERTIFIED DRAWINGS

B3. Prior to the commencement of construction, 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) this development consent.

SYDNEY WATER

B4. An application shall be made to the relevant Water Authority for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to commencement of works.

CONNECTION TO SYDNEY WATER SEWERS

B5. Waste water arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

B6. Prior to the commencement of construction, the Applicant must submit details of all design measures to the satisfaction the Certifying Authority demonstrating the proposal incorporates ecologically sustainable development initiatives as outlined in the *UTS Graduate School of Health – Low Energy Technologies* prepared by *JHA dated 25 June 2018*.

INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

B7. All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the consent of the PCA, prior to the issue of the relevant Construction Certificate being issued for above ground works.

B8. All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted for the approval of the PCA, prior to issue of the relevant Construction Certificate for services and finishes works.

B9. New urinal suites, urinals and urinal flushing control mechanisms must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).

B10. Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the PCA, prior to the issue of the relevant Construction Certificate.

INTERNAL LIGHTING SYSTEM

B11. The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during off-peak / non-working hours. Details of the internal lighting system must be submitted to and approved by the Certifying Authoritys prior to the commencement of construction work.

ACCESS TO INFORMATION

B12. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

(a) make the following information and documents (as they are obtained or approved) publicly available on its website:

(i) the documents referred to in condition A2 of this consent;

(ii) all current statutory approvals for the development;

(iii) all approved strategies, plans and programs required under the conditions of this consent;

(iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;

(v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;

(vi) a summary of the current stage and progress of the development;

(vii) contact details to enquire about the development or to make a complaint;

(viii) a complaints register, updated monthly;

(ix) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;

(x) any other matter required by the Planning Secretary; and

(b) keep such information up to date, to the satisfaction of the Planning Secretary.

ACCESS FOR PEOPLE WITH DISABILITIES

B13. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, 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.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN

B14. Prior to the commencement of any works on the Site, a Construction Traffic and Pedestrian Management Plan prepared by a suitably qualified person, in consultation with Council and RMS, shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

(a) ingress and egress of vehicles to the Site;

(b) loading and unloading, including construction zones;

(c) predicted traffic volumes, types and routes;

(d) details of specific measures to ensure the arrival of vehicles to the site do not cause additional queuing on surrounding roads; and

(e) pedestrian and traffic management methods.

CONSTRUCTION PARKING

B15. Prior to the commencement of construction, the Applicant must provide parking facilities on-site for heavy vehicles and for site personnel.

NOISE MITIGATION MEASURES

B16. Details of noise mitigation measures recommended in the *UTS Graduate School of Health – Acoustic Design Requirements*, prepared by *Acoustic Logic*, dated *26 March 2018* and *UTS Graduate School of Health - Internal Noise Levels*, prepared by *Acoustic Logic*, dated *6 June 2018* are to be detailed on the construction drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of State Environmental Planning Policy (Infrastructure) 2007 and other guidelines applicable to the development is required to be submitted prior to the issue of the relevant construction certificate.

B17. The proposed development should be designed such that road traffic noise from Broadway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of State Environmental Planning Policy (infrastructure) 2007.

COMPLIANCE REPORTING

B18. No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.

B19. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

B20. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least seven days before this is done.

INDEPENDENT ENVIRONMENTAL AUDIT

B21. No later than 4 weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.

B22. Independent Audits of the development must be carried out in accordance with:

(a) the Independent Audit Program submitted to the Department under condition B21 of this consent; and

(b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).

B23. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:

(a) review and respond to each Independent Audit Report prepared under condition B2222 of this consent;

(b) submit the response to the Department; and

(c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

PART C DURING CONSTRUCTION

CONSTRUCTION HOURS

C1. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

(a) between 7.00 am and 7.00 pm, Mondays to Fridays inclusive; and

(b) between 7.00 am and 5.00 pm, Saturdays.

C2. No work may be carried out on Sundays or public holidays.

C3. Activities may be undertaken outside of these hours if required:

(a) by the Police or a public authority for the delivery of vehicles, plant or materials; or

(b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

C4. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

C5. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

(a) 9.00 am to 12.00 pm, Monday to Friday;

(b) 2.00 pm to 5.00 pm Monday to Friday; and

(c) 9.00 am to 12.00 pm, Saturday.

APPROVED PLANS TO BE ON-SITE

C6. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

SITE NOTICE

C7. A site notice(s):

(a) must be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.

(b) is to satisfy all but not be limited to, the following requirements:

(i) minimum dimensions of the notice must 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 must 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 site is not permitted.

DEMOLITION

C8. Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifying Authority before the commencement of works.

CONSTRUCTION TRAFFIC

C9. All construction vehicles (excluding worker vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping.

SAFEWORK REQUIREMENTS

C10. 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

C11. The following hoarding requirements must be complied with:

(a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing;

(b) the construction site manager must 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; and

(c) the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

NO OBSTRUCTION OF PUBLIC WAY

C12. The public way (outside of any approved 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.

CONSTRUCTION NOISE LIMITS

C13. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 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 management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.

C14. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under Condition C1.

C15. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.

C16. Any noise generated during 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 site.

VIBRATION CRITERIA

C17. Vibration caused by construction at any residence or structure outside the site must be limited to:

(a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and

(b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).

WASTE STORAGE AND PROCESSING

C18. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

C19. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

C20. The body of any vehicle or trailer used to transport waste or excavation spoil must be covered before leaving the premises to prevent any spillage or escape of any dust, waste of spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site must be removed before leaving the premises.

C21. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural of artificial watercourse.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

PROTECTION OF PUBLIC INFRASTRUCTURE

D1. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and

(b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

NOTIFICATION OF OCCUPATION

D2. The date of commencement of the occupation of the development must be notified to the Department in writing, at least one month before occupation. If the operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

MECHANICAL VENTILATION

D3. Following completion, installation and testing of all mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Certifying Authority, prior to the final occupation, that the installation and performance of the mechanical systems complies with:

(a) the BCA;

(b) AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes;

(c) the development consent and any relevant modifications; and

(d) any dispensation granted by the NSW Fire Brigade.

FIRE SAFETY CERTIFICATION

D4. Prior to the final occupation, 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 the satisfaction of the Certifying Authority prior to the occupation of the relevant parts of any new or refurbished buildings. 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 Certifying Authority 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.

(c) person/s authorised to, for the life of the development.

PART E POST OCCUPATION

OPERATION OF PLANT AND EQUIPMENT

E1. All plant and equipment used on site, or to monitor the performance of the development must be:

(a) maintained in a proper and efficient condition; and

(b) operated in a proper and efficient manner.

NOISE CONTROL – GENERAL

E2. The emission of noise associated with the use, the operation of any mechanical plant and equipment shall comply with the following criteria:

(a) the LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute bymore than 5dB when assessed at the boundary of any affected residence;

(b) the LAeq,15minute noise level shall be adjusted for modifying factors in accordance with Appendix 2 of the Noise Guide For Local Government published by DECCW;

(c) the background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997- Description and measurement of environmental noise; and

(d) the use of the premises shall be controlled so that any emitted noise is at a level so as not to create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 to any affected residence.

E3. An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that:

(a) where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 - Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead;

(b) the LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the affected residence closed; and

(c) the LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the (excluding air-conditioning equipment) normally servicing the affected residence operating.

E4. An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any commercial premises provided that:

(a) the LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the commercial premises closed;

(b) the LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including air-conditioning equipment) normally servicing the commercial premises operating;

(c) the use of the premises shall be controlled so that any emitted noise is at a level so as not to create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 to any affected residence;

(d) in this clause, the term 'noise level emitted from the use' means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq,15minute when the use is not in operation; and

(e) in circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15minute noise level measured in the absence of all noise from the site.

LOADING AND UNLOADING

E5. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out within the loading dock within the building.

PLAN OF MANAGEMENT

E6. The premises shall be managed in accordance with the *Plan of Management*, prepared by *UTS* dated *22 June 2018*. Any subsequent amendments to the Plan of Management must be submitted to and approved by the Planning Secretary.

WASTE AND RECYCLING MANAGEMENT

E7. The proposal must comply with the relevant provisions of Council's Policy for *Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

BUSINESS AND BUILDING IDENTIFICATION SIGNAGE

E8. Business and building identification signage shall comply with the following:

(a) The signage shall be utilised as building and business identification signage only and shall not be adapted or altered to be third party advertising signage without the further consent;

(b) The signage shall not:

(i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;

(ii) include any apparatus to provide any sound;

(iii) carry a message(s) which is offensive;

(iv) give instructions to traffic by the use of the words ‘Halt’, ‘Stop’, or any other direction, nor imitate traffic signs in respect to shape, layout or colour;

(v) contain interchangeable or movable parts;

(vi) impair or distract the vision of a driver through the intensity of the illumination of the sign; and

(vii) must not impede the ability of the occupants to exit the building under emergency conditions.

(c) The approved signage shall be appropriately maintained at all times; and

(d) The wording to the signage shall be primarily displayed in English but may include a translation in another language.

HOURS OF OPERATION

E9. The hours of public operation for the primary health care clinic are restricted to between 8.00am and 9.00pm, Monday to Friday.

APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A15 or, having given such notification, subsequently forms the view that an incident has not occurred.

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

Written notification of an incident must:

a. identify the development and application number;

b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);

c. identify how the incident was detected;

d. identify when the Applicant became aware of the incident;

e. identify any actual or potential non-compliance with conditions of consent;

f. describe what immediate steps were taken in relation to the incident;

g. identify further action(s) that will be taken in relation to the incident; and

h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.

The Incident Report must include:

a. a summary of the incident;

b. outcomes of an incident investigation, including identification of the cause of the incident;

c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and

d. details of any communication with other stakeholders regarding the incident.