

# Consolidated Consent

## University of Technology Sydney – Blackfriars Stage 2 (SSD 9571)

[As modified by SSD-9571-Mod-1 – 10.04.21]

### SCHEDULE 1

|                           |   |
|---------------------------|---|
| <b>Application No.:</b>   | SSD 9571  |
| <b>Applicant:</b>         | University of Technology Sydney (UTS)   |
| <b>Consent Authority:</b> | Minister for Planning and Public Spaces   |
| <b>Land:</b>              | 4-12 Buckland Street Chippendale<br>Lot 1 in DP832799, Lots 10-16, 18-20, 2-25 Sec 3 in DP466, Lots 1-14 Sec 4 in DP466, Lots 9-12 Sec 5 in DP466, Lot 221 in DP133367, Lot 1 in DP724081, and Lot 1 in DP122324.   |
| <b>Development:</b>       | Development of UTS Blackfriars Campus, including: <ul style="list-style-type: none"><li>• site preparation works including demolition of existing buildings, excavation, removal of trees and remediation</li><li>• construction of a five storey building (RL 30.77 m) and basements providing for 6,000 m<sup>2</sup> educational and commercial floor space.</li><li>• conservation works and retention / amendment of palisade fence</li><li>• landscaping and public domain works including public art</li><li>• 44 bicycle parking spaces and end of trip facilities</li><li>• two building identification signs</li><li>• <b><u>subdivision of site into two lots.</u></b></li></ul> |

## DEFINITIONS

|   |   |
|---|---|
| <b>Aboriginal object</b>                      | Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>  |
| <b>Aboriginal place</b>                       | Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>  |
| <b>Accredited Certifier</b>                   | Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.   |
| <b>Advisory Notes</b>                         | Advisory information relating to the consent but do not form a part of this consent   |
| <b>Applicant</b>                              | University of Technology Sydney or any other person carrying out any development to which this consent applies  |
| <b>BCA</b>                                    | Building Code of Australia  |
| <b>CEMP</b>                                   | Construction Environmental Management Plan  |
| <b>Certification of Crown building work</b>   | Certification under section 6.28(2) of the EP&A Act   |
| <b>Certified Contaminated Land Consultant</b> | A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time  |
| <b>Certifier</b>                              | Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work   |
| <b>Conditions of this consent</b>             | The conditions contained in Schedule 2 of this document   |
| <b>Construction</b>                           | <p>All physical work to enable operation including (except where specifically excluded by a condition of this consent) but not limited to the carrying out of works for the purposes of the development, including remediation/earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p> |
| <b>Council</b>                                | City of Sydney  |
| <b>Day</b>                                    | The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays   |
| <b>Demolition</b>                             | The deconstruction and removal of buildings, sheds and other structures on the site   |
| <b>Department</b>                             | NSW Department of Planning, Industry and Environment  |
| <b>Development</b>                            | The development described in the EIS, RfS and RRFI, including the works and activities, as modified by the conditions of this consent   |
| <b>EIS</b>                                    | The Environmental Impact Statement titled <i>University of Technology Sydney State Significant Development SSD9571 Stage 2 Development Application Blackfriars Industry Hub 4-12 Buckland Street, Chippendale Environmental Impact Statement</i> , prepared by UrbanAC dated October 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application   |
| <b>ENM</b>                                    | Excavated Natural Material  |
| <b>Environment</b>                            | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings  |
| <b>EPA</b>                                    | NSW Environment Protection Authority  |
| <b>EP&amp;A Act</b>                           | <i>Environmental Planning and Assessment Act 1979</i>   |
| <b>EP&amp;A Regulation</b>                    | Environmental Planning and Assessment Regulation 2000   |
| <b>Evening</b>                                | The period from 6pm to 10pm   |

|                                |  |
|--------------------------------|--|
| <b>Feasible</b>                | Means what is possible and practical in the circumstances  |
| <b>Heritage</b>                | Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement   |
| <b>Heritage Item</b>           | An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent |
| <b>Incident</b>                | 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<br><i>Note: "material harm" is defined in this consent</i>   |
| <b>Land</b>                    | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act  |
| <b>Material harm</b>           | Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>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)</li> </ul> |
| <b>Minister</b>                | NSW Minister for Planning and Public Spaces (or delegate)  |
| <b>Mitigation</b>              | Activities associated with reducing the impacts of the development prior to or during those impacts occurring  |
| <b>Monitoring</b>              | Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act  |
| <b>Night</b>                   | The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays  |
| <b>Non-compliance</b>          | An occurrence, set of circumstances or development that is a breach of this consent  |
| <b>Operation</b>               | The carrying out of the approved purpose of the development upon completion of construction  |
| <b>Planning Secretary</b>      | Planning Secretary under the EP&A Act, or nominee  |
| <b>POEO Act</b>                | <i>Protection of the Environment Operations Act 1997</i>   |
| <b>Reasonable</b>              | 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  |
| <b>Response to submissions</b> | 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  |
| <b>RtS</b>                     | Response to Submissions report and attachments titled <i>SSD 9571 UTS Blackfriars Precinct Research Building – Response to request for further information and response to submissions</i> , prepared by UrbanAC and dated 12 March 2020   |
| <b>RRFI</b>                    | Applicant's Response to further information request titled <i>SSD 9571 UTS Blackfriars Precinct Research Building – Response to request for further information</i> , prepared by UrbanAC and dated 21 May 2020 including any additional information provided by the Applicant in support of the application   |
| <b>Sensitive receivers</b>     | A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area   |
| <b>Site</b>                    | The land defined in Schedule 1   |
| <b>TfNSW</b>                   | Transport for New South Wales  |
| <b>VENM</b>                    | Virgin Excavated Natural Material  |
| <b>Waste</b>                   | Has the same meaning as the definition of the term in the Dictionary to the POEO Act   |
| <b>WELS</b>                    | Water Efficiency and Labelling Scheme  |
| <b>Year</b>                    | A period of 12 consecutive months  |

**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) generally in accordance with the EIS as amended by the RtS and RRFI, **as amended by the Section 4.55(1A) Modification Application prepared by Urbanac dated 27 November 2020**; and
- (d) in accordance with the approved plans in the table below (except as may be amended by the conditions of consent):

| <b>Architectural Drawings prepared by Tonkin Zulaikha Greer Architects</b>                     |            |                                 |             |
|--|------------|---------------------------------|-------------|
| <b>Dwg No.</b>   | <b>Rev</b> | <b>Name of Plan</b>             | <b>Date</b> |
| DA01   | 1          | LOCATION PLAN                   | 31.07.2019  |
| DA03   | 1          | EXISTING SITE + DEMOLITION PLAN | 31.07.2019  |
| DA04   | 1          | SITE PLAN                       | 31.07.2019  |
| DA05   | 1          | SITE SECTIONS                   | 31.07.2019  |
| DA06   | 1          | SITE ELEVATIONS 1               | 31.07.2019  |
| DA07   | 1          | SITE ELEVATIONS 2               | 31.07.2019  |
| DA08   | 1          | BASEMENT 2 PLAN                 | 31.07.2019  |
| DA09   | 1          | BASEMENT 1 PLAN                 | 31.07.2019  |
| DA10   | 2          | GROUND FLOOR PLAN               | 22.01.2020  |
| DA11   | 1          | LEVEL 1 PLAN                    | 31.07.2019  |
| DA12   | 1          | LEVEL 2 PLAN                    | 31.07.2019  |
| DA13   | 1          | LEVEL 3 PLAN                    | 31.07.2019  |
| DA14   | 1          | LEVEL 4 PLAN                    | 31.07.2019  |
| DA15   | 1          | LEVEL 5 & ROOF PLAN             | 31.07.2019  |
| DA16   | 1          | GROSS FLOOR AREA DIAGRAMS       | 31.07.2019  |
| DA17   | 1          | NORTH + SOUTH ELEVATION         | 31.07.2019  |
| DA18   | 1          | EAST + WEST ELEVATION           | 31.07.2019  |
| DA19   | 1          | SECTION 1                       | 31.07.2019  |
| DA20   | 1          | SECTION 2                       | 31.07.2019  |
| DA25   | 2          | MATERIALS AND FINISHES SCHEDULE | 22.01.2020  |
| DA34   | 1          | VERANDAH DETAILS                | 31.07.2019  |
| DA35   | 2          | SIGNAGE DETAILS                 | 22.01.2020  |
| DA36   | 2          | HERITAGE FENCE WORKS            | 23.03.2020  |
| DA37   | 1          | SECTIONS 1:20 – 1               | 31.07.2019  |
| DA38   | 1          | SECTIONS 1:20 – 2               | 31.07.2019  |
| DA39   | 1          | SECTIONS 1:20 – 3               | 31.07.2019  |
| <b>Landscape Drawings prepared by James Mather Delaney Design Pty Ltd Landscape Architects</b> |            |                                 |             |

| Dwg No.   | Rev | Name of Plan                              | Date            |
|---|-----|---|-----------------|
| 70 901  | B   | OVERALL SITE PLAN                         | 25.07.19        |
| 70 902  | B   | DETAIL PLAN – COURTYARD 1                 | 25.07.19        |
| 70 903  | A   | DETAIL PLAN – COURTYARD 2                 | 17.08.19        |
| 70 904  | A   | DETAIL PLAN – COURTYARD 3                 | 17.08.19        |
| 70 905  | A   | INDICATIVE MATERIALS                      | 17.08.19        |
| 70 906  | A   | INDICATIVE PLAN SCHEDULE                  | 17.08.19        |
| <b>Civil Drawings prepared by Northrop</b>                            |     |   |                 |
| Dwg No.   | Rev | Name of Plan                              | Date            |
| DA2.01  | 3   | CONCEPT SEDIMENT AND EROSION CONTROL PLAN | 31.07.19        |
| DA3.01  | 3   | SITEWORKS AND STORMWATER MANAGEMENT PLAN  | 31.07.19        |
| DA4.01  | 3   | OSD DETAILS – SHEET 1                     | 31.07.19        |
| DA4.02  | 2   | OSD DETAILS – SHEET 2                     | 31.07.19        |
| <b>Plan of Subdivision prepared by Rygate &amp; Company Surveyors</b> |     |   |                 |
| Ref No.   | Rev | Name of Plan                              | Date            |
| <b>78449</b>  | -   | <b>PLAN OF SUBDIVISION</b>                | <b>18.03.21</b> |

**[SSD-9571-Mod-1]**

- 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;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition (c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition (c), 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 from which it operates, unless the works associated with the development have physically commenced.
- A6. Separate approval must be obtained for any works or uses which do not meet exempt development provisions. This consent does not include approval of the following:
- (a) Any fit out of the building
  - (b) use of the building for events, with the exception of events directly associated with the building's University function.

**Prescribed Conditions**

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

**Design Integrity**

- A8. To ensure that the design continuity and excellence of the preferred design team's approved scheme is maintained throughout the development process, as a minimum, the preferred design team is to:
- (a) Prepare the design drawings for construction
  - (b) Prepare the design drawings for the contract documentation;
  - (c) Maintain consultant continuity and design integrity during the tender and construction phases through to completion of the project;
  - (d) Provide any documentation required by the consent authority verifying the design intent has been achieved at completion; and
  - (e) Attend all meetings that pertain to design issues with the community, authorities and other stakeholders, as required.

### **Planning Secretary as Moderator**

A9. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

### **Legal Notices**

A10. Any advice or notice to the consent authority must be served on the Planning Secretary.

### **Evidence of Consultation**

A11. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary or Certifier for information or approval; and
- (b) provide details of the consultation undertaken including:
  - i. the outcome of that consultation, matters resolved and unresolved; and
  - ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### **Staging, Combining and Updating Strategies, Plans or Programs**

A12. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A13. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A14. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

### **Structural Adequacy**

A15. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with:

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

**Note 1:** Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works

**Note 2:** Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

### **External Walls and Cladding**

A16. The external walls of all buildings including additions to existing building must comply with the relevant requirements of the BCA.

### **Applicability of Guidelines**

A17. 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.

A18. 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**

A19. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of

incident notification, reporting and response, non-compliance notification and independent environmental auditing.

**Note 1:** *For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

## Compliance

A20. The Applicant must ensure 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.

## Incident Notification, Reporting and Response

A21. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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.

A22. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **AN14**.

## Non-Compliance Notification

A23. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.

A24. 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.

A25. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## Revision of Strategies, Plans And Programs

A26. Within three months of:

- (a) the submission of a compliance report under **Condition A30**
- (b) the submission of an incident report under **Conditions A21 and A22**;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under **Condition A2** which requires a review,
- (e) the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

A27. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

**Note:** *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

## Compliance Reporting

A28. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements (2020).

A29. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed to by the Planning Secretary.

A30. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.

A31. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

## Independent Environmental Audit

A32. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).

A33. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

- A34. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- A35. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under **Condition A32** of this consent, or **Condition A34A34** where notice is given by the Planning Secretary;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.
- A36. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.
- A37. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.



## **PART B - PRIOR TO COMMENCEMENT OF CROWN BUILDING 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 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.

### **Access to Information**

- B3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - i. the documents referred to in condition A2 of this consent;
    - ii. all current statutory approvals for the development;
    - iii. all approved strategies, plans and programs required under the conditions of this consent;
    - iv. regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - v. a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - vi. a summary of the current stage and progress of the development;
    - vii. contact details to enquire about the development or to make a complaint;
    - viii. a complaints register, updated monthly;
    - ix. audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
    - x. any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### **Protection of Public Infrastructure**

- B4. Prior the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (c) submit a copy of the dilapidation report to the Certifier and Council.

### **Pre-Construction Dilapidation Report**

- B5. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council, and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, and Council assets that are likely to be impacted by the proposed works.

### **Crime Prevention Through Environmental Design (CPTED)**

- B6. Prior to the commencement of above ground construction works, the Applicant shall submit a CPTED report to the Planning Secretary for approval. The CPTED report shall:
- (a) include specific management and mitigation measures relating to the recessed fire exit fronting Buckland Street to ensure this space does not result in a place of concealment or become an attractive space for undesirable behaviour or litter
  - (b) demonstrate that the substation and bin storage area, and associated screen wall, in the north-eastern corner of the site is designed to maximise safety and security and incorporates appropriate management and mitigation measures to prevent concealment opportunities and/or undesirable behaviour.

### **Heritage and Urban Design**

- B7. Prior to the commencement of above ground construction works, the Applicant shall submit the following heritage details to the Planning Secretary for approval:
- (a) the methodology for the repositioning of the sandstone pillars of the fence;
  - (b) the Interpretation Strategy must be revised to include drawings and details of the design of the proposed seating, screen areas and paving; and
  - (c) details of the design of the fire hydrant assembly on Buckland Street.

- B8. Prior to the commencement of construction works, the Blackfriars Precinct Conservation Management Plan 2016 is to be amended in consultation with Council to include the methodologies for cleaning of the heritage sandstone and cast-iron palisade boundary fencing.

### **Signage**

- B9. Prior to the commencement of above ground construction works, the Applicant shall submit amended plans to the Planning Secretary for approval showing the deletion of the totem signs shown on Drawing DA35 – Signage Details Revision 2 dated 22.01.2020, prepared by Tonkin Zulaikha Greer Architects.

### **Landscape and Tree Management**

- B10. Prior to the commencement of above ground construction works, amended plans and details drawn to scale, and technical specification, by a registered landscape architect, shall be submitted to the Planning Secretary for approval. Amended plans to include:
- (a) root mapping survey for all existing trees identified for retention in the Arborist Impact Statement prepared by Earthscape Horticultural Services. Root mapping for Tree 1 required to confirm the design of timber seating surround and location of all footings.
  - (b) all new replacement trees to be minimum 400L pot size and a height of 4-5 m at installation and minimum of 12 -14 m at maturity.
- B11. Prior to the commencement of above ground construction works, a detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect, is to be submitted to Planning Secretary for approval. These documents must include:
- (a) location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, on structure and in pots.
  - (b) location and details of existing and proposed surface materials and structures on the site including, but not limited to, paved areas, stairs, infill pit lids, timber decking and seating, rain gardens, water features, walls, decorative screens with climbing wires, furniture, , removable bollards, bike racks, light poles, signage, drainage, services, shade structures, other features, and all associated footings.
  - (c) coordinated services plan including location and approximate depth of all existing and proposed pits, services (electricity, gas, sewer, potable water), proposed courtyard and precinct drainage, lights and GPO if applicable, fence footings, sign posts etc.
  - (d) detailed grading plan with existing and proposed levels, falls, and pits
  - (e) details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers. Soil volumes for trees on slab are to be consistent with the Sydney Landscape Code Volume 2.
  - (f) planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (g) landscape maintenance plan. This plan is to be complied with during occupation of the property.
  - (h) details of drainage, waterproofing and watering systems.

### **Certified Drawings**

- B12. Prior to the commencement of above ground construction works, the Applicant must submit to the Certifier 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.

### **External Walls and Cladding**

- B13. Prior to commencement of above construction works, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **Public Art**

- B14. The 'Rain falls' artwork shall be designed in accordance with *UTS Blackfriars Precinct Research Building Water Artwork: Rain Falls Phase 2 Report* dated 31.07.19 prepared by Studio TSC and the *UTS Blackfriars Precinct Research Building Public Art Strategy Phase 2* dated 31.07.2019 prepared by Studio TCS.
- B15. The Applicant must demonstrate that the sequencing water flow for the artwork is appropriate and will achieve the concept and vision for the artwork set out in *UTS Blackfriars Precinct Research Building Water Artwork: Rain Falls Phase 2 Report* dated 31.07.19 prepared by Studio TSC, in consultation with Council, prior to finalising the sequencing design.

## **Ecologically Sustainable Development**

- B16. Prior to the commencement of above ground construction works, evidence must be submitted to the Certifier demonstrating that the development has incorporated all design, construction and operation measures as identified in the ESD report titled *University of Technology Sydney SSD 9571 – Blackfriars Precinct Research Building Stage 2, Stage 2 ESD Report REP/ESD/DA2* prepared by ARUP and dated 26 August 2019.
- B17. Prior to the commencement of above ground construction works, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by registering for a minimum 5-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier.
- B18. Prior to the commencement of above ground construction works, details of the installation of water efficient fixtures and fittings shall be submitted to the Certifier, including:
- (a) 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);
  - (b) all taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the WELS, where available;
  - (c) urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the WELS; and
  - (d) systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved.

## **Outdoor Lighting and Illuminated Signage**

- B19. Prior to the commencement of above ground construction works, evidence must be submitted to the Certifier demonstrating that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.
- B20. Prior to the commencement of above ground construction works, evidence must be submitted to the Certifier demonstrating that the illuminated signage on the Buckland Street elevation has been designed to comply with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

## **Reflectivity**

- B21. Prior to the commencement of above ground construction works, evidence must be submitted to the Certifier demonstrating that the materials used on the façades of the building do not exceed a maximum normal specular reflectivity of 20% so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers.

## **Mechanical Plant Noise Mitigation**

- B22. Details of noise mitigation measures for all mechanical plant are to be detailed on the construction drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development must be submitted to the Certifier prior to the commencement of above ground construction works.

## **Vehicle and Bicycle Parking and End-of-Trip Facilities**

- B23. Prior to the commencement of above ground construction works, evidence shall be submitted to the Certifier confirming the development complies with the following requirements for vehicle parking, secure bicycle parking and end-of-trip facilities:
- (a) the provision of one servicing vehicle space (10m x 3.5m)
  - (b) the design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities is to satisfy Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities
  - (c) a minimum of 28 bicycle parking spaces are to be provided for staff
  - (d) a minimum of 16 parking space are to be provide for visitors
  - (e) the layout, design and security of all bicycle facilities must comply with the minimum requirements of AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities. Staff bicycle parking should be provided according to the security level B as specified AS 2890.3:2015
  - (f) identifying space for future expansion of the bicycle and end of trip facilities including up to three additional showers with change facilities, which is to be converted when required by Condition D37
- B24. Prior to the commencement of above ground construction works, documentation demonstrating that the following end of trip facilities have been provided shall be submitted to the Certifier:
- (a) a minimum of three showers with change facilities
  - (b) a minimum of 28 personal lockers

## **Archaeology**

- B25. Prior to the commencement of construction works, the Applicant shall prepare an updated Archaeological Research Design (ARD) and Archaeological Excavation Methodology to guide any future archaeological

salvage excavations at the site. The ARD and Methodology shall be prepared in consultation with the Heritage Council (or its Delegate) and evidence of the Heritage Council's approval of the final ARD and Methodology shall be submitted to the Certifier.

- B26. Prior to the commencement of above ground construction works, the Applicant shall prepare an Interpretation Plan and submit the plan to the Heritage Council for review and comment. The Interpretation Plan shall progress the final design details set out in the document titled '*UTS Blackfriars Precinct Industry Hub Archaeology Interpretation Report Revision 1*' prepared by TZG Architects and dated 21/05/2020. This plan must include details of the archaeological excavation of the site (**Conditions C29 to C31**), with relevant artefacts, images or other elements incorporated into the completed document.

### Stormwater and Drainage

- B27. Prior to commencement of excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work a detailed drainage engineering design, calculations and design for the stormwater overland flow path for the development must be:
- (a) prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and
  - (b) prepared in accordance with the City of Sydney's *Stormwater Drainage Manual*, technical specifications, standards and policies, as amended from time to time; and
  - (c) submitted to and be approved by the City of Sydney and a copy of the City's letter of approval must be provided to the Certifier.
- B28. For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The application must be approved by the City of Sydney prior to commencement of excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.
- B29. The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with.
- (a) evidence of the approval by Sydney Water of the detailed design of the on-site detention must be submitted to and be accepted by the City of Sydney and a copy of the City's letter of acceptance must be provided to the Certifier prior to commencement of construction works, excluding for any approved preparatory, demolition or excavation works.
- B30. Prior to commencement of excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by City of Sydney and a copy of the City's letter of approval must be provided to the Certifier. The stormwater quality assessment must:
- (a) be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design as per approved MUSIC Link report prepared by Northrop, project details UTS Blackfriars, dated 16/01/20;
  - (b) use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent); and
  - (c) demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
    - i. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
    - ii. reduce the baseline annual pollutant load for total suspended solids by 85%;
    - iii. reduce the baseline annual pollutant load for total phosphorous by 65%; and
    - iv. reduce the baseline annual pollutant load for total nitrogen by 45%.
  - (d) include certification from a suitably qualified practicing professional that the requirements of part (c) of this condition have been met.

### Survey infrastructure

- B31. Prior to commencement of construction works, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator.
- (a) This evidence must include either:
    - i. a copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or
    - ii. a letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.
  - (b) Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

## Waste and Recycling Management

B32. Prior to the commencement of above ground construction works, a Waste and Recycling Management Plan demonstrating compliance with the following waste and recycling requirements shall be prepared in consultation with Council:

- (a) Provide revised waste generation rates for waste, recycling, food, green/organic and other waste generated by the development
- (b) The waste generation rates should be consistent with the NSW EPA Better Practice Guide For Resource Recovery In Residential Developments 2019 for teaching spaces; and the City of Sydney Guidelines for Waste Management in New Developments 2018 for other areas such as office space, retail, cafes etc, except where justified by the Applicant
- (c) having regard to the waste generation rates for the development outlined in (a) and (b) an appropriately sized space for bulky waste and problem waste storage is to be provided
- (d) plans and drawings of the proposed development that show location and space allocated to the waste and recycling storage area(s), including bulky waste storage area.

## Sydney Water Requirements

B33. The Applicant shall ensure that satisfactory measures are taken to protect Sydney Water's existing stormwater asset, such as avoiding building over and/or adjacent to stormwater assets and building bridges over stormwater assets.

## Rainwater Harvesting

B34. Prior to the commencement of construction (excluding earthworks and remediation), the Applicant must ensure that a rainwater reuse/harvesting system for the development is developed for the site. A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer.

## Environmental Management Plan Requirements

B35. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:

- (a) detailed baseline data;
- (b) details of:
  - i. the relevant statutory requirements (including any relevant approval, licence or lease conditions);
  - ii. any relevant limits or performance measures and criteria; and
  - iii. the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
- (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
- (d) a program to monitor and report on the:
  - i. impacts and environmental performance of the development;
  - ii. effectiveness of the management measures set out pursuant to paragraph (c) above;
- (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
- (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
- (g) a protocol for managing and reporting any:
  - i. incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
  - ii. complaint;
  - iii. failure to comply with statutory requirements; and
- (h) a protocol for periodic review / update of the plan and any updates in response to incidents or matters of non-compliance.

**Note 1:** *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

## Construction Environmental Management Plan

B36. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:

- (a) Details of:
  - i. hours of work;
  - ii. 24-hour contact details of site manager;
  - iii. management of dust and odour to protect the amenity of the neighbourhood;
  - iv. stormwater control and discharge;
  - v. measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject site;

- vi. groundwater management plan including measures to prevent groundwater contamination;
- vii. external lighting in compliance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting;
- viii. community consultation and complaints handling
- (b) Construction Traffic and Pedestrian Management Sub-plan (see **Condition B37**);
- (c) Construction Noise and Vibration Management Sub-plan (see **Condition B38**);
- (d) Construction Waste Management Sub-plan (see **Condition B39**);
- (e) Construction Soil and Water Management Sub-plan (see **Condition B40**);
- (f) an unexpected finds protocol for contamination, Aboriginal and non-Aboriginal heritage and associated communications procedure; and
- (g) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.

#### **Construction Traffic and Pedestrian Management Sub-Plan**

B37. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network. The CTPMSP shall be prepared in consultation with TfNSW (Sydney Coordination Office) and shall specify, but not be limited to, the following:

- (a) a description of the development;
- (b) location of any proposed work zone(s);
- (c) location of any crane(s);
- (d) haulage routes;
- (e) a detailed plan identifying all construction vehicle access arrangements;
- (f) estimated number of construction vehicle movements, including measures to reduce the number of movements during the AM and PM peak periods;
- (g) measures to avoid construction worker vehicle movements within the CBD;
- (h) construction program;
- (i) proposed construction hours;
- (j) consultation strategy for liaison with surrounding stakeholders, including other developments;
- (k) any potential impacts to general traffic, cyclists, pedestrians and bus and light rail services within the vicinity of the site from the construction of the development;
- (l) cumulative construction impacts of the development, Sydney Metro City and Southwest and other developments. 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
- (m) proposed mitigation measures. 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 CPTMSP.

#### **Construction Noise and Vibration Management Sub-Plan**

B38. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) incorporate recommendations of the noise report titled *University of Technology Sydney UTS Blackfriars Precinct Research Building SSDA Acoustic Assessment R02 Issue 1* prepared by ARUP and dated 23 August 2019 – as amended by File Note titled *Response to Submissions – DA Acoustic Report* prepared by ARUP and dated 29 January 2020;
- (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
- (d) hours of construction in accordance with **Conditions C4 to C8**;
- (e) outline regular community liaison with sensitive receivers around the site
- (f) outline how noise and vibration impacts would be monitored during construction
- (g) in consultation with adjoining sensitive receivers, outline scheduling and describe the measures to be implemented to manage high noise generating works such as piling, having regard to
  - i. rest hours for the childcare centre
  - ii. exam periods for surrounding educational establishments
  - iii. mass and event times for St Benedict's Church
- (h) include strategies that have been developed with the community for managing high noise generating works; and
- (i) describe the community consultation undertaken to develop the strategies; and
- (j) include a complaints management system that would be implemented for the duration of the construction.

### **Construction Waste Management Sub-Plan**

B39. The Construction Waste Management Sub-Plan (CWMSWP) must address, but not be limited to, the following:

- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
- (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facilities in accordance with the requirements of the relevant legislation, codes, standards and guideline, prior to the commencement of any building works.

### **Construction Soil and Water Management Sub-Plan**

B40. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:

- (a) be prepared by a suitably qualified expert, in consultation with Council and where necessary the Department of Planning, Industry and Environment - Water (DPIE - Water);
- (b) describe all erosion and sediment controls to be implemented during construction;
- (c) provide a plan of how all construction works will be managed in wet weather events (i.e. storage of equipment, stabilisation of the Site);
- (d) detail all off-Site flows from the Site;
- (e) site dewatering (if applicable), including preparation of a dewatering management plan in consultation with DPIE – Water
- (f) information on:
- (g) any Impacts of the development on surface and groundwater hydrology and quality
- (h) any water licensing requirements or other approvals required under the *Water Act 1912* or *Water Management Act 2000*.
- (i) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1 year ARI, 1 in 5 year ARI and 1 in 100 year ARI.

### **Construction Worker Transportation Strategy**

B41. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary and Council for information.

### **Operational Noise – Mechanical Plant and Equipment**

B42. Prior to the commencement of above ground works, the Applicant must incorporate the noise mitigation recommendations of the noise report titled *University of Technology Sydney UTS Blackfriars Precinct Research Building SSDA Acoustic Assessment R02 Issue 1* prepared by ARUP and dated 23 August 2019 – as amended by File Note titled *Response to Submissions – DA Acoustic Report* prepared by ARUP and dated 29 January 2020, into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the report.

B43. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings–Microbial control* 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 Certifier prior to the commencement of above ground works.

## PART C - DURING CONSTRUCTION

### Approved Plans to be On-site

- C1. 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 Certifier.

### Site Notice

- C2. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
  - (b) 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;
  - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (d) 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
  - (e) 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.

### Operation of Plant and Equipment

- C3. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
  - (c) No work may be carried out on Sundays or public holidays.
- C5. Notwithstanding **condition C4**, provided noise levels do not exceed the existing background noise level plus 5 dB, works may also be undertaken during the following hours:
- (a) between 6pm and 7pm, Mondays to Fridays inclusive; and
  - (b) between 1pm and 4pm, Saturdays.
- C6. Construction activities may be undertaken outside of the hours in **condition C4** 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; or
  - (c) where the works are inaudible at the nearest sensitive receivers.
- C7. Notification of such construction activities as referenced in **condition C5** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out in accordance with the CNVMSP and must have regard to:
- (a) Rest hours for the childcare centre
  - (b) Exam periods for surrounding educational received
  - (c) Mass and event times for St Benedict's Church

### Implementation of Management Plans

- C9. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).
- C10. If directed by TfNSW, the Applicant must make changes to the Construction Traffic and Pedestrian Management sub-plan as accordance with TfNSW directions in order to maintain road safety and network efficiency.

### Construction Traffic

- C11. All construction 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.

### No Obstruction of Public Way

- C12. The public way (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.



## 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 CNVMSP.
- 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 **Conditions C4 to C8**.
- 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. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of  $L_{Aeq}$  75dBA) as measured at the sensitive receiver must only be undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than one hour respite between ceasing and recommencing any of the work the subject of this condition.
- C17. 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

- C18. 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).
- C19. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in **Condition C18**.
- C20. The limits in Conditions C18 and C19 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by **Condition B38** of this consent.

## Air Quality

- C21. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C22. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## Erosion and Sediment Control

- C23. All erosion and sediment control measures must 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 have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

## Disposal of Seepage and Stormwater

- C24. 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 the Environment Protection Authority in accordance with the *Protection of the Environment Operations Act 1997*.

## Loading and Unloading During Construction

- C25. The following requirements apply:
- (a) all loading and unloading associated with construction activity must be accommodated on site.
  - (b) if, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
  - (c) a Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The

approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

- (d) in addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) the structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

#### **Use of Mobile Cranes**

C26. The following requirements apply:

- (a) mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) for operations warranting the on-street use of mobile cranes (such as delivery of materials, hoisting of plant/equipment, erection and dismantling of onsite tower cranes, etc), permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

#### **Tree Protection**

C27. All recommendations, Tree Protection, and Methodology Statements contained in the report prepared by "Earthscape Horticultural Services" dated February 2020 must be implemented during the demolition, construction and use of the development.

C28. An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee works during of installation of new surface materials within the TPZ of Tree 1 and construction of surrounding timber seating.

#### **Non-Aboriginal Archaeology**

C29. Construction works shall be carried out in accordance with the recommendations of the updated ARD and Methodology (**Condition B25**).

C30. Any archaeological excavations at the site must be directed by a suitably qualified and experienced Excavation Director who fulfils the Heritage Council's Excavation Director Criteria 2019 for the excavation of State significant archaeological sites.

C31. If during the archaeological program substantially intact remains of the Former Brisbane Distillery and Mill are uncovered, the Applicant may be required to deliver a public open date to enable the public to view the remains prior to their removal. In this circumstance the Applicant and Excavation Director must notify the Heritage Council and the Department and arrange for an open day to take place on a weekend with at least one week of advance advertising of the event. A concise brochure outlining the archaeological program, significance and key finds should be made available for the public to understand the findings at the open day. This outcome is required where in situ retention will be unable to be achieved by the project and archaeological salvage of State significant fabric is proposed.

C32. A final Excavation report must be prepared within 12 months of the completion of archaeological open area salvage works on site. It must include details of any artefacts recovered, their final repository and details of their ongoing conservation and protection in perpetuity by the landowner. Copies must be provided to the Department, the Heritage Council and to a Local Studies Collection. Any additional investigations, monitoring or other works can be included in an addendum to the main report if needed and must be submitted within 6 months of the end of the main archaeological program.

#### **Aboriginal Archaeology - Unexpected Finds Protocol**

C33. To manage any unexpected archaeological or potential cultural finds a cultural heritage induction should be included in site induction materials, and a chance find procedure established. The induction material should provide an overview of Aboriginal archaeological site types and identify individual obligations under the NPW Act. These materials should be prepared by a suitably qualified archaeologist.

C34. 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 EES Group 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 EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

## Site Contamination

- C35. The remediation and construction shall be carried out in accordance with the contaminated land remediation management and mitigation measures contained with the document titled '*Remedial Action Plan (RAP) UTS Blackfriars Industry Hub UTS Blackfriars, Chippendale Revision 0*' prepared by Douglas Partners Pty Ltd and dated 23 August 2019 as updated by letter titled '*RE: Site Audit Interim Advice – Remediation Action Plan*' prepared by Enviroview Pty Ltd and dated 27 February 2020. In addition:
- (a) any variations to the approved RAP shall be approved in writing by the Site Auditor; and
  - (b) if work is to be carried out / completed in stages, the Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- C36. Following completion of remedial works, the Applicant must submit a relevant Site Audit Report and Site Audit Statement prepared by an EPA accredited Site Auditor to verify the relevant part of the site is suitable for its intended use.

## Excavated and Imported Soil

- C37. The Applicant must ensure that only VENM, ENM, or other material approved in writing by the EPA is brought onto the site and keep accurate records of the volume and type of fill used.
- C38. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.

## Waste Storage and Processing

- C39. All waste generated during construction 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.
- C40. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C41. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- C42. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- C43. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.
- C44. The proposal must comply with the Waste and Recycling Management Plan prepared in accordance with **Condition B32** during construction.
- C45. The development needs to accurately reflect a minimum of 80% diversion on each type of waste material that will be generated during construction and demolition.

## PART D - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### Notification of Occupation

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

### External Walls and Cladding

- D2. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- D3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### Protection of Public Infrastructure

- D4. 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.

*Note 1: This condition does not apply to any damage to roads caused as a result of general road usage.*

- D5. Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications.

### Post-construction Dilapidation Report

- D6. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - (c) to be forwarded to Council.
- D7. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

### Freight and Servicing Management Plan

- D8. Prior to the commencement of operation, the applicant shall prepare a detailed Freight and Servicing Management Plan for the final use of the development in consultation with TfNSW (Sydney Coordination Office). The applicant shall submit a copy of the final plan to the Coordinator General, Transport Coordination for endorsement. The Plan needs to specify, but not be limited to, the following:
- (a) details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
  - (b) details of the loading and servicing facilities management to ensure the forecast demand of the development is accommodated on site so as to not rely on the kerbside restrictions to conduct the development's business; and
  - (c) details of the pre-booking system and the adequate numbers of traffic controller that will be required for Service Vehicle / Heavy Vehicle (larger than SRV) operation in the site.
- D9. The site must be configured to allow all vehicles less than Australian Standard SRV size to be driven onto and off the site in a forward direction. Any vehicle that will need reversing in and/or out of the site must be facilitated by suitable number of qualified traffic controller(s) as stated in the Freight and Service Management Plan to minimise pedestrian and vehicle conflicts and to ensure safe vehicle manoeuvring.

### Green Travel Plan

- D10. Prior to the commencement of operation, a Green Travel Plan (GTP) shall be prepared in consultation with TfNSW (Sydney Coordination Office), maintained and implemented within the site. The GTP shall include:

- (a) strategies to reduce the proportion of single-occupant car travel and increase the mode share of public transport and active transport for workers and visitors of the development.
- (b) clear and time bound targets, actions and measurements and monitoring framework.
- (c) a mechanism for a minimum five yearly review in consultation with TfNSW and Council.

#### **Mechanical Ventilation**

D11. Prior to commencement of operation and following completion, installation and testing of all mechanical ventilation systems, the Applicant must submit evidence to the Certifier demonstrating 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**

D12. 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**

D13. Prior to the commencement of operation, an Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. 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.

#### **Warm Water Systems and Cooling Systems**

D14. The installation of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

#### **Outdoor Lighting and Illuminated Signage**

D15. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

D16. Prior to commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that the luminance levels of the illuminated sign on the western façade comply with AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997)

#### **Operational Waste Management Plan**

D17. Prior to the commencement of operation, the Certifier must ensure that waste handling works have been completed in accordance with the Waste and Recycling Management Plan prepared in accordance with **Condition B32** and other relevant development consent conditions.

D18. The collection of waste and recycling must only occur during the designated zone collection times as outlined in the Waste and Recycling Management Plan prepared in accordance with **Condition B32**.

D19. Garbage and recycling must not be placed on the street.

D20. Prior to commencement of operation the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

#### **Bicycle Facilities**

D21. Prior to the commencement of operation:

- (a) bicycle facilities shall be installed in accordance with the requirements of **Condition B23**; and

- (b) bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

### Landscaping

- D22. Prior to the commencement of the operation, the landscaping (including hard and soft landscaping, paths and the like) must be installed in accordance with the landscaping drawings approved by the Secretary in accordance with **Conditions B10 and B11**.
- D23. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan (OLMP) to manage the landscaping on-site. The OLMP must:
  - (a) describe the ongoing monitoring and maintenance measures to manage landscaping; and
  - (b) identify that all trees are established on site prior to occupation of the premises.
- D24. The Applicant must not commence operation until the OLMP has been submitted to the Certifier.
- D25. Prior to the commencement of the operation, the Arborist must submit a compliance report confirming the implementation of the recommendations of report prepared by "Earthscape Horticultural Services" dated

### Signage

- D26. Prior to the commencement of operation, directional signage to the bicycle parking facility is to be installed from the street level, between the vehicle entry point at the site boundary (if any) and the entry point to the End of Trip facilities. Signage is to be generally in accordance with image (a) (Direction sign) shown in Figure 2.5 of Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities.
- D27. Prior to the commencement of operation, the following signs must be provided within the site at the point(s) of vehicle egress and maintained in good order at all times by the owners of the building:
  - (a) "Give Way to Pedestrians and Bicycles" before crossing a footpath on an existing or identified shared path route.

### Site Audit Report and Site Audit Statement

- D28. Prior to the commencement of the operation, the Applicant must obtain a Section A1, or A2, Site Audit Statement accompanied by an Environmental Management Plan from an NSW EPA accredited Site Auditor. Evidence of the Site Audit Statement shall be submitted to the Certifier and a copy sent to the Planning Secretary and Council for information.

### Archaeological Interpretation

- D29. Prior to commencement of the operation the archaeological interpretation (**Condition B25**) shall be installed on the site.

### Stormwater and On-site Detention

- D30. Prior to a Certificate of Completion being issued by the City of Sydney for stormwater drainage works:
  - (a) all works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, City of Sydney technical specifications. Standards and policies, approval letters and the requirements of this consent;
  - (b) a Works-As-Executed survey, prepared, signed and dated by a Registered Surveyor, must be submitted to and be accepted by the City of Sydney. The plan must be overlaid on a copy of the approved stormwater drainage plans, with variations to locations, dimensions, levels and storage volumes clearly marked; and
  - (c) electronic works-as-executed (as-built) details, certifications, warranties, inspection reports (including Closed Circuit Television reports) and associated documentation for the completed work must be prepared and certified by a suitably qualified hydraulic engineer, in accordance with the requirements of the City of Sydney's technical specifications, the *Public Domain Manual*, the *Stormwater Drainage Manual*, the conditions of this consent and all letters of approval issued by the City of Sydney for works in the public domain, and must be submitted to and be accepted by the City of Sydney.
- D31. All proposed connections to the City's underground drainage system require the owner to enter into a Deed of Agreement with the City of Sydney and obtain registration on Title of a Positive Covenant prior to commencement of operation.
- D32. Prior to commencement of operation, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and be approved by the Certifier and a copy provided to the City of Sydney.
- D33. Prior to commencement of operation, including an Interim Occupation Certificate, a Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- D34. Prior to commencement of operation: (i) A copy of the City's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Certifier;
  - (a) a Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Certifier. The Works-as-Executed plan must be

- overlaid on a copy of the approved stormwater drainage plans for construction, with variations to locations, dimensions, levels and storage volumes clearly marked;
- (b) a Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Certifier;
- (c) evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Certifier;
- (d) the Certifier must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.

#### **Survey Infrastructure - Restoration**

- D35. Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
- (a) certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
  - (b) certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;
  - (c) time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

~~D36. Prior to commencement of operation, all land titles within the site are to be consolidated into one lot and the approved plan of subdivision by Rygate Surveyors is to be registered with NSW Land and Registry Services.~~

**[SSD-9571-Mod-1]**

#### **Bicycle Parking Monitoring Plan**

- D37. Prior to commencement of operation, a bicycle parking monitoring plan shall be prepared in consultation with Council. The plan shall outline surveys or other means of monitoring bicycle parking utilisation rates and identify a trigger for increasing the on-site bicycle parking provision and end of trip facilities in accordance with **Condition B23**.

#### **Registration of Subdivision Plan**

**D38. Prior to commencement of operation, the approved plan of subdivision prepared by Rygate & Company Surveyors is to be registered with NSW Land and Registry Services.**

#### **Requirements of EP&A Act 1979 – Application for a Part 6 Certificate**

**D39. In undertaking the subdivision approved under the consent, the Applicant must comply with the requirements of Part 6 of the Environmental Planning and Assessment Act 1979 in relation to the issue of a Subdivision Certificate.**

**For the purposes of this approval, the issue of a Subdivision Certificate is restricted to the subdivision defined by Condition A2.**

#### **Subdivision Certificate**

**D40. Before granting and Subdivision Certificate, the Certifying Authority must be satisfied that the Applicant has complied with all conditions of this consent that are required to be complied with before a Subdivision Certificate may be issued in relation to the plan of subdivision.**

#### **Statement of Compliance – Completion in Accordance with a Development Consent**

**D41. Prior to the issue of any Subdivision Certificate, a Statement of Compliance is to be provided to the Certifying Authority demonstrating that the proposed subdivision is consistent with relevant conditions of any relevant planning approval/development consent (to the extent that they are relevant and required for that stage) issued in respect to the land proposed to be subdivided.**

#### **Easement Plan/s**

**D42. Prior to the issue of any Subdivision Certificate, the Applicant is to provide the Certifying Authority with an easement plan/s for access, authority services and infrastructure (where required). Alternatively, the Certifying Authority must be satisfied that appropriate agreements or bonds are in place to provide for future easements.**

**If it is proposed to create easements, rights of way, restrictions or covenants, an 88B Instrument must be provided.**

**Compliance Certificate**

**D43. Prior to issue of any Subdivision Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water and shall be provided to the Certifying Authority demonstrating that the development has satisfied the detailed requirements of Sydney Water in respect to water and wastewater.**

**Fire Safety**

**D44. The Fire Engineered Alternative Solution Report, report No. SY120286, Rev R1.0, prepared by Defire, dated 22.12.15 (prepared for the existing childcare centre) is to be updated to reflect the proposed new lot boundaries and any additional fire protection works identified in the updated report are to be undertaken prior to the registration of the approved plan of subdivision.**

**[SSD-9571-Mod-1]**



## PART E - POST OCCUPATION

### Fire Safety Certificate

- E1. 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

### Operation of Plant and Equipment

- E2. 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.

### Operational Noise Limits

- E3. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the *University of Technology Sydney UTS Blackfriars Precinct Research Building SSDA Acoustic Assessment R02 Issue 1* prepared by ARUP and dated 23 August 2019 – as amended by File Note titled *Response to Submissions – DA Acoustic Report* prepared by ARUP and dated 29 January 2020.
- E4. Noise associated with the operation of any plant, machinery, or other equipment on the site, must not exceed 5 dB(A) above the rating background noise level when measured at the boundary of any sensitive receiver.
- E5. The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry, to collect valid data and provide a quantitative assessment of operational noise impacts following occupation of the building. The noise monitoring must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within three months of full occupation of the building. Should the noise monitoring identify any exceedance of the recommended noise levels, the Applicant must implement appropriate on-site noise attenuation measures to ensure operational noise levels do not exceed the recommended noise levels and/or provide noise attenuation measures at the affected noise sensitive receivers.

### Unobstructed Driveways and Parking Areas

- E6. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and parking areas must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### Freight and Servicing

- E7. The operation of the site shall be in accordance with the Freight and Servicing Management Plan (**Condition D8**).
- E8. All loading and unloading associated with the site must be carried out within the site at all times and must not obstruct other properties/units or the public way.
- E9. At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
- E10. The size of vehicles servicing the property must not exceed 12.5 m.

### Bicycle Parking

- E11. The Applicant must monitor the use of the bicycle parking in accordance with the bicycle parking monitoring plan (**Condition D37**) and must increase the bicycle parking spaces to provide 60 spaces when demand is met in accordance with the plan.

### Landscaping

- E12. The landscaping is to be maintained at all times following its installation in accordance with the Operational Landscape Management Plan (**Condition D23**).

### Ecologically Sustainable Development

- E13. Unless otherwise agreed by the Planning Secretary, within 12 months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5-star Green Star As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary.

### Warm Water Systems and Cooling Systems

- E14. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### **Waste and Recycling**

E15. The operation of the site shall be in accordance with the Waste and Recycling Management Plan (**Condition B32**).

## ADVISORY NOTES

### General

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

### Long Service Levy

AN2. 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

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

### EPA

AN4. The EPA recommends the use of 'certified consultants'. Please note that the EPA's *Contaminated Land Consultant Certification Policy*, Ver 2, (dated November 2017) ([https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en&hash=D56233C4833022719BCE0F40F870C19D\\_C273A1F7](https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en&hash=D56233C4833022719BCE0F40F870C19D_C273A1F7)) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the *Contaminated Land Management Act 1997* to be prepared, or reviewed and approved, by a certified consultant.

### Access for People with Disabilities

AN5. 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 Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### Utilities and Services

- AN6. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- AN7. Prior to the commencement of above ground 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.
- AN8. Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the Sydney Water Act 1994.
- AN9. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.

### Road Design and Traffic Facilities

AN10. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (RMS) (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### Road reserve

- AN11. A separate application must be lodged and consent obtained from City of Sydney for any works within the road reserve pursuant to Section 138 of the Roads Act 1993 (NSW). The consent must be obtained, or other satisfactory arrangements confirmed in writing from City of Sydney, before the commencement of construction works within the road reserve.
- AN12. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.
- AN13. All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

### Road Occupancy Licence

AN14. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### SafeWork Requirements

AN15. 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**

AN16. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

AN17. 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

### **Handling of Asbestos**

AN18. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### **Survey Infrastructure**

AN19. Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks

## INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto: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 A23 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. 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.