

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



21/09/2020

David Gainsford
Executive Director
Infrastructure Assessments

Sydney

2020

SCHEDULE 1

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| Application Number: | SSD 9613 |
| Applicant: | University of New England |
| Consent Authority: | Minister for Planning and Public Spaces |
| Site: | Lot 10 DP 1142199 University of New England, Armidale |
| Development: | Demolition of the existing Wright Centre and ancillary infrastructure. Construction of three buildings for student accommodation purposes, one Student Hub building for internal recreation purposes, group study and facility management staff. As well as tree removal, landscaping and 188 new parking spaces. |

DEFINITIONS

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| Aboriginal object | Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i> |
| Aboriginal place | Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i> |
| Accredited Certifier | 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. |
| Advisory Notes | Advisory information relating to the consent but do not form a part of this consent |
| Applicant | University of New England or any other person carrying out any development to which this consent applies |
| Approved disturbance area | The area identified as such on the development layout |
| BCA | Building Code of Australia |
| BC Act | <i>Biodiversity Conservation Act 2016</i> |
| CEMP | Construction Environmental Management Plan |
| Certification of Crown building work | Certification under section 6.28(2) of the EP&A Act |
| Certified Contaminated Land Consultant | 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 |
| Certifier | Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work |
| Conditions of this consent | The conditions contained in Schedule 2 of this document |
| Construction | <p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. <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> |
| Council | Armidale Regional Council |
| Day | The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays |

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| Demolition | The deconstruction and removal of buildings, sheds and other structures on the site |
| Department | NSW Department of Planning, Industry and Environment |
| Development | The development described in the EIS and Response to Submissions, including the works and activities comprising demolition, site preparation, construction and operation of the University of New England New Wright Block, as modified by the conditions of this consent. |
| Earthworks | Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services |
| EES Group | Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage) |
| EIS | The Environmental Impact Statement titled New Wright Block – UNE Armidale, prepared by City Plan dated November 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application |
| ENM | Excavated Natural Material |
| Environment | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings |
| EPA | NSW Environment Protection Authority |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i> |
| Evening | The period from 6pm to 10pm. |
| Feasible | Means what is possible and practical in the circumstances |
| Heritage | Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement |
| Heritage NSW | Heritage, Community Engagement of the Department of Premier and Cabinet |
| Heritage Item | 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 |
| IBRA | Interim Biogeographic Regionalisation for Australia |
| Incident | An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: “material harm” is defined in this consent</i> |
| Land | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act |
| Management and mitigation measures | The management and mitigation measures set out in Section 9 of the EIS. |
| Material harm | Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the |

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| | reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) |
| Minister | NSW Minister for Planning and Public Spaces (or delegate) |
| Mitigation | Activities associated with reducing the impacts of the development prior to or during those impacts occurring |
| Monitoring | Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act |
| Night | The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays |
| Non-compliance | An occurrence, set of circumstances or development that is a breach of this consent |
| NSW RFS | New South Wales Rural Fire Service |
| Operation | The carrying out of the approved purpose of the development upon completion of construction. |
| PA | Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act. |
| Planning Secretary | Planning Secretary under the EP&A Act, or nominee |
| POEO Act | <i>Protection of the Environment Operations Act 1997</i> |
| Reasonable | Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements. |
| Registered Aboriginal Parties | Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW) |
| Rehabilitation | The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting. |
| Response to submissions | 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. |
| Sensitive receivers | A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area. |
| Site | The land defined in Schedule 1 |
| Site Auditor | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i> |
| Site Audit Report | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i> |
| Site Audit Statement | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i> |
| TfNSW | Transport for New South Wales |
| VENM | Virgin Excavated Natural Material |
| Waste | Has the same meaning as the definition of the term in the Dictionary to the POEO Act |
| Year | 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 and Response to Submissions;
 - (d) in accordance with the approved plans in the table below:

| Architectural Plans prepared by <i>Billard and Leece Partnership</i> | | | |
|-----------------------------------------------------------------------------|------------|----------------------------------------------|-------------|
| Dwg No. | Rev | Name of Plan | Date |
| DA-A-0201 | D | Site Plan – Demolition | 30/07/19 |
| DA-A-0301 | B | Site Plan – Proposed Site Plan | 30/07/19 |
| DA-A-0302 | B | Site Plan – Proposed Lower Ground Floor Plan | 30/07/19 |
| DA-A-0303 | B | Site Plan – Proposed Ground Floor Plan | 30/07/19 |
| DA-A-0304 | B | Site Plan – Proposed Level 1 Plan | 30/07/19 |
| DA-A-0305 | B | Site Plan – Proposed Level 2 Plan | 30/07/19 |
| DA-A-0306 | B | Site Plan – Roof Plan | 30/07/19 |
| DA-A-0401 | B | Site Section & Elevations | 30/07/19 |
| DA-A-0601 | B | External Finishes | 30/07/19 |
| DA-H-1001 | B | Lower Ground Plan | 30/07/19 |
| DA-H-1002 | B | Ground Floor Plan | 30/07/19 |
| DA-H-1003 | B | Roof Plan | 30/07/19 |
| DA-H-2001 | B | Elevations | 30/07/19 |
| DA-H-3001 | B | Sections | 30/07/19 |
| DA-N-1001 | B | Ground Floor GA Plan | 30/07/19 |
| DA-N-1002 | B | Level 1 GA Plan | 30/07/19 |
| DA-N-1003 | B | Level 2 GA Plan | 30/07/19 |
| DA-N-1004 | B | Roof GA Plan | 30/07/19 |
| DA-N-2001 | C | Elevations – 01 | 30/07/19 |
| DA-N-2002 | C | Elevations – 02 | 30/07/19 |
| DA-S-2001 | C | Elevations – 01 | 30/07/19 |
| DA-S-2002 | C | Elevations – 02 | 30/07/19 |
| DA-W-1001 | B | Ground Floor GA Plan | 30/07/19 |
| DA-W-1002 | B | Level 1 GA Plan | 30/07/19 |
| DA-W-1003 | B | Level 2 GA Plan | 30/07/19 |
| DA-W-1004 | B | Roof GA Plan | 30/07/19 |

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| DA-W-2001 | C | Elevations – 01 | 30/07/19 |
| DA-W-2002 | C | Elevations – 02 | 30/07/19 |
| DA-W-3001 | C | Sections – Sheet 1 | 30/07/19 |
| Landscape Drawings prepared by Arcadia | | | |
| Dwg No. | Rev | Name of Plan | Date |
| L001 | C | Legend | 11.06.2019 |
| L101 | C | Landscape Masterplan | 11.06.2019 |
| L102 | C | Tree Removal Plan | 11.06.2019 |
| L300 | C | Materials Schedule | 11.06.2019 |
| L301 | C | Hardworks Plan | 11.06.2019 |
| L302 | C | Hardworks Plan | 11.06.2019 |
| L303 | C | Hardworks Plan | 11.06.2019 |
| L304 | C | Hardworks Plan | 11.06.2019 |
| L305 | C | Hardworks Plan | 11.06.2019 |
| L306 | C | Hardworks Plan | 11.06.2019 |
| L307 | C | Hardworks Plan | 11.06.2019 |
| L400 | C | Planting Schedule | 11.06.2019 |
| L401 | C | Softworks Plan | 11.06.2019 |
| L402 | C | Softworks Plan | 11.06.2019 |
| L403 | C | Softworks Plan | 11.06.2019 |
| L404 | C | Softworks Plan | 11.06.2019 |
| L405 | C | Softworks Plan | 11.06.2019 |
| L406 | C | Softworks Plan | 11.06.2019 |
| L407 | C | Softworks Plan | 11.06.2019 |
| L501 | C | Landscape Section A | 11.06.2019 |
| L502 | C | Landscape Section B | 11.06.2019 |
| L503 | C | Landscape Section C | 11.06.2019 |
| L504 | C | Landscape Section D | 11.06.2019 |
| L505 | C | Landscape Section E | 11.06.2019 |
| L601 | C | Landscape Details Paving + Edging | 11.06.2019 |
| L610 | C | Landscape Details Walls | 11.06.2019 |
| L620 | C | Landscape Details Steps + Terraces | 11.06.2019 |
| L630 | C | Landscape Details Structures + Timber | 11.06.2019 |
| L640 | C | Landscape Details Planting | 11.06.2019 |
| L700 | C | Landscape Specification | 11.06.2019 |

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- 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;
 - 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 A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent lapses five years after the date of consent unless work is physically commenced.

Prescribed Conditions

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

Planning Secretary as Moderator

- A7. 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.

Evidence of Consultation

- A8. 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 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

- A9. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A10. A Staging Report prepared in accordance with condition A9 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.

- A12. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

Staging, Combining and Updating Strategies, Plans or Programs

A13. The Applicant may:

- (a) prepare and submit any strategy, plan (including management plan, architectural or design 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 (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
- (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
- (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or 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).

A14. Any strategy, plan or program prepared in accordance with condition A13, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

A15. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design 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.

A16. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Structural Adequacy

A17. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*
- *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.*

External Walls and Cladding

A18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

A19. 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.

A20. 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

A21. 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, Site audit report and independent auditing.

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

Access to Information

A22. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

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

Compliance

A23. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

A24. The Planning Secretary must be notified through the major projects portal 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.

A25. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

A26. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major project portal within seven days after they identify any non-compliance.

A27. 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.

- A28. 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

- A29. Within three months of:

- (a) the submission of a compliance report under condition B33;
- (b) the submission of an incident report under condition A25;
- (c) the submission of an Independent Audit under condition C38;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.

- A30. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) 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.

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- B1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- B2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- B3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

External Walls and Cladding

- B4. Prior to the commencement of construction, 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.

Protection of Public Infrastructure

- B5. Prior to 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 Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- B6. 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.

Unexpected Contamination Procedure

- B7. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition B12 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

Ecologically Sustainable Development

- B8. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
 - (a) registering for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
 - (b) seeking approval from the Planning Secretary for an alternative certification process.

Outdoor Lighting

- B9. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier 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.

Demolition

- B10. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

Environmental Management Plan Requirements

- B11. 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: *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

Construction Environmental Management Plan

- B12. 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 site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B13);
 - (c) Construction Noise and Vibration Management Sub-Plan (see condition B14);
 - (d) Construction Waste Management Sub-Plan (see condition B15);
 - (e) Construction Soil and Water Management Sub-Plan (see condition B16);
 - (f) Biodiversity Management Sub-Plan (see condition B17);
 - (g) an unexpected finds protocol for contamination and associated communications procedure;
 - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
 - (i) 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; and
- B13. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) include Traffic Control Plans prepared and implemented by a suitably qualified persons in accordance with the "Traffic Control at Worksites Manual", containing measures to manage vehicle speed, pedestrians and cyclists.
 - (d) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
 - (e) detail heavy vehicle routes, access and parking arrangements.
- B14. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) include the relevant recommendations and mitigation measures of the Construction Noise and Vibration Assessment.
 - (d) include a noise validation assessment considering all equipment to be used and all mitigation measures to be implemented. If predicted noise levels still exceed the calculated noise management levels, then the Applicant should examine further feasible and reasonable work practices and/or mitigation measures that can be applied to minimise noise levels.
 - (e) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (f) include strategies that have been developed with the community for managing high noise generating works;
 - (g) describe the community consultation undertaken to develop the strategies in condition B14(f);

- (h) include a complaints management system that would be implemented for the duration of the construction; and
 - (i) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition B11(d).
- B15. The Construction Waste Management Sub-Plan (CWMSP) 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; and
 - (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 facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of construction.
- B16. The Construction Soil and Water Management Sub-Plan (CSWMSP) must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (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 a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (d) detail all off-Site flows from the Site; and
 - (e) 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).
- B17. The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:
- (a) the measures proposed to mitigate and manage impacts in Table 22 of the Biodiversity Development Assessment Report dated 1 November 2019 and prepared by Eco Logical Australia.
- B18. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;
 - (c) minimise road traffic noise; and
 - (d) ensure truck drivers use specified routes.

Soil and Water

- B19. Prior to the commencement of construction, the Applicant must:
- (a) install erosion and sediment controls on the site to manage wet weather events;
 - (b) divert existing clean surface water around operational areas of the site;
 - (c) direct all sediment laden water in overland flow away from the leachate management system; and
 - (d) prevent cross-contamination of clean and sediment or leachate laden water.
- B20. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

- B21. Prior to the commencement of construction, the Applicant 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.

Construction Parking

- B22. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

Operational Noise – Design of Mechanical Plant and Equipment

- B23. Prior to installation of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the Mechanical Noise Emission Assessment – Wright Block dated 9/07/2019 and prepared by Acoustic Logic, 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 Mechanical Noise Emission Assessment – Wright Block dated 9/07/2019 and prepared by Acoustic Logic.

Biodiversity

- B24. Prior to the commencement of vegetation clearing, the class and number of ecosystem credits in the table below must be retired to offset the residual biodiversity impacts of the development.
- B25. The requirement to retire credits in condition B24 above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).
- B26. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B24 must be provided to the Planning Secretary prior to carrying out development that will impact on biodiversity values.

| Impacted plant community type | Number of ecosystem credits | IBRA subregion | Plant community type(s) that can be used to offset the impacts from development |
|--------------------------------------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| PCT 510 Blakely's Red Gum – Yellow Box grassy woodland of the New England Tableland Bioregion | 2 | Armidale Plateau, Bundarra Downs, Coffs Coast and Escarpment, Eastern Nandewars, Ebor Basalts, Glenn Innes-Guyra Basalts, Macleay Gorges, Moredun Volcanics, Round Mountain, Walcha Plateau, Wongawibinda Plateau and Yarrowyck-Kentucky Downs. Or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site. | 489, 501, 510, 533, 539, 571, 704, 734, 853, 1118, 1332, 1512. |

Landscaping

- B27. Prior to the commencement of construction, the Applicant must prepare a revised Landscape Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Certifier and a copy provided to the Planning Secretary. The plan must:
- provide for the planting of a minimum 90 trees, with a minimum pot size of 75 litres and a minimum of 60 trees with a minimum pot size of 100 litres or greater within the subject site;

- (b) in addition to the 150 trees required by condition B27(a) provide for a minimum of 27 koala feed trees in the eastern part of Lot 10 DP 1142199 and along the boundary of Elm Avenue. The trees must be semi-advanced and be planted in landscaped areas with suitable spacings to establish mature canopies, including species such as *Eucalyptus albens* (White Box), *Eucalyptus melliodora*, *Eucalyptus blakelyi*, *Eucalyptus nova-anglica* and *Eucalyptus tereticornis*;
 - (c) detail the location, species, maturity and height at maturity of plants to be planted on-site.
 - (d) include species (trees, shrubs and groundcovers) indigenous to the local area.
 - (e) include the provision of street tree planting. Species and spacing of trees to be determined in consultation with Council.
 - (f) include the provision of nest boxes suitable to native fauna likely to use the site.
- B28. A pre-clearing plan is to be prepared prior to any tree removal, which is to include a pre-clearing survey prepared by a suitably qualified ecologist, detailing: all vegetation to be removed; identification of fauna habitats that are present and likely to be affected; preferred relocation areas for species and habitats; vegetation protocols; hollow-bearing tree removal protocols; and management of displaced fauna. The suitably qualified ecologist is to be on site during tree felling to ensure no native fauna are present during tree removal.

Operational Waste Storage and Processing

- B29. Prior to the commencement of construction, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

Roadworks and Access

- B30. Prior to the commencement of construction, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a 12.5 metre Heavy Rigid Vehicle.

Operational Car Parking and Service Vehicle Layout

- B31. Prior to the commencement of construction, compliance with the following requirements must be submitted to the Certifier:
- (a) all vehicles must enter and leave the Site in a forward direction;
 - (b) on-site car parking spaces for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
 - (c) the swept path of the longest construction vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with the latest version of AS 2890.2; and
 - (d) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed.

Public Domain Works

- B32. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

Compliance Reporting

- B33. No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifier.

- B34. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- B35. Compliance Reports of the development must be submitted to the Planning Secretary in accordance with timing outlined in the Compliance Monitoring and Reporting Program.
- B36. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.
- B37. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), 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.

PART C DURING CONSTRUCTION

Site Notice

- C1. 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

- C2. 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.

Demolition

- C3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition B10.

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.
- No work may be carried out on Sundays or public holidays.
- C5. 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; or
 - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- C6. 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.
- C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

Implementation of Management Plans

- C8. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

Construction Traffic

- C9. 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 or an approved on-street work zone before stopping.

Construction Works

- C10. All construction workers onsite are to partake in an induction which will advise workers of the presence of koalas on site and that all care should be taken during construction works to mitigate vehicle strikes.

Hoarding Requirements

- C11. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
 - (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.

No Obstruction of Public Way

- C12. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Construction Noise Limits

- C13. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- C14. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C4.
- C15. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

- C16. 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).
- C17. 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 C16.
- C18. The limits in conditions C16 and C17 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C20 of this consent.

Tree Protection

- C19. For the duration of the construction works:

- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- (b) all street trees immediately adjacent to the approved disturbance area / property boundary/ies must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arboricultural Impact Assessment dated 22 May 2019 and prepared by ArborSafe; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Air Quality

C20. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

C21. 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

C22. 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'.

Imported Soil

C23. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

Disposal of Seepage and Stormwater

C24. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Stormwater Management System

- C25. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with applicable Australian Standards; and
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;

Unexpected Finds Protocol – Aboriginal Heritage

- C26. 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.

Unexpected Finds Protocol – Historic Heritage

- C27. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

Waste Storage and Processing

- C28. 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.
- C29. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C30. 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.
- C31. 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.
- C32. 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.

Outdoor Lighting

- C33. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Independent Environmental Audit

- C34. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- C35. Prior to the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018), as amended by condition B23, must be submitted to the Planning Secretary and the Certifier.

- C36. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:
- (a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and
 - (b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.
- C37. 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 four weeks notice to the applicant of the date upon which the audit must be commenced.
- C38. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition C35 of this consent; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C39. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C38 of this consent;
 - (b) submit the response to the Planning Secretary and the Certifier; and
 - (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.
- C40. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Department within 21 days of the date referenced in the Independent Audit Program, unless otherwise agreed by the Planning Secretary.
- C41. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

PART D PRIOR TO COMMENCEMENT OF OPERATION

Notification of Occupation

- D1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary 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.

Post-construction Dilapidation Report

- D4. 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.

Protection of Public Infrastructure

- D5. 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: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by B9 of this consent.

Protection of Property

- D6. 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.

Utilities and Services

- D7. Prior to commencement of operation, a compliance certificate under the section 307 of the *Water Management Act 2000* must be obtained from Council and submitted to the Certifier.

Works as Executed Plans

- D8. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Green Travel Plan

- D9. Prior to the commencement of operation, an updated Green Travel Plan (GTP), must be submitted to the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:

- (a) be prepared by a suitably qualified traffic consultant in consultation with Armidale Dumaresq Regional Council and Transport for NSW;
- (b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
- (c) include specific tools and actions to help achieve the objectives and mode share targets;
- (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
- (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

Bush fire management

- D10. The entire development site is to be managed (Landscaping) as an Inner Protection Area (IPA) as outlined with section 4.1.3 and Appendix 4 of Planning for Bushfire Protection 2018.
- D11. Abbott Road is to be maintained as two-way and provision of fire hydrants be located along Abbott Road outside parking and carriageway. Fire hydrant spacing, design and sizing is to comply with the Australian Standard AS2419.1:2005.

Mechanical Ventilation

- D12. Prior to commencement of operation, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
 - (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
 - (b) any dispensation granted by Fire and Rescue NSW.

Operational Noise – Design of Mechanical Plant and Equipment

- D13. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Mechanical Noise Emission Assessment – Wright Block dated 9/07/2019 and prepared by Acoustic Logic have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

Car Parking Arrangements

- D14. Prior to the commencement of operation, evidence must be submitted to the Planning Secretary that demonstrates that the 388 car parking spaces associated with this consent are completed and available for use.

Bicycle Parking

- D15. Prior to occupation, compliance with the following requirements for secure bicycle parking must be submitted to the satisfaction of the Certifier:
 - a) the provision of a minimum 36 bicycle parking spaces;
 - b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
 - c) appropriate pedestrian and cyclist advisory signs are to be provided; and
 - d) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Road Damage

- D16. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Fire Safety Certification

- D17. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- D18. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of 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.

Compliance with Food Code

- D19. Prior to the commencement of operation, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

Stormwater Quality Management Plan

- D20. Prior to the commencement of operation, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Warm Water Systems and Cooling Systems

- D21. 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

- D22. 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.

Signage

- D23. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff and student car parking must be installed.
- D24. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- D25. Appropriate traffic management treatments, including signposting and line marking, are to be provided at the intersections of Abbott Rd/Elm Ave and Meredith Rd/Elm Ave to manage vehicle speeds and provide separation between pedestrians, cyclists and vehicles. An additional pedestrian crossing is also to be provided on Abbott Rd. Prior to installation, all proposed traffic management treatments must be forwarded to Council's Traffic Committee to ensure they are enforceable.

Operational Waste Management Plan

- D26. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
 - (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - (c) detail the materials to be reused or recycled, either on or off site; and
 - (d) include the Management and Mitigation Measures included in EIS.

Landscaping

- D27. Prior to the commencement of operation, the new trees required by condition B27 are to be planted in accordance with the revised landscape plan.

PART E POST OCCUPATION

Operation of Plant and Equipment

- E1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

- E2. 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.

Operational Noise Limits

- E3. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Mechanical Noise Emission Assessment – Wright Block dated 9/07/2019 and prepared by Acoustic Logic.
- E4. An acoustic assessment is to be completed once the type and location of mechanical plant has been finalised. The mechanical plant should be selected, built and operated so that all mechanical plant, operating simultaneously, do not exceed the project specific noise criteria identified in Mechanical Noise Emission Assessment – Wright Block dated 9/07/2019 and prepared by Acoustic Logic at any residence for the most restrictive period that the plant will be operating.
- E5. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels identified in Mechanical Noise Emission Assessment – Wright Block dated 9/07/2019 and prepared by Acoustic Logic. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide 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 car spaces 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.

Green Travel Plan

- E7. The Green Travel Plan required by condition D9 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Ecologically Sustainable Development

- E8. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition B8, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

- E9. Notwithstanding condition D22, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Landscaping

- E10. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D27 for the duration of occupation of the development.

APPENDIX 1 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.

Access for People with Disabilities

AN4. 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.

AN5. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2019.

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.

Road Design and Traffic Facilities

AN8. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (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 Occupancy Licence

AN9. 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

AN10. 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

AN11. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN12. 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.

Fire Safety Certificate

AN13. 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.

APPENDIX 2 WRITTEN 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 Planning Secretary through the major projects portal 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 A28 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.