

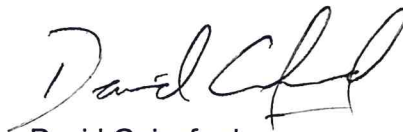
# Development consent

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

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I approve the development referred to in schedule 1, subject to the conditions in schedule 2.

These conditions are required to:

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



David Gainsford  
**Executive Director**  
**Priority Projects Assessments**

Sydney 23rd September 2016

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### SCHEDULE 1

<b>Application No.:</b>	SSD 7382
<b>Applicant:</b>	The University of Technology Sydney
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Broadway Precinct, UTS City Campus, Ultimo (Lot 2012 DP 1183894)
<b>Development:</b>	<p>Construction and use of an education building, including:</p> <ul style="list-style-type: none"><li>• site preparation works, including demolition of existing Building 2 to ground level and associated tree removal;</li><li>• construction of a new 15 storey Building 2, including a part five storey podium and one level of plant, above an existing two level basement;</li><li>• construction of a four storey extension of podium of Building 1 along Broadway;</li><li>• public domain improvements works;</li><li>• landscaping works;</li><li>• staged construction of the two buildings; and</li><li>• extension and augmentation of physical infrastructure/utilities.</li></ul>

## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	The University of Technology Sydney
Application	The development application for a concept proposal and the accompanying building envelope drawing plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	City of Sydney Council
Certification of Crown Building works	Certification under s109R of the EP&A Act
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment or its successors
Evening	The period from 6 pm to 10 pm
Environmental Impact Statement (EIS)	Environmental Impact Statement titled <i>State Significant Development Application, SSD 7382 Environmental Impact Statement, University of Technology Sydney, UTS Central Project</i> , prepared by JBA Urban Planning Consultants Pty Ltd, May 2016.
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning, or nominee
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage, or its successor
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
Response to Submissions (RtS)	Response to Submissions report titled <i>Response to Submissions, State Significant Development Application 7382, University of Technology Sydney, UTS Central Project</i> , prepared by JBA Urban Planning Consultants Pty Ltd, August 2016.
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Site preparatory works	Site preparation works, including demolition of existing Building 2 to ground level and associated tree removal
Subject Site	Broadway Precinct, UTS City Campus, Ultimo (Lot 2012 DP 1183894).
Zone of Influence	The horizontal distance from the edge of the excavation site or any construction zone (including on-site haulage routes) to twice the maximum excavation depth



## SCHEDULE 2

### A ADMINISTRATIVE CONDITIONS

#### Development Description

- A1. Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule 1.

#### Development in Accordance with Plans and Documents

- A2. The Applicant must carry out the project in accordance with the conditions of consent and generally in accordance with the:
- a) State Significant Development Application SSD 7382;
  - a) *State Significant Development Application, SSD 7382 Environmental Impact Statement, University of Technology Sydney, UTS Central Project*, prepared by JBA Urban Planning Consultants Pty Ltd, May 2016, except where amended by the *Response to Submissions, State Significant Development Application 7382, University of Technology Sydney, UTS Central Project*, prepared by JBA Urban Planning Consultants Pty Ltd, August 2016;
  - b) The conditions of this consent; and
  - c) The following drawings, except for:
    - i) any modifications which are Exempt or Complying Development; and
    - ii) otherwise provided by the conditions of this consent.

<b>Architectural (or Design) Drawings prepared by FJMT and Lacoste + Stevenson and Daryl Jackson Robin Dyke Pty Ltd Architects</b>			
<b>Drawing No.</b>	<b>Issue</b>	<b>Name of Plan</b>	<b>Date</b>
DA1001	A	Site plan Location plan	05/2016
DA1002	A	Ground plane and Level 4	05/2016
DA2001	A	General Arrangement Demolition – Level 1	05/2016
DA2002	A	General Arrangement Demolition – Level 2	05/2016
DA2003	A	General Arrangement Demolition – Level 3	05/2016
DA2004	A	General Arrangement Demolition – Level 4	05/2016
DA2005	A	General Arrangement Demolition – Level 5	05/2016
DA2006	A	General Arrangement Demolition – Level 6	05/2016
DA2007	A	General Arrangement Demolition – Level 7	05/2016
DA2008	A	General Arrangement Demolition – Level 8	05/2016
DA2201	A	General Arrangement Proposed – Level 1	05/2016
DA2202	A	General Arrangement Proposed – Level 2	05/2016
DA2203	A	General Arrangement Proposed – Level 3	05/2016
DA2204	A	General Arrangement Proposed – Level 4	05/2016
DA2205	A	General Arrangement Proposed – Level 5	05/2016
DA2206	A	General Arrangement Proposed – Level 6	05/2016
DA2207	A	General Arrangement Proposed – Level 7	05/2016
DA2208	A	General Arrangement Proposed – Level 8	05/2016
DA2209	A	General Arrangement Proposed – Level 9	05/2016
DA2210	A	General Arrangement Proposed – Level 10	05/2016
DA2211	A	General Arrangement Proposed – Level 11	05/2016
DA2212	A	General Arrangement Proposed – Level 12	05/2016
DA2213	A	General Arrangement Proposed – Level 13	05/2016

DA2214	A	General Arrangement Proposed – Level 14	05/2016
DA2215	A	General Arrangement Proposed – Level 15	05/2016
DA2216	A	General Arrangement Proposed – Level 16	05/2016
DA2217	A	General Arrangement Proposed – Level 17	05/2016
DA2218	A	General Arrangement Proposed – Roof Level	05/2016
DA3010	A	South (Broadway) Elevation 1:250	05/2016
DA3011	A	North (Alumni Green) Elevation 1:250	05/2016
DA3012	A	West (Jones Street) Elevation 1:250	05/2016
DA3013	A	East (CB01) Elevation 1:250	05/2016
DA3014	A	Section A 1:250	05/2016
DA3015	A	Section B 1:250	05/2016
DA3016	A	Section C 1:250	05/2016
DA8010	A	Materials Sample Board	05/2016
1	A	Broadway Façade – Elevation and Views	07/2016
<b>Landscape (or Design) Drawings prepared by FJMT and Lacoste + Stevenson and Daryl Jackson Robin Dyke Pty Ltd Architects</b>			
Drawing No.	Issue	Name of Plan	Date
DA	A	Landscape Site Plan	05/2016
DA	A	Landscape – Level 4	05/2016
DA	A	Landscape – Level 8	05/2016
DA	A	Landscape – Level 8 & Level 17	05/2016
DA	A	Landscape – Sections	05/2016

### **Inconsistency between documents**

- A3. If there is any inconsistency between the plans and documentations referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.
- A4. The Applicant must comply with any reasonable requirements of the Secretary arising from the Department's assessment of:
- any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; and
  - the implementation of any actions or measures contained in these documents.

### **Design Quality Excellence**

- A5. In order to ensure the design quality excellence of the development is retained:
- the design architects (*FJMT and Lacoste + Stevenson and Daryl Jackson Robin Dyke Pty Ltd Architects*) are to have direct involvement in the design documentation, contract documentation and construct stages of the project;
  - the detailed design of the podium during each stage of construction must be designed by the original competition winning architects, *Lacoste + Stevenson*;
  - the design architect is to have full access to the site and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project;
  - evidence of the design architect's commission is to be provided to the Department prior to certification of any Crown building works, except for site preparatory works;



- e) the detailed design of the podium during each stage of construction must be submitted to the NSW Government Architect prior to certification of any Crown building works, except for site preparatory works; and
- f) the following design elements must be clearly identified in the detailed design drawings and any changes to materials or design in relation to these elements must be approved by the Secretary or the NSW Government Architect:
  - i) the operable awning windows forming part of the clear flush glazing used for the central north facing 'winter gardens';
  - ii) the relationship of each 'slipped' slab to the next;
  - iii) the curvature, form and frit of the glass; and
  - iv) the location and enclosure of the Collaborative Learning Theatre.

A6. The design architects for the project are not to be changed without prior notice and approval of the Secretary.

#### **Building Code of Australia Compliance**

A7. All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- a) complying with the deemed to satisfy provisions, or
- b) formulating an alternative solution which:
  - i) complies with the performance requirements, or
  - ii) is shown to be at least equivalent to the deemed to satisfy provision, or
  - iii) a combination of a) and b).

#### **Development Expenses**

A8. It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

#### **Lapsing of approval**

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

#### **Prescribed Conditions**

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

#### **Dispute Resolution**

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

#### **Long Service Levy**

A12. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

#### **Legal Notices**

A13. Any advice or notice to the consent authority shall be served on the Secretary.

## **B PRIOR TO COMMENCEMENT OF WORKS**

### **Underground Petroleum Storage Systems**

- B1. A validation report shall be submitted to the Certifying Authority prior to the commencement of any works, except for site preparatory works, to verify that the Underground Petroleum Storage Systems have been removed in accordance with the requirements of *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014*.

### **Public Domain Damage Deposit**

- B2. Prior to commencement of any works, a Public Domain Damage Deposit (calculated on the basis of a total of 4 lineal metres of asphalt footway on the Broadway and Jones Street site frontages) must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges.
- B3. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

### **Demolition**

- B4. All demolition work shall comply with the provisions of Australia Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

### **Future Rail Corridor**

- B5. Prior to the commencement of works, except for site preparatory works, the Applicant is to submit to Transport for NSW for review and endorsement:
- a) the design and construction of the basement levels, foundations and ground anchors for the approved development; and
  - b) detailed building foundation designs and construction measures.
- B6. No modifications may be made to the approved design in B5 without the consent of Transport for NSW.
- B7. Transport for NSW, and persons authorised by it for this purpose, are entitled to inspect the site and all structures to enable it to consider whether those structures on the site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

### **Certified Plans**

- B8. Plans certified in accordance with section 109R of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

### **Ecologically Sustainable Development**

- B9. Prior to the commencement of the works (excluding site preparatory works), the Applicant shall submit details of all design, operation and construction measures to the Certifying Authority demonstrating that the proposed new building has been designed to achieve a minimum 5 star Green Star Design rating.



### **Public Domain Works**

- B10. Prior to the commencement of any footpath or public domain works, the Applicant shall consult with Council and Transport for NSW and demonstrate to the Certifying Authority that the streetscape design and treatment meets the requirements of these authorities, including addressing pedestrian management. The Applicant shall submit documentation of approval for each stage from Council and Transport for NSW to the Certifying Authority.
- B11. Prior to the commencement of any footpath or public domain works, the Applicant shall consult with Council to prepare a Public Domain Lighting Plan and demonstrate to the Certifying Authority that the plan addresses Council's requirements.

### **Landscaped Terrace**

- B12. Prior to the commencement of any works, except for site preparatory works, a detailed plan of the northern roof terrace to Level 8 must be prepared by a qualified landscape architect. The plan must be submitted to and approved by the Certifying Authority and must include the following details:
- c) evidence that the terrace has been assessed as part of the structural certification provided for the development; and
  - d) evidence that the terrace has been assessed as part of the waterproofing certification provided for the development

### **Notice of Commencement of Works**

- B13. The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of each stage of works on the subject site.

### **Reflectivity**

- B14. The building materials used on the facades of the buildings must have a maximum normal specular reflectivity of visible light of 20 per cent and must be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A statement demonstrating compliance with these requirements or where compliance cannot be met a report that demonstrates that the exceedance would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers is to be submitted to the satisfaction of the Certifying Authority prior to the commencement of works, except for site preparatory works.

### **Outdoor Lighting**

- B15. All outdoor lighting within the site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to commencement of works, except for site preparatory works.

### **Access for People with Disabilities**

- B16. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any construction drawings.

### **Erosion and Sedimentation Control**

- B17. A soil erosion and sediment control plan must be developed in accordance with the document *Managing Urban Stormwater-Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to commencement of works involving vegetation removal or soil disturbance.



### **Pre-Construction Dilapidation Reports**

B18. The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings within the site, infrastructure and roads within the 'zone of influence' or public domain areas adjoining the site. The report must be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works.

### **Bicycle Parking**

B19. Plans demonstrating compliance with the following bicycle parking requirements shall be submitted to the satisfaction of the Certifying Authority prior to commencement of works, except for site preparatory works:

- a) the provision of an additional minimum 150 bicycle spaces, 17 showers and 150 lockers on the campus;
- b) the layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Bicycle Parking Facilities, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- 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.

### **Noise Management Measures**

B20. Prior to commencement of works, the Applicant must incorporate the noise mitigation recommendations in the *UTS Central Project Acoustic Report for State Significant Development* prepared by Acoustic Studio, dated 27 April 2016, in the detailed design drawings and submit to the Department documentation demonstrating that the noise impacts have been adequately mitigated to not exceed the recommended operational noise levels for mechanical plant identified in the report.

### **Structural Details**

B21. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

- a) the relevant clauses of the BCA; and
- b) the development consent.

### **Mechanical Ventilation**

B22. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the Building Code of Australia and must comply with the Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

### **Stormwater and Drainage Works Design**

B23. Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Council must be submitted to the Certifying Authority prior to the commencement of works, except for site preparatory works. The hydrology and hydraulic calculations must be based on models described in the current edition of Australian Rainfall and Runoff.

### **Construction Environmental Management Plan**

B24.

- a) Prior to the commencement of works on the Subject Site, a CEMP that addresses those works must be submitted to the Certifying Authority. The Plan must address, but not be limited to, the following matters where relevant:



- i) hours of work;
  - ii) 24 hour contact details of site manager;
  - iii) traffic management, in consultation with the local Council, including a designated off-street car parking area for construction related vehicles;
  - iv) construction noise and vibration management, prepared by a suitable qualified person;
  - v) management of dust to protect the amenity of the neighbourhood;
  - vi) erosion and sediment control;
  - vii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
  - viii) external lighting in compliance with AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting;
  - ix) an Unexpected Finds Protocol (UFP); and
  - x) waste classification (for materials to be removed) and validation (for materials to remain) during construction to confirm the contamination status in these areas of the site.
- c) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
  - d) The Applicant must submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.

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

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

B26. The Applicant must prepare a Construction Noise and Vibration Management Plan (CNVMP) and the plan must:

- a) be prepared by a suitably qualified expert and submitted to the Certifying Authority;
- b) be prepared in consultation with all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
- c) describe the measures that would be implemented to ensure:
  - i) best management practice is being employed;
  - ii) compliance with the relevant conditions of this consent;
- d) describe the proposed noise and vibration management measures in detail;
- e) include strategies that have been developed to address impacts to noise sensitive receivers where noise levels exceed the construction noise management level, for managing high noise generating works;
- f) describe the consultation undertaken to develop the strategies in e) above;
- g) evaluates and reports on the effectiveness of the noise and vibration management measures; and
- h) include a complaints management system that would be implemented for the duration of the project.

B27. The CNVMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

#### **Construction Waste Management Plan**

B28.

- a) Prior to the commencement of works on the Subject Site, a Construction Waste Management Plan (CWMP), prepared by a suitably qualified person in consultation with the Council, must be submitted to the Certifying Authority. The Plan must address, but not be limited to, the following matters:
  - i) recycling of demolition materials including concrete; and

- ii) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The Applicant must submit a copy of the plan to the Department and to the Council prior to the commencement of work.
- d) The Applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

B29. The CWMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

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

B30.

- a) Prior to the commencement of works on the Subject Site, Traffic and Pedestrian Management Plan (TMP) prepared by a suitably qualified person must be submitted to the Certifying Authority. The Plan must be prepared in consultation with the Council, CBD Coordination Office within Transport for NSW and RMS.
- b) The Plan must address, but not be limited to, the following matters:
  - i) ingress and egress of vehicles to the Subject Site, including Swept path analysis;
  - ii) impacts on cyclists and pedestrians and bus services;
  - iii) cumulative construction impacts of projects, including Sydney Light Rail Project;
  - iv) loading and unloading, including construction zones;
  - v) predicted traffic volumes, types and routes; and
  - vi) pedestrian and traffic management methods.
- c) Any alterations to the public road, involving traffic and parking arrangements, must be referred to and approved by the relevant traffic committee.
- d) The Applicant must submit a copy of the final plan to the Council, prior to the commencement of works.

B31. The TMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

### **Utility Services**

B32. Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the building structure.

B33. Prior to the commencement of works, except for site preparatory works, written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.



## **C DURING CONSTRUCTION**

### **Hours of Work**

- C1. The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:
- a) between 7 am and 6 pm, Mondays to Fridays inclusive;
  - b) between 7.30 am and 3.30 pm, Saturdays; and
  - c) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- i) the delivery of materials is required outside these hours by the Police or other authorities; or
- ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
- iii) variation is approved in advance in writing by the Secretary or her nominee.

### **Erosion and Sediment Control**

- C2. All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### **Disposal of Seepage and Stormwater**

- C3. Any seepage or rainwater collected on-site during construction or ground water shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

### **Approved Plans to be On-site**

- C4. A copy of the approved and certified plans, specifications and documents incorporating conditions of consent and certification shall be kept on the subject site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

### **Site Notice**

- C5.
- a) A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
  - b) The site notice(s) is to satisfy all but not be limited to, the following requirements:
    - i) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;
    - ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
    - iii) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
    - iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

## **Protection of Trees**

C6.

- a) No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.
- b) All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of Council.
- c) All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

## **Protection of Stone Kerbs**

C7.

- a) The existing stone kerbs on the sites frontages are to be retained and properly protected during excavation and construction works.
- b) Temporary removal and storage may be approved by Council to avoid damage.

## **Construction Noise Management**

- C8. The development must be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the Construction Noise and Vibration Management Plan.
- C9. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C10. The Applicant must schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved by the Secretary:
  - a) 9 am to 12 pm, Monday to Friday;
  - b) 2 pm to 5 pm Monday to Friday; and
  - c) 9 am to 12 pm, Saturday.
- C11. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- C12. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

## **Vibration Criteria**

- C13. Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
  - a) for structural damage vibration; German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
  - b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6872 – Guide to Evaluate Human Exposure to Vibration in Buildings (1 Hz to 80 Hz) for low probability of adverse comment.



- C14. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- C15. These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Secretary.

#### **Work Cover Requirements**

- C16. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant Work Cover requirements.

#### **Hoarding Requirements**

- C17. The following hoarding requirements must be complied with:
- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
  - b) the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

#### **No obstruction of public way**

- C18. 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.

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

- C19. If any unexpected archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area and the OEH Heritage Division 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 Heritage Division of the Office of Environment and Heritage.

#### **Discovery of Aboriginal Heritage**

- C20. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and OEH to develop and implement management strategies for all projects/sites.

## **D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Green Travel Plan**

- D1. Prior to the occupation of any stage of the building, the Applicant shall submit to the Department a copy of a Green Travel Plan, prepared by suitably qualified person(s) in consultation with Council, to promote the use of active and sustainable transport modes.

### **Public Domain Works**

- D2. Prior to the occupation of each stage of the building, the Applicant shall submit to the Council works-as-executed plans for each stage of the public domain works. Prior to occupation of each stage of the building, the Applicant must submit documentation to the Certifying Authority demonstrating that the works have been completed to Council's satisfaction.

### **Jones Street Upgrade Works**

- D3. Prior to the occupation of any stage of the building, the Applicant shall submit to the Department documentation of consultation with Council and a final endorsed plan for the upgrade of Jones Street. The works must be completed in accordance with the undertaking made in Appendix I of the RtS dated 14 July 2016, unless otherwise approved by the Secretary.

### **Damage to Stone Kerbs**

- D4. Any damaged stone kerbs must be replaced and any removed stone kerbs must be reinstated to the satisfaction of Council prior to the commencement of use of each stage of the construction unless works have commenced on the next stage.

### **Street Trees**

- D5. New trees on Broadway and Jones Street must be consistent with the species selection in Council's Street Tree Master Plan (STMP). The trees must be planted in accordance with Council's requirements and must be planted prior to commencement of use of the relevant stage of the building.

### **Ecologically Sustainable Development**

- D6. Prior to the occupation of Building 2, the Applicant shall submit details to the Certifying Authority demonstrating that the subject building has achieved a minimum 5 star Green Star Design rating.

### **Mechanical Ventilation**

- D7. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Certifying Authority, prior to commencement of use of each stage of the building, that the installation and performance of the mechanical systems complies with:
- a) the Building Code of Australia;
  - b) Australian Standard AS1668 and other relevant codes;
  - c) the development consent and any relevant modifications; and
  - d) any dispensation granted by the New South Wales Fire Brigade.

### **Road Damage**

- D8. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to commencement of use of the each stage of the building.



### **Compliance Certificate**

- D9. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

### **Post-construction Dilapidation Report**

- D10. Prior to commencement of use of each stage of the building:

- a) The Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- b) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
  - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
  - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- c) A copy of this report is to be forwarded to the Council.

### **Fire Safety Certification**

- D11. Prior to commencement of use of each stage 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**

- D12. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to commencement of use of each stage of the building. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **Signage**

- D13. Wayfinding signage for pedestrians and cyclists must be installed prior to commencement of use of each of the stages.

### **Registration of Easements**

- D14. Prior to commencement of use, the Applicant must provide to the Certifying Authority evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

### **Food Preparation Areas**

- D15. All food premises must be designed and constructed to comply with Food Safety Standard 3.2.3 *Food Premises and Equipment* of the Food Standards Code.
- D16. 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 Australian Standard AS4674 *Design, construction and fit-out of food premises*. The Applicant shall provide evidence of receipt of the certificate to the satisfaction of the Certifying Authority prior to the occupation of the building(s) or commencement of the use.
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## **E POST OCCUPATION**

### **Green Travel Plan**

- E1. The Green Travel Plan required by condition D1 of this consent must be updated annually and implemented.

### **Street Trees**

- E2. Each street tree planted on Broadway or Jones Street must be maintained for a minimum period of 12 months (from the date of planting for each tree) and written approval received from Council prior any tree being handed-over to Council.

### **Loading and Unloading**

- E3. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the subject site at all times.

### **Noise Control – Plant and Machinery**

- E4. Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, must not exceed 5 dB(A) above the rating background noise level when measured at the boundary of the sensitive receiver.
- E5. The Applicant must carry out a noise monitoring program for a minimum period of one week where valid data is collected following the commencement of use of 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 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 for mechanical plant identified in *UTS Central Project Acoustic Report for State Significant Development* prepared by Acoustic Studio, dated 27 April 2016.

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.

### **Storage of Hazardous or Toxic Material**

- E6. Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110 per cent of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.



### **Public Way to be Unobstructed**

- E7. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### **External Lighting**

- E8. External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

### **Fire Safety Certification**

- E9. 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.

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## **ADVISORY NOTES**

### **Appeals**

- AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* (as amended).

### **Other Approvals and Permits**

- AN2 The Applicant must apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act 1993* or Section 138 of the *Roads Act 1993*.

### **Responsibility for other consents/agreements**

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

### **Use of Mobile Cranes**

- AN4 The Applicant must obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters must be complied with:
- a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
    - i) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
    - ii) At least four weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
  - b) The use of mobile cranes must comply with the approved hours of construction and must not be delivered to the site prior to 7.30 am without the prior approval of Council.

## **Temporary Structures**

AN5

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

## **Disability Discrimination Act**

AN6 This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - *Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

## **Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

AN7

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the *New South Wales Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

## **Asbestos Removal**

AN8 All excavation and demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

## **Site contamination issues during construction**

AN9 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.