

Consolidated consent

Section 89E of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation dated 11 October 2017, I grant consent to the State significant development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

David Gainsford
Executive Director
Priority Projects Assessments

Sydney

19 February 2018

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

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SCHEDULE 1

Application No.:	SSD 8126
Applicant:	The University of New South Wales
Consent Authority:	Minister for Planning and Public Spaces
Land:	The University of New South Wales, Cliffbrook Campus, 45-51 Beach Street, Coogee (Lot 1 DP 109530 and Lot 1 DP8162)
Development:	<p>Redevelopment of the UNSW Cliffbrook Campus including:</p> <ul style="list-style-type: none">• refurbishment of State heritage listed buildings• demolition of two buildings.• bulk earthworks to accommodate basement car parking.• construction of a part three-part four storey building.• on site car parking and access, site drainage and landscape works.

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-8126-Mod-1	10 December 2020	Director	Insert staging conditions and alter timing for conditions
SSD-8126-Mod-2	29 September 2021	Team Leader	Design changes to Building CC3

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	The University of New South Wales, or any person carrying out any development to which this consent applies.
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Building Works	Any physical activity involved in the erection of a building which is above ground level which includes the footings of a building.
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Conditions of this consent	The conditions contained in Schedule 2 of this document.
Construction	All physical work to enable operation, including but not limited to demolition of buildings or works, the carrying out of works, including bulk earthworks and erection of buildings and other infrastructure.
Council	Randwick City Council
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	The Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation of the UNSW Cliffbrook Campus
Evening	The period from 6 pm to 10 pm
Environmental Impact Statement (EIS)	The Environmental Impact Statement titled <i>Redevelopment of the UNSW Cliffbrook Campus</i> prepared by Urbis Pty Ltd, dated May 2017, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
EPA	Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Incident	An occurrence or set of circumstances that causes, or threatens to cause, significant harm to the environment, community or any member of the community, being actual or potential harm to the health or safety of human beings or to threatened species, endangered ecological communities or ecosystems that is not trivial.
Material Harm	Is harm that: (a) involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	Minister for Planning, or nominee
NCC	National Construction Code

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Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
OEH	Office of Environment and Heritage, or its successor
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to Submissions (RtS)	Response to Submissions titled <i>Response to Submission – SSD 8126 – UNSW Cliffbrook</i> prepared by Urbis, dated 17 October 2017
RMS	Roads and Maritime Services, 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
Subject Site	The University of New South Wales – Cliffbrook Campus, 45-51 Beach Street, Coogee (Lot 1 DP 109530 and Lot 1 DP8162)
Supplementary RtS	Supplementary Response to Submissions titled <i>SSD 8126 - Supplementary RTS, UNSW Cliffbrook Campus</i> dated 14 December 2017.
TfNSW	Transport for NSW
UNSW	The University of New South Wales
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.

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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 Secretary;
 - c) generally in accordance with the EIS as amended by the RtS and RtS Supplementary Information; generally in accordance with the section 4.55(1A) modification application (SSD-8126-Mod-1) document titled Section 4.55 (1A) Modification to SSD 8126 – UNSW Cliffbrook prepared by Urbis, dated 5 November 2020; and [SSD-8126-Mod-1]

in accordance with the section 4.55(1A) modification application (SSD-8126-Mod-2) document titled Section 4.55 (1A) Modification to SSD 8126 – UNSW Cliffbrook prepared by Urbis, dated 25 August 2021; and

[SSD-8126-Mod-2]

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

Architectural drawings and plans prepared by <i>FJMT</i>			
Drawing No.	Rev	Name of Plan	Date
1000	D	Cover Sheet	6/2/18
1100	C	Perspectives	6/2/18
1200	C	Site Plan	6/2/18
1201	A	Site Analysis	4/5/17
2000	C	Lower Ground Floor Plan	6/2/18
2004	C	Ground Floor Plan	6/2/18
<u>2001</u>	<u>D</u>	<u>Ground Floor Plan</u>	<u>18/8/21</u>
2004	C	Level 1 Floor Plan	6/2/18
<u>2001</u>	<u>D</u>	<u>Level 1 Floor Plan</u>	<u>18/8/21</u>
2003	C	Level 2 Floor Plan	6/2/18
2004	C	Level 3 Floor Plan	6/2/18
2005	C	Roof Plant Plan	6/2/18
2006	B	Roof Plan	6/2/18
2007	C	Heritage Refurbishment	6/2/18
<u>2007</u>	<u>D</u>	<u>Heritage Refurbishment</u>	<u>18/8/21</u>
<u>2008</u>	<u>A</u>	<u>Heritage Refurbishment</u>	<u>18/8/21</u>
2100	A	Demolition plan	4/5/17
2800	C	GFA Plans	6/2/18
3000	D	Elevations 1	6/2/18
3001	C	Elevations 2	6/2/18
4100	D	Section A, B and C	6/2/18

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5001	C	Shadow Studies – June 21 proposed	16/10/17
5002	C	Shadow Studies – Dec 21 proposed	16/10/17
8001	D	Landscape Groundplane West	6/2/18
8002	C	Landscape Groundplane East	6/2/18
8003	C	Landscape Roof Plan	6/2/18
8004	C	Tree Management Plan	6/2/18
8101	D	Section L1 and L2	6/2/18
9401	A	External Finishes Schedule	26/9/17
9402	A	Exterior Finishes Sample Board	26/9/17

[SSD-8126-Mod-2]

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

- a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and
- b) the implementation of any actions or measures contained in any such document referred to in (a) above.

The conditions of this consent and directions of the 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.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

Inconsistency between documents

A4. If there is any inconsistency between the plans and documentation referred to above the most recent document must 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.

Evidence of consultation

A5. 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 approval; and
- b) provide details of the consultation undertaken, including:
 - i) a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and
 - ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Design Quality Excellence

A6. In order to ensure the design quality excellence of the development is retained:

- a) the design architect (FJMT) is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
- b) 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; and

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- c) evidence of the design architect's commission is to be provided to the Secretary prior to certification of any building works, except for site preparatory works.

A7. The design architect for the project must not change without prior approval of the Secretary.

Restrictions on Use – Accommodation

- A8. Residents accommodated within the facility during the university semester periods must be students that are enrolled at UNSW, staff employed by UNSW and/or other persons affiliated or connected with the UNSW (which may include visiting academics or students).
- A9. Residents accommodated within the facility outside the university semester periods must either meet the criteria in condition A6 or be attending, or affiliated with, UNSW events or activities.

Lapsing of approval

- A10. This consent will lapse five years from the date of consent unless the development has physically commenced on the land to which the consent applies before that date.

Prescribed Conditions

- A11. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Secretary as Moderator

- A12. 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 Secretary for resolution. The Secretary's resolution of the matter must be binding on the parties.

Long Service Levy

- A13. 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

- A14. Any advice or notice to the consent authority must be served on the Secretary.

Review of Strategies, Plans and Programs

- A15. Within three months of:
 - a) the submission of a compliance report under conditions of this consent;
 - b) the submission of an incident report under conditions of this consent;
 - c) the submission of an Independent Environmental Audit under conditions of this consent;
 - d) the approval of any modification to the conditions of this consent; or
 - e) the issue of a direction of the Secretary under condition A3, the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.
- A16. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised and submitted:
 - a) to the Secretary's satisfaction if previously approved by the Secretary; or
 - b) to the Secretary for information.Where revisions are required, the revised document must be submitted to the Secretary within six weeks of the review.

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

Incident Notification, Reporting and Response

A17. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

- a) A written incident notification must also be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant forms the view that an incident has not occurred.

Written notification of an incident must:

- i) identify the development and application number;
 - ii) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - iii) identify how the incident was detected;
 - iv) identify when the Applicant became aware of the incident;
 - v) identify any actual or potential non-compliance with conditions of consent;
 - vi) describe what immediate steps were taken in relation to the incident;
 - vii) identify further action(s) that will be taken in relation to the incident; and
 - viii) identify a project contact for further communication regarding the incident.
- b) Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements for such reporting set out in condition A17(a), and such further reports as may be requested.

The Incident Report must include:

- i) a summary of the incident;
- ii) outcomes of an incident investigation, including identification of the cause/s of the incident;
- iii) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- iv) details of any communication with other stakeholders regarding the incident.

Non-compliance Notification and Reporting

A18. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

A19. 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.

Monitoring and Environmental Audits

A20. 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 2B of Part 6 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental 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.

Applicability of Guidelines

A21. 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.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the 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.

Staging

A22. 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).

A23. A Staging Report prepared in accordance with condition A22 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.

A24. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.

A25. 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.

[SSD-8126-Mod-1]

PART B PRIOR TO COMMENCEMENT OF WORKS

Notice of Commencement of Works

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

If the construction and operation of the development is to be staged, the Department, certifying Authority and Council 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 Plans

- B2. 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 construction works and must include details as required by any of the following conditions.

Demolition

- B3. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifying Authority before the commencement of works.

Development Contributions

- B4. To meet the demand for additional public facilities and infrastructure generated by the development on the site, contributions are required in accordance with Council's Section 94A Plan.

The Applicant must, prior to ~~the commencement of works~~ a Crown Certificate being issued for the Stage 3 works, pay a monetary amount of **\$309,649** to Randwick City Council in accordance with Council's Section 94A Contributions Plan, calculated as 1 per cent of the proposed cost of development, indexed between the date of determination and the date the levy is required to be paid, in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000*.

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Security Deposit

- B5. The following damage/civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public space; and as security for completing any public work; and for remedying any defect on such public works, in accordance with 80A(6) of the EP&A Act.:

\$5000.00 – Damage/Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of cash, cheque, or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

Reflectivity

- B6. The building materials used on the facades of the structure 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 to nearby residents 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 above ground works.

Outdoor Lighting

- B7. All outdoor lighting within the site must comply with, where relevant, AS 1158.3.1:2005 *Pedestrian Area (Category P) Lighting* and AS 4282-1997 *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 the commencement of above ground works.

Access for People with Disabilities

- B8. 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 Building Code of Australia (BCA). The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Accessible Compliant Rooms

- B9. Prior to the commencement of construction, the Certifying Authority is to ensure that the accessible rooms are designed in accordance with the provisions of AS 1428.1-2009 *Design for access and mobility – General requirements for access – New building work*.

Road Design and Access

- B10. The design alignment level (ie finished level of concrete, paving or the like) at the Beach Street property boundary for access ramps and pathways or the like, must match the back of the existing footpath along the full Beach Street site frontage.

The Applicant must contact Council to obtain the alignment levels for the reconstructed driveway. These levels will be provided in response to the flood study submitted for this site.

The design alignment levels at the property boundary as issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment levels at the street boundary, as issued by Council, must be strictly adhered to.

- B11. The alignment levels presented in Condition B10 and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$3590.00 calculated at \$57.00 (inclusive of GST) per meter of site frontage to Beach Street. The amount is to be paid prior to a construction certificate being issued for the Development.
- B12. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

The height of the building must not be increased to satisfy the required driveway gradients.

Car Parking and Service Vehicle Layout

- B13. Plans demonstrating compliance with the following traffic and parking requirements must be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground works:
- a) a minimum of 37 on-site car parking spaces (including 2 disabled spaces) for use during operation of the Development and constructed in accordance with the latest version of AS2890.1-1993;
 - b) all vehicles must enter and leave the Subject Site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave in a forward direction, then all reversing movements must be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing;
 - c) all construction vehicles (excluding worker vehicles) are to be contained wholly within the site and vehicles must enter the site before stopping;
 - d) all works/ regulatory signposting associated with the proposed development must be at no cost to the relevant roads authority; and
 - e) the swept path of the longest vehicle entering and exiting the Subject Site in association with the new work, as well as manoeuvrability through the Subject Site, must be in accordance with AUSTROADS. In this regard, a plan must be submitted to the Certifying Authority for approval, which shows that the proposed development complies with this requirement.

Bicycle Parking and End-of-Trip Facilities

- B14. Plans demonstrating compliance with the following requirements for bicycle parking must be submitted to the satisfaction of the Certifying Authority:
- a) the provision of a minimum 8 bicycle parking spaces;
 - b) the layout, design and security of bicycle facilities must comply with the all applicable minimum requirements of AS 2890.3:2015 Parking facilities – Bicycle parking, and be located in secure, convenient and accessible areas close to the main entries and incorporating adequate lighting and opportunities for passive surveillance; and
 - c) the provision of end-of-trip facilities including shower, changeroom and lockers.

Heritage Items

- B15. The Applicant must engage a suitably qualified and experienced heritage expert for all stages of design and construction to provide input on design and supervise all works on heritage aspects, ensuring works are undertaken by appropriately qualified tradespeople.
- B16. The Applicant must complete all archival recordings for all heritage items directly and/or physically altered by the Development, including the existing buildings at the site and the perimeter stone wall. Archival recordings are to include photographic recording of the intact item, unless otherwise agreed by the Secretary.

The archival recording must be undertaken by an experienced heritage consultant in accordance with the Guideline issued by the OEH Heritage Division. The area containing the heritage item must be clearly identified and delineated until the completion of the archival recordings. Within six months of the completion of archival recording, the Applicant must submit a report containing the archival and photographic recordings and the historic research, where required to Council and OEH Heritage Division.

- B17. The Applicant must prepare a **Heritage Interpretation Plan** (HIP) to acknowledge the heritage significance of the site. The HIP must:
- a) be prepared by a suitably qualified and experienced expert in consultation with the OEH Heritage Division and Council;
 - b) detail the interpretive information that is to be included as part of the Development.

Aboriginal Heritage

- B18. The Applicant must engage a suitably qualified and experienced Aboriginal heritage expert throughout construction to supervise all construction works in accordance with the

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Aboriginal Archaeological Management Plan to be prepared in accordance with Condition B18.

- B19. The Applicant must prepare an Aboriginal Archaeological Management Plan (AAMP) outlining how the demolition and construction works will be managed, to the satisfaction of the Certifying Authority. The AAMP must:
- a) be prepared in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment report (Appendix I of the RtS dated June 2017) prepared by Mary Dallas Consulting Archaeologists;
 - b) describe the procedures for the investigation of areas of Aboriginal archaeological sensitivity as identified and outlined in the Aboriginal Cultural Heritage Assessment report (Appendix I of the RtS dated June 2017) prepared by Mary Dallas Consulting Archaeologists;
 - c) describe the procedures for reburial or management of artefacts retrieved, if required; and
 - d) describe the measures to manage and/or protect any relics identified during construction and operation of the Development; and
 - e) ensure the legal protections under Section 86 of the *National Parks and Wildlife Act 1974* are incorporated into any other relevant management plan or procedure as required.

Erosion and Sedimentation Control

- B20. Soil erosion and sediment control measures must be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1* (Landcom, 2004). Details are to be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works.

Pre-Construction Dilapidation Reports

- B21. 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, the surrounding heritage listed wall, infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land must include details of the whole building where only part of the building falls within the 'zone of influence'. The report must be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works. A copy of the report is to be forwarded to Council.

In the event that access for undertaking a **Pre-Construction Dilapidation Report** is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

Structural Details

- B22. 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) this development consent.

Mechanical Ventilation

- B23. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 *The use of ventilation and air-conditioning in buildings – Ventilation design for indoor air containment control* and AS 3666.2:2011 *Air-handling and water systems of buildings* 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 above ground works.

Site Seepage and Dewatering

- B24. Details of the proposed connection and or disposal of any site seepage, groundwater or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineering Coordinator, prior to commencing any construction activities.
- B25. The development must comply with the following requirements to ensure the adequate management of site seepage and sub-soil drainage: demonstrates compliance with:
- a) seepage/groundwater and subsoil drainage (from planter boxes etc.) must not be collected and discharged directly or indirectly to Council's street gutter or underground drainage system
 - b) adequate provision is to be made for the groundwater to drain around the basement carpark (to ensure the basement will not dam or slow the movement of the groundwater through the site)
 - c) The walls of the basement level of the building are to be waterproofed/tanked to restrict the entry of any seepage water and subsoil drainage into the basement level/s of the building and the stormwater drainage system for the development
 - d) Sub-soil drainage systems may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the seepage is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.
 - e) Details of the proposed stormwater drainage system including methods of tanking the basement levels and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced Professional Engineer to the satisfaction of the Certifying Authority and details are to be included in the construction certificate. A copy of the proposed method for tanking the basement levels must be forwarded to Council if Council is not the Certifying Authority.

Warm Water Systems and Cooling Systems

- B26. The installation, 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 Parts 1 and 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.

Storage and Handling of Waste

- B27. The building plans and specifications must demonstrate, to the satisfaction of the Certifying Authority, that an appropriate area will be provided within the premises for the storage of garbage bins, recycling containers and all waste and recyclable material generated by the premises. Requirements of these storage areas must:
- a) ensure all internal walls of the storage area are rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
 - b) include provision for the separation and storage, in appropriate categories, of material suitable for recycling; and
 - c) include provision for separate storage and collection of organic/food waste.
- B28. Trade/commercial waste materials must not be disposed via Council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council prior to commencing operation of the business.

Food Standards

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- B29. The kitchen is to be designed and constructed in accordance with the *Food Act 2003*, *Food Regulation 2015*, *Australia & New Zealand Food Standards Code* and *Australian Standard AS 4674-2004, Design construction and fit-out of food premises*. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the Certifying Authority.
- B30. The food premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
- B31. The food premises must be registered with Council's Health, Building & Regulatory Services Department and the NSW Food Authority in accordance with the Food Safety Standards, prior to commencing business operations.

Ecologically Sustainable Development

- B32. The Applicant must incorporate design, operation and construction ESD measures identified as committed initiatives in the *ESD Services Design Report* (Appendix O of the EIS). A report detailing measures is to be submitted to the Certifying Authority prior to the commencement of the relevant works.

Construction Environmental Management Plan

B33.

- a) Prior to the commencement of construction works, a **Construction Environmental Management Plan** (CEMP) must be submitted to the satisfaction of the Certifying Authority. The CEMP must address, but not be limited to, the following matters where relevant:
- i) hours of work;
 - ii) 24 hour contact details of site manager;
 - iii) traffic management, in consultation with Council;
 - iv) construction noise and vibration management, prepared by a suitable qualified person;
 - v) management of dust and odour to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;
 - vii) stormwater control and discharge;
 - viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - ix) procedures for encountering groundwater during construction works;
 - x) external lighting in compliance with AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - xi) a protocol detailing appropriate procedures for identifying and dealing with unexpected finds of site contamination (including asbestos containing materials, Polycyclic aromatic hydrocarbons (PAHs), Total recoverable hydrocarbons (TRH) and lead-based paint);
 - xii) a protocol detailing appropriate procedures for identifying and dealing with unexpected finds of archaeological and Aboriginal heritage;
 - xiii) 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
 - xiv) waste storage, recycling and litter control;
- b) The CEMP must not include works that have not been explicitly approved in this development consent. In the event of any inconsistency between the consent and the CEMP, the consent must prevail; and
- c) The Applicant must submit a copy of the CEMP to the Department and Council prior to commencement of work.

- B34. 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

B35.

- a) Prior to the commencement of works, a **Construction Noise and Vibration Management Plan (CNVMP)** must be submitted to the satisfaction of the Certifying Authority. The CNVMP must address, but not be limited to, the following matters where relevant:
 - i) be prepared by a suitably qualified expert;
 - ii) be prepared in consultation with Council and all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
 - iii) describe the measures that would be implemented to ensure:
 - iv) best management practice is being employed;
 - v) compliance with the relevant conditions of this consent;
 - vi) describe the proposed noise and vibration management measures in detail;
 - vii) 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;
 - viii) describe the consultation undertaken to develop the strategies in v) above;
 - ix) evaluates and reports on the effectiveness of the noise and vibration management measures; and
 - x) include a complaints management system that would be implemented for the duration of the construction works.
- b) The Applicant must submit a copy of the CNVMP to the Department and Council prior to commencement of work.

B36. 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

B37.

- a) Prior to the commencement of works, a **Construction Waste Management Plan (CWMP)** must be submitted to the Certifying Authority. The CWMP must address, but not be limited to, the following matters where relevant:
 - 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 notify the RMS Traffic Management Centre 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; and
- d) The Applicant must submit a copy of the plan to the Department and to the Council prior to the commencement of work.

B38. 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

B39.

- a) Prior to the commencement of construction works, a **Construction Traffic and Pedestrian Management Plan (CTPMP)** must be submitted to the satisfaction of the Certifying Authority. The CTPMP must address, but not be limited to, the following matters where relevant:
 - i) be prepared by a suitably qualified expert;

- ii) be prepared in consultation with Council);
 - iii) predicted construction traffic volumes, types and routes including any known road closures and consideration of alternate routes;
 - iv) details of construction vehicle movements including parking, dedicated vehicle turning areas and ingress and egress points;
 - v) loading and unloading, including construction zones;
 - vi) details of management measures to minimise traffic impacts,
 - vii) pedestrian and traffic management methods; and
 - viii) consideration of the cumulative construction traffic impacts of surrounding projects under construction. Existing CTPMPs for developments within or around the Subject Site must be referenced in the CTPMP to ensure that the coordination of work activities are managed to minimise impacts on the surrounding road network.
- b) The Applicant must submit a copy of the CTPMP to the Department and Council, prior to the commencement of works.

B40. The CTPMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Complaints and Enquiries Procedure

- B41. Prior to the commencement of construction works, or as otherwise agreed by the Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
- a) a toll-free 24 hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
 - b) a postal address to which written complaints and enquires may be sent; and
 - c) an email address to which electronic complaints and enquiries may be transmitted.

B42. A **Complaints Management System** must be prepared prior to the commencement of any construction works and be implemented and maintained for the duration of these works.

The **Complaints Management System** must include a **Complaints Register** to be maintained recording information on all complaints received about the development during the carrying out of any works associated with the development. The **Complaints Register** must record the:

- a) number of complaints received;
- b) number of people affected in relation to a complaint; and
- c) nature of the complaint and means by which the complaint was addressed and whether resolution was reached, with or without mediation.

The **Complaints Register** must be provided to the Secretary upon request, within the timeframe stated in the request.

Utility Services

- B43. Prior to the commencement of construction work the Applicant is to negotiate (where necessary) with the utility authorities (e.g. Ausgrid and telecommunication carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the building structure.
- B44. 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.

External Walls and Cladding

- B45. The external walls of the building including additions to existing buildings, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the commencement of construction works the Applicant must provide the Certifying Authority

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with documented evidence that the products and systems proposed for use in external walls, including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC.

The Applicant must provide copy of the documentation given to the Certifying Authority to the Secretary within 7 days after the Certifying Authority accepts it.

Compliance Reporting

B46. A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of construction works. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction works.

The Pre-Construction Compliance Report must include:

- a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
- b) the expected commencement date for construction.

Independent Environmental Audit

B47. No later than one month before the commencement of construction works or within another timeframe agreed with the Secretary, a program of independent environmental audits must be prepared for the development in accordance with the latest version of *AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems* (Standards Australia, 2014) and submitted to the Secretary for information.

The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.

The environmental audit program prepared and submitted to the Secretary must be implemented and complied with for the duration of the development, unless otherwise agreed by the Secretary.

B48. All independent environmental audits of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:

- a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
- b) assesses whether the development is complying with the terms of this consent;
- c) reviews the adequacy of any document required under this consent; and
- d) recommends measures or actions to improve the environmental performance of the development, and improvements to any document required under this consent.

Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.

PART C DURING CONSTRUCTION

Approved Plans to be On-site

- C1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

Construction Hours

- C2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- a) between 7.00 am and 5.00 pm, Mondays to Fridays inclusive;
 - b) between 8:00 am and 5:00 pm, Saturdays; and
- No work on Sundays and public holidays.

Activities may be undertaken outside these hours if required:

- a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
- b) if required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
- c) works are inaudible at the nearest sensitive receivers; or
- d) if a variation is approved in advance in writing by the Secretary or her nominee.

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

- C3. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- a) 9.00 am to 12.00 pm, Monday to Friday;
 - b) 2.00 pm to 5.00 pm Monday to Friday; and
 - c) 9.00 am to 12.00 pm, Saturday.

Construction Noise Management

- C4. 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 CNVMP required under Condition B34.
- C5. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in *Noise Policy for Industry*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C6. The Applicant must ensure construction vehicles do not arrive at the Subject Site or surrounding residential precincts outside of the construction hours of work outlined under Condition C2.
- C7. The Applicant must schedule intra-day 'respite periods' for construction activities identified in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) as being particularly annoying or intrusive to noise sensitive receivers, including surrounding residents. These activities are to be carried out after 8 am only and over continuous periods not exceeding three hours (with at least a one hour respite every three hours).

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- C8. 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 CNVMP required under Condition B34.
- C9. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- C10. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Subject Site.

Vibration Criteria

- C11. Vibration caused by the construction works 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*;
 - b) for human exposure to vibration, the evaluation criteria presented in British Standard *BS 6472 – Guide to Evaluate Human Exposure to Vibration in Buildings* (1 Hz to 80 Hz) for low probability of adverse comment;
 - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above; and
 - d) these limits apply unless otherwise outlined in the CNVMP required under Condition B34 and submitted to the satisfaction of the Certifying Authority.

Unexpected Finds – Non-Aboriginal Heritage

- C12. If unexpected archaeological deposits/relics objects are uncovered during earthworks, excavation or disturbance, the Applicant must cease works immediately and notify the OEH and obtain any necessary approvals to continue the works. The Applicant must comply with any request made by the OEH to cease works for the purpose of archaeological recording.
- C13. The Applicant must implement the recommendations of the *Historical Archaeology* reports (Appendix I of the EIS (dated 3/5/2017) and Appendix J of the RTS (dated 22/6/2017) prepared by Mary Dallas Consulting Archaeologists to ensure that impacts upon subsurface heritage items are minimised and managed.
- C14. In the event that additional archaeological testing and/or excavations are undertaken in accordance with the recommendations of Condition C13, a detailed report of findings and management measures is to be submitted to the OEH Heritage Division within 6 months of the works.

Heritage Items

- C15. Where significant heritage fabric is to be removed, these items are to be clearly labelled and securely stored on site for possible reinstatement at a later date and/or used for interpretation purposes following archival recording (as required by Condition B16). Should reinstatement not be feasible, items must be stored on site in perpetuity.

Unexpected Finds – Aboriginal Heritage

- C16. In the event that surface disturbance identifies a previously unrecorded Aboriginal object, outside of the investigation works outlined in the Aboriginal Archaeological Management to be prepared in accordance with condition B18, all works must stop all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the La Perouse Local Aboriginal Land Council must be contacted to determine appropriate management of the objects in accordance with the Aboriginal

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Archaeological Management Plan. The objects are 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, to determine the final management and interpretation of any retrieved Aboriginal objects.

Biodiversity

C17. The Applicant must implement the recommendations of the Biodiversity Management Plan (Appendix M of the EIS prepared by Narla Environmental (3/5/2017)) to ensure that impacts upon flora and fauna are minimised and managed.

Protection of Street Trees

C18.

- a) No street trees are to be trimmed or removed during construction unless:
 - i) it forms a part of this development consent; or
 - ii) prior written approval from Council is obtained; or
 - iii) is required in an emergency to avoid the loss of life or damage to property.
- b) All street trees adjacent to the Subject Site not approved for removal must be protected at all times by way of tree guards, barriers or other measures as necessary to protect root system, trunk and branches during construction. Any tree within the adjoining streets which is damaged or removed during construction due to an emergency must 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 to protect root system, trunk and branches, during construction.

Waste

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

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

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

Handling of Asbestos

C22. The Applicant is to 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.

Erosion and Sediment Control

C23. 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 have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

C24. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant approval authority where necessary.

Road Occupancy Licence

C25. A Road Occupancy Licence must be obtained from the Transport Management Centre (RMS) for any works that impact on traffic flows during construction activities.

Unloading of Construction Materials

C26. The loading and unloading of construction materials may only occur within the boundary of the Subject Site to ensure the continued and unimpeded operation of the surrounding road network.

Site Notice

C27.

- 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.

Work Cover Requirements

C28. To protect the safety of work personnel and the public, the Subject 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/Fencing Requirements

C29. The following hoarding requirements must be complied with:

- a) no third party advertising is permitted to be displayed on the subject hoarding/ fencing;
- b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application; and
- c) the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

No Obstruction of Public Way

C30. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

Incident Reporting

- C27. Within 24 hours of the occurrence of an incident that causes (or may cause) significant harm to the environment, the Applicant must notify the Secretary and any other relevant agencies of the incident.
- C28. Within seven days of the detection of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Compliance Tracking and Reporting

- C29. The Applicant must provide regular (six monthly) reporting on any environmental performance required by the development consent for the Development on its project website, in accordance with the reporting arrangements in any plans or other documents approved under the conditions of this consent.

Access to Information

- C30. 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 Secretary, the Applicant must:
- a) make the following information and documents (as they are prepared, obtained or approved) publicly available on its website:
 - i) the documents referred to in condition A2 of this consent;
 - ii) all current statutory approvals for the development;
 - iii) all approved strategies, plans and programs required under the conditions of this consent;
 - iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - vi) a summary of the current stage and progress of the development;
 - vii) contact details to enquire about the development or to make a complaint;
 - viii) a complaints register, updated monthly;
 - ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - x) any other matter required by the Secretary; and
 - b) keep such information up to date, to the satisfaction of the Secretary.

Note: This condition does not require any confidential information to be made available to the public.

Compliance – General

- C31. 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.
- C32. The Applicant must be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.
- C33. **Construction Compliance Reports** must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month

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following the end of each six month period for the duration of the construction of the development, or such other timeframe as required by the Secretary.

The **Construction Compliance Reports** must include:

- a) a results summary and analysis of environmental monitoring;
- b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
- c) details of any review of the CEMP and associated sub-plans as a result of construction carried out during the reporting period;
- d) a register of any modifications undertaken and their status;
- e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
- f) a summary of all incidents notified in accordance with this consent; and
- g) any other matter relating to compliance with the terms of this consent or as requested by the Secretary.

Protection of Public Infrastructure

C34. 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.
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PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Infrastructure

- D1. Prior to issuing a final occupation certificate or occupation of the Development (whichever is sooner), the Applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb and gutter, nature strip, etc. which are due to building works being carried out as part of the Development. This include the removal of cement slurry from Council's footpath and roadway.

Contamination

- D2. The Applicant must submit to the Certifying Authority a **Site Audit Report** and **Site Audit Statement** prepared by an EPA accredited site auditor, prior to occupation of the building. The Site Audit Report and Site Audit Statement must verify that the land is suitable for the uses proposed as part of this consent.

Car Parking Management

- D3. A **Car Parking Management Plan** (PMP) is to be prepared to ensure that there is restricted access to street parking around the Cliffbrook Campus and adequate overflow parking available at the UNSW Kensington Campus. The PMP must contain the following:
- a) detail of scenarios when the UNSW Kensington Campus parking facilities will be used to address parking demand at the Cliffbrook Campus;
 - b) a detailed map delineating the parking that will be reserved at the UNSW Kensington Campus for students and patrons of the Cliffbrook campus;
 - c) details of the shuttle service including, route and frequency of shuttles to the Cliffbrook Campus; and
 - d) demonstrate compliance with the *Passenger Transport Act 2014*.

The PMP is to be approved by the Certifying Authority prior to occupation of the building.

Stormwater

- D4. If an onsite detention/infiltration system is required, a "restriction on the use of land" and "positive covenant" (under Section 88E of the *Conveyancing Act 1919*) must be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant must not be released, varied or modified without the consent of the Council.
- D5. A **Stormwater Quality Management Plan** (SQMP) is to be prepared to ensure proposed stormwater quality measures remain effective. The SQMP must contain the following:
- a) maintenance schedule of all stormwater quality treatment devices;
 - b) record and reporting details;
 - a) waste management and disposal;
 - b) traffic control measures (if required);
 - c) relevant contact information;
 - d) renewal, decommissioning and replacement timelines and activities of all stormwater quality treatment devices;
 - e) incorporate design plans and accompanying design notes, including any water sensitive urban design measures;
 - f) describe the measures which would be implemented to maintain the infrastructure during the life of the Development, including maintenance, monitoring and annual reporting; and
 - g) Work Health and Safety requirements.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation of the building.

Rainwater Harvesting

- D6. The Applicant must ensure that a rainwater reuse/harvesting system for the Development is developed for the site. A rainwater re-use plan is to be prepared and certified by an experienced hydraulic engineer. A signed works-as-executed Rainwater Re-use Plan is to be provided to the Certifying Authority prior to the issue of the final Occupation Certificate.

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 occupation of the building, that the installation and performance of the mechanical systems complies with:
- a) the BCA;
 - b) AS 1668.2-2012 *The use of air conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
 - c) the development consent and any relevant modifications; and
 - d) any dispensation granted by the NSW Fire Brigade.

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 occupation of the building.

Compliance Certificate

- D9. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation and submitted to the Certifying Authority prior to occupation of the building. Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneypwater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

Post-construction Dilapidation Report

- D10. Prior to occupation 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. The report is to ascertain whether the construction works created any structural damage to adjoining buildings or infrastructure.
 - b) The report is to be submitted to the satisfaction of the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifying Authority must:
 - i) compare the **Post-Construction Dilapidation Report** with the **Pre-Construction Dilapidation Report** required by these conditions; and
 - ii) where relevant, 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 must be submitted to Council.

Fire Safety Certification

- D11. Prior to occupation of the building and if required, 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 occupation 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 Secretary and Council after:
- a) the site has been periodically inspected and the Certifier is satisfied that the structural works are 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 must be integrated at all entry and exit points and is to be installed prior to occupation of the building.

Outdoor Lighting

- D14. All outdoor lighting within the site must 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 the commencement of use of the site.

Surveillance

- D15. CCTV and suitable lighting must be provided on the external perimeter of the building prior to occupation of the building.

External Walls and Cladding

- D16. The external walls of the building including additions to existing buildings, must comply with the relevant requirements of the NCC. Prior to occupation, the Applicant must provide the Certifying Authority 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 NCC as built.

The Applicant must provide a copy of the documentation given to the Certifying Authority to the Secretary within seven days after the Certifying Authority accepts it. .

PART E POST OCCUPATION

- E1. All plant and equipment used on site, or to monitor the performance of the development must be:
- a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Operational Plan of Management

- E2. The Applicant must ensure that the development is operated in accordance with *Operational Management Plan* prepared by The University of New South Wales, dated 5/10/2017. If there are any inconsistencies between the Operational Management Plan and the conditions of this consent, the conditions of this consent prevail to the extent of any inconsistency.

Noise Control – Operation

- E3. The Applicant must ensure that the hours of use of all outdoor areas (except access to/from buildings/carparks) are limited as follows:
- a) between 7 am and 9 pm Monday to Saturday; and
 - b) between 8 am and 9 pm on Sundays and public holidays.
- E4. The use of amplified sound equipment (including musical instruments, televisions, radio and microphones, etc.) is prohibited in outdoor areas at all times.
- E5. The Applicant must ensure that all doors and windows of communal areas are closed after 10 pm, 7 days per week.
- E6. Noise associated with the operation of any public address system, plant, machinery or other equipment on the Subject Site, must not exceed 5 dB(A) above the background noise level when measured at the boundary of the sensitive receiver.

Loading and Unloading

- E7. All loading and unloading of service vehicles in connection with the use of the premises must be carried out within the designated loading and unloading areas at all times.

Public Way to be Unobstructed

- E8. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- E9. External Lighting must comply with AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit to the Certifying Authority evidence from a qualified practitioner demonstrating compliance in accordance with this condition.

Fire Safety

- E10. The Applicant 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.

ADVISORY NOTES

Appeals

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (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 Subject Site, including from the Civil Aviation Safety Authority, 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 the approved construction hours 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 BCA.
- 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.
- c) Should the height of any temporary structure and/or equipment (including mobile cranes) be greater than 45.72 metres above existing ground level, approval must be sought in accordance with the *Civil Aviation (Buildings Control) Regulation 1988*, prior to the commencement of above ground works.

Disability Discrimination Act

AN6. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant 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 BCA which references AS 1428.1 - *Design for Access and*

CONSOLIDATED CONSENT

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* (EPBC Act) 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 matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the EP&A Act. 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 EPBC Act does not have application. The EPBC 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 Certifying Authority.
