

Development consent

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 11 October 2017, I grant consent to the State significant 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 *4th May* 2018

SCHEDULE 1

Application No.:	SSD 8388
Applicant:	Macquarie University
Consent Authority:	Minister for Planning
Land:	192 Balaclava Road, Macquarie Park
Development:	<p>Development of an integrated Macquarie University Arts Precinct, including:</p> <ul style="list-style-type: none">• refurbishment of existing buildings known as W6A (25 WW B) and W6B (25 WW A)• erection of a new five-storey building (showcase building/25 WW C)• atrium spaces connecting to the new building• associated landscape works.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Macquarie University 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	Means a person who is authorised by or under section 85A to issue complying development certificates, or is authorised by or under section 109D to issue Part 4A certificates, or in the case of Crown development, a person qualified to conduct a Crown Building Work Certification.
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	City of Ryde Council
Crown Building Work Certification	Certification of Crown building work by or on behalf of the Crown under section 109R of the EP&A Act [Note: Certain former building and subdivision provisions of the EP&A Act continue to apply until 1 September 2018. Part 6 of the EP&A Act (inserted by the <i>Environmental Planning and Assessment Amendment Act 2017</i>) will apply from that date.]
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
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	Department of Planning and Environment or its successors
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation of the Macquarie University Arts Precinct, as modified by the conditions of this consent.
Environmental Impact Statement (EIS)	Environmental Impact Statement titled <i>Macquarie University Arts Precinct Project – SSD 8388</i> prepared by RobertsDay and dated October 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, 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
Evening	The period from 6 pm to 10 pm
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: <ul style="list-style-type: none"> (a) involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	Minister for Planning, or nominee
NCC	National Construction Code
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 the 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 report titled <i>Response to submissions (RTS)</i> prepared by RobertsDay and dated 13 February 2018
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.
Site	192 Balaclava Road, Macquarie Park
TfNSW	Transport for NSW
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

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, and any rehabilitation required under this consent.

Terms of Consent

- A2. The development may only be carried out:
- in compliance with the conditions of this consent;
 - in accordance with all written directions of the Secretary;
 - generally in accordance with the EIS as amended by the RtS and RtS Supplementary Information; and
 - in accordance with the approved plans in the table below:

Architectural (or Design) Drawings prepared by Budden Nangle Michael Hudson Architects + architectus			
Dwg No.	Rev.	Name of Plan	Date
SSDA-02	B	Site Analysis Plan	24/01/2018
SSDA-03	B	Proposed Ground Floor Plan – All Buildings	24/01/2018
SSDA-05	B	Proposed Floor Plan – Level 2 - 25 WWA & 25 WWB Level 1 - 25 WWC	24/01/2018
SSDA-06	B	Proposed Floor Plan – Roof Level - 25 WW A Level 3 – 25 WW B Level 2 – 25 WW C	24/01/2018
SSDA-07	B	Proposed Floor Plan – Level 4 25 WW B	24/01/2018
SSDA-08	B	Proposed Floor Plan – Level 5 – 25 WW B Level 3 – 25 WW C	24/01/2018
SSDA-12	B	North Elevation and South Elevation	24/01/2018
SSDA-13	B	East Elevation and West Elevation	24/01/2018
SSDA-22	B	Materials and Finishes	24/01/2018
SSDA-23	A	Materials Details	24/01/2018
SSDA-50	A	Façade Diagram – Ground Floor – All Buildings	Feb 2018
SSDA-51	A	Façade Diagram – Level 1 – 25 WW A Level 1 – 25 WW B	Feb 2018
SSDA-52	A	Façade Diagram – Level 2 - 25 WW A Level 2 - 25 WW B Level 1 - 25 WW C	Feb 2018
SSDA-53	A	Façade Diagram – Roof Level - 25 WW A Level 3 - 25 WW B Level 2 - 25 WW C	24/01/2018
SSDA-54	A	Façade Diagram – Level 4 25 WW B	24/01/2018
SSDA-55	A	Façade Diagram – Level 5 – 25 WW B Level 3 – 25 WW C	24/01/2018
SSDA-56	A	Façade Diagram – Level 6 – 25 WW B Level 4 – 25 WW C	24/01/2018

SSDA-57	A	Façade Diagram – Level 7 WW B	24/01/2018
Landscape Drawings prepared by Group GSA			
1002-DA	A	Ground Floor Periphery Softworks Plan	22/01/2018
1000-DA	A	Ground Floor Periphery Finishes Plan	22/01/2018
1100-DA	A	Ground Floor Courtyard Finishes Plan	22/01/2018
1102-DA	A	Ground Floor Courtyard Furnishings Plan	22/01/2018
1103-DA	A	Ground Floor Courtyard Softworks Plan	22/01/2018
3100-DA	A	Ground Floor Courtyard Sections/Elevations	22/01/2018
1200-DA	A	Ground Floor Atrium Finishes Plan	22/01/2018
1202-DA	A	Ground Floor Atrium Furnishings Plan	22/01/2018
1203-DA	A	Ground Floor Atrium Softworks Plan	22/01/2018
1400-DA	A	Level 6 - Roof Garden (West) Landscape Plan	22/01/2018
1401-DA	A	Level 6 - Roof Garden (East) Landscape Plan	22/01/2018
1402-DA	A	Level 6 - Roof Garden (East) Planting Plan	22/01/2018
1403-DA	A	Level 6 - Roof Garden (West) Planting Plan	22/01/2018
3400-DA	A	Rooftop Garden (East and West) Sections/Elevations	22/01/2018
1300-DA	A	Level 1 – Exhibition hall Terrace – Landscape Plans & Sections	22/01/2018

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

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

Staging of the development

A5. With the approval of the Secretary, the Applicant may:

- prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and

- c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

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

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

Evidence of consultation

- A6. 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.

Lapsing of approval

- A7. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

- A8. 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

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

Long Service Levy

- A10. 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

- A11. Any advice or notice to the consent authority must be served on the Secretary.

Review of Strategies, Plans and Programs

- A12. 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.

- A13. 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

- A14. 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 A15(b), 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

- A15. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A16. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Monitoring and Environmental Audits

- A17. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of 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

- A18. 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.

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 or 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.

Reflectivity

- B3. The building materials used on the external surfaces 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.

Demolition

- B4. All demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The demolition work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the demolition work plan complies with the safety requirements of the Standard. The demolition work plans and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of demolition works.
- B5. The Applicant must comply with all requirements for asbestos and hazardous material management as presented within *Hazardous Materials Survey – Buildings W6A and W6B – Macquarie University* prepared by Pickford and Rhyder Consulting and dated 23 May 2017.
- B6. The Applicant must undertake works in accordance with *Protection of the Environment Operations (Waste) Regulation 2014* and consult with SafeWork NSW if any asbestos waste is to be handled and/or disposed of.

Rail Corridor

- B7. The Applicant must submit design drawings and documents relating to the excavation of the site and support structures in accordance with *Development Near Rail Tunnels* (TfNSW, 2016) to Sydney Trains for approval prior to the commencement of construction.
- B8. Prior to the commencement of construction and at any other time instructed by Sydney Trains, a joint dilapidation inspection of the rail infrastructure and property in the vicinity of the site is to be carried out by relevant representatives of Sydney Trains and the Applicant. These dilapidation surveys are to be used to assess the extent of any existing damage and enable any deterioration during construction to be observed.
- B9. Prior to the commencement of construction, the Applicant must submit the following documents to Sydney Trains for review and approval:
- a) a detailed dilapidation report (based on the initial inspection undertaken in Condition B8);
 - b) a detailed inventory of all machinery to be used during excavation/construction;
 - c) a plan showing all craneage and other aerial operations including loading details; and

- d) all risk assessments, management plans and/or Safe Work Method Statements for any works that may impact upon the rail corridor.

B10. Prior to the commencement of construction, the Applicant must engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate all recommendations of the report into the design of the development to mitigate any risk/s and submit amended Crown Building Work Certification to the Certifying Authority.

Storage and Handling of Waste

B11. The building plans and specifications must demonstrate, for approval 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 during construction. 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.

Erosion and Sedimentation Control

B12. 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 and approved by the Certifying Authority prior to commencement of works.

Pre-Construction Dilapidation Reports

B13. 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, infrastructure and roads within the 'zone of influence' or public domain areas adjoining the development site. The report must be submitted and approved by the Certifying Authority prior to the commencement of any works. A copy of the report is to be forwarded to Council.

Noise

B14. Prior to commencement of construction, the Applicant must incorporate the noise mitigation recommendations in the *Noise and Vibration Impact Assessment*, prepared by Wood and Grieve Engineers dated 2 February 2018 into the detailed design drawings. The Certifying Authority must verify that all reasonable and feasible noise mitigation measures have been incorporated into the design to ensure the development does not exceed the recommended operational noise levels identified in *Noise and Vibration Impact Assessment*, prepared by Wood and Grieve Engineers dated 2 February 2018.

B15. Prior to the commencement of construction, the Applicant must engage an appropriately qualified acoustic consultant to verify final mechanical plant and machinery selections will ensure that operational noise limits specified within *Noise and Vibration Impact Assessment*, prepared by Wood and Grieve Engineers dated 2 February 2018 will not be exceeded.

Car Parking and Service Vehicle Layout

B16. Plans demonstrating compliance with the following requirements shall be submitted and approved by the Certifying Authority prior to the commencement of building works:

- a) all vehicles must enter and leave the site in a forward direction;
- b) all operational vehicles accessing the Site, including the loading dock, are to be limited to Medium Rigid Vehicles or smaller only, unless otherwise agreed by Secretary;
- c) all demolition and construction vehicles (excluding worker vehicles) are to be contained wholly within the Site and vehicles must enter the Site before stopping;

- d) appropriate pedestrian advisory signs are to be provided at the egress point of the car park;
- e) all works/ regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority;
- f) the swept path of the longest vehicle entering and exiting the Site in association with the works, as well as manoeuvrability through the Site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement; and
- g) the safety of vehicles and pedestrians accessing adjoining areas of the university campus and properties, where shared vehicle and pedestrian access occurs, is to be addressed.

Tree Protection

B17. Prior to the commencement of construction, install tree protection measures in accordance with AS 4970 2009: *Protection of trees on development Sites* as well as all recommendations presented within Section 6 of the Arboricultural Impact Assessment Report undertaken by Australian Tree Consultants dated 18 April 2017.

Access for People with Disabilities

B18. Equitable and inclusive access must be provided for all primary circulation routes throughout the development, noting that stairs with platform lifts are not acceptable on the primary access route. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided on any construction drawings, prior to the commencement of the relevant building works.

B19. All buildings must be designed and constructed to provide access and facilities for people with a disability in accordance with the NCC. 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, prior to the commencement of building works.

Ecologically Sustainable Development

B20. Prior to the commencement of the building works, the Applicant shall submit details of all design measures to the Certifying Authority demonstrating that the proposed new buildings incorporate ecologically sustainable development initiatives comparable to projects of a 5 star Green Star – Design & As Built tool rating as outlined within the *Ecological Sustainable Development Report* prepared by Wood and Grieve Engineers and dated 10 August 2017 unless otherwise agreed by the Secretary.

Outdoor Lighting

B21. 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 building works.

Structural Details

B22. Prior to the commencement of building works, the Applicant must submit for the approval 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 NCC; and
- b) the development consent.

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 Sydney Water must be approved by Sydney Water prior to the commencement of construction. The hydrology and hydraulic calculations must be based on models described in the current edition of Australian Rainfall and Runoff.

Utility Services

- B24. Prior to the commencement of building works 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.
- B25. Prior to the commencement of building 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

- B26. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the commencement of building works, unless otherwise agreed by the Secretary, the Certifying Authority must:
- a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - b) ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

A copy of the documentation required under (b) must be provided to the Secretary within seven days of being accepted by the Certifying Authority.

Construction Environmental Management Plan (CEMP)

- B27.
- a) Prior to the commencement of works on the Site, a CEMP that addresses those works must be submitted to the satisfaction of 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 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 Site;
 - viii) external lighting in compliance with AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - ix) an Unexpected Finds Protocol (UFP) for hazardous materials and associated communications procedure, that also considers potential for finds associated with defence use of the land and measures for acid soil management; 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.

- b) 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.
- c) The Applicant must submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.
- d) 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 (CNVMP)

B28.

- a) Prior to the commencement of works on the Site, a CNVMP prepared by a suitably qualified expert, must be submitted to the satisfaction of the Certifying Authority. The plan must address, but not be limited to, the following matters, where relevant:
 - i) describe the measures that would be implemented to ensure best management practice is being employed and compliance with the relevant conditions of this consent;
 - ii) describe the proposed noise and vibration management measures in detail;
 - iii) identify the selection of alternative construction appliances to avoid the generation of excessive noise levels;
 - iv) 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;
 - v) implement intra-day respite periods for construction activities identified as annoying;
 - vi) implement noise reducing Site/work practices and require regular noise checks of equipment;
 - vii) describe the consultation undertaken to develop the strategies in iv) above;
 - viii) evaluates and reports on the effectiveness of the noise and vibration management measures; and
 - ix) include a complaints management system that would be implemented for the duration of the project.
- b) The Applicant must submit a copy of the CNVMP to the Department and to the Council, prior to commencement of work.
- c) 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 (CWMP)

B29.

- a) Prior to the commencement of works on the Site, a CWMP, prepared by a suitably qualified person in consultation with the Council, must be submitted to the satisfaction of the Certifying Authority. The CWMP must address, but not be limited to, the following matters:
 - i) 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.
 - ii) 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.
- b) 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 Site, prior to the commencement of the removal of any waste material from the Site.
- c) The Applicant must submit a copy of the CWMP to the Department and to the Council, prior to commencement of work.

- d) 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 (CTPMP)

B30.

- a) Prior to the commencement of construction, a Construction Traffic and Pedestrian Management Plan (CTPMP) CTPMP must be prepared in consultation with the Council, Sydney Coordination Office within Transport for NSW and RMS. A copy of the final plan is to be submitted to Certifying Authority for approval, prior to the commencement of works and must address, but not be limited to, the following matters:
- i) ingress and egress of vehicles to the Site, including Swept path analysis;
 - ii) construction vehicle routes and the potential impacts on general traffic, cyclists and pedestrians and bus services;
 - iii) cumulative construction impacts of projects including Sydney Metro North West Project, including reference to existing Temporary Transport Plan associated with the Sydney Metro North West Project and CPTMPs for development within or around the development Site to ensure coordination of work activities are managed to minimise impacts on the surrounding road network;
 - iv) loading and unloading zones;
 - v) location of the crane and the crane swing paths;
 - vi) predicted volumes of construction vehicle movements, types and haulage routes;
 - vii) hours of arrival of all construction vehicles and detail the management of the arrival and departure times of heavy vehicles outside of morning and afternoon peak;
 - viii) pedestrian and traffic management methods;
 - ix) construction hours and program;
 - x) consultation strategy for liaison with surrounding stakeholders;
 - xi) details of impacts identified, duration and proposed measures to mitigate any associated general traffic, public transport, pedestrian and cyclist impact.
- b) Any alterations to the public road, involving traffic and parking arrangements, must be referred to and approved by the relevant traffic committee.
- c) The Applicant must submit a copy of the final endorsed CTPMP to the Department and to the Council, prior to commencement of work.
- d) 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

- B31. 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.
- B32. 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.

Compliance Reporting

- B33. 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.
- B34. 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

- B35. No later than one week prior to 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.

- B36. 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.
- B37. 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.
-

C DURING CONSTRUCTION

Approved Plans to be On-Site

- C1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the 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 am and 5:30 pm, Mondays to Fridays inclusive; and
 - b) between 8 am and 4 pm, Saturdays.

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

- C3. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- 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.
- C4. Activities may be undertaken outside of the hours within Conditions C2 and C3:
- a) if required 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 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.

Rail Corridor

- C5. All excavation, shoring and piling works within 25 metres of the rail corridor are to be supervised by an appropriately experienced geotechnical engineer.
- C6. No rock anchors/bolts are to be installed into Sydney Trains property or within any rail easement/s.

Traffic

- C7. Suitably qualified traffic controllers are to be engaged throughout the construction period and positioned within the Macquarie University private road network at key pedestrian/cyclist locations on the truck route to ensure the safety of pedestrians and cyclists throughout the campus.
- C8. The speed of all construction vehicles is to be restricted to 10 kilometres per hour in all shared zones within the boundaries of Macquarie University.

Erosion and Sediment Control

- C9. 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

C10. Any seepage or rainwater collected on-site during construction or ground water shall not be pumped to the public street stormwater system unless separate prior approval is given in writing by Council.

Site Notice

C11.

- a) A Site notice(s) must be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
- b) 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 Site is not permitted.

Protection of Trees

C12.

- a) No street trees are to be trimmed or removed unless:
 - i) it forms a part of this development consent or any prior or separate approval; 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 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 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.

Construction Noise Management

C13. 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 B28.

C14. 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.

C15. The Applicant must ensure construction vehicles do not arrive at the Site or surrounding residential precincts outside of the construction hours of work outlined under Condition C2.

C16. 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 and nearby university buildings. 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).

- C17. 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 B28.
- C18. 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.
- C19. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Site.
- C20. The Applicant must ensure construction of the development is carried out in accordance with the recommendations outlined within *Noise and Vibration Impact Assessment*, prepared by Wood and Grieve Engineers dated 2 February 2018.

Vibration Criteria

- C21. Vibration caused by construction at any residence or structure outside the 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 6841 – Guide to Evaluate Human Exposure to Vibration in Buildings* (1 Hz to 80 Hz) for low probability of adverse comment.

Work Cover Requirements

- C22. 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.

Handling of Asbestos

- C23. 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 reference to Part 7 – ‘Transportation and management of asbestos waste’ must also be complied with.

No obstruction of public way

- C24. 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

- C25. If any unexpected archaeological relics are uncovered during 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

C26. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The Site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by 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.

Access to Information

C27. 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.

Incident Reporting

C28. 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 in accordance with condition A14.

C29. 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 in accordance with condition A15.

Compliance Tracking and Reporting

C30. 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.

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. **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 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.
- C33. 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.
-

D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Rail Corridor

- D1. All finalised and endorsed as-built drawings demonstrating no encroachment into Sydney Trains property or easements, as endorsed by a Registered Surveyor, are to and be provided to Sydney Trains for approval, prior to occupation of the development.

Warm Water Systems and Cooling Systems

- D2. 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*.

Rainwater Harvesting

- D3. 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 occupation of the development.

Design of Food Premises

- D4. The fitout of the food premises shall be carried out in accordance with *AS 4674 Design, construction and fit-out of food premises*. Details of compliance with the relevant provisions of the food code shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to operation.

Compliance with Food Code

- D5. The Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *AS 4674 Design, construction and fit-out of food premises*. The Applicant shall provide evidence of receipt of the certificate to the satisfaction of the Certifying Authority prior to the commencement of the building(s) or commencement of the use.

Ecologically Sustainable Development

- D6. Prior to the final occupation of the development, the Applicant shall submit details to the Certifying Authority demonstrating that ecologically sustainable development initiatives have been incorporated in the proposed new buildings comparable to projects of a 5-star Green Star – Design & As Built tool rating.

Mechanical Ventilation

- D7. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA 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 operation.
- D8. 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 stage of the development, that the installation and performance of the mechanical systems complies with:
- a) the BCA;
 - b) Australian Standard AS 1668 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

- D9. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the 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 any stage of the development.

Compliance Certificate

- D10. 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 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

- D11. Prior to commencement of use of any stage of the development:
- 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 heritage significant items, 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 heritage significant items, 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;
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and
 - c) a copy of this report is to be forwarded to the Council.

Fire Safety Certification

- D12. Prior to commencement of use of any stage of the development, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- D13. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to commencement of use of any stage of the development. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- a) the Site has been periodically inspected and the Certifying Authority is satisfied that the structural works is deemed to comply with the final design drawings; and
 - b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

External Walls and Cladding

- D14. 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 relevant requirements of 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.

E POST OCCUPATION

Plant and Equipment

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

Loading and Unloading

- E2. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Site at all times.
- E3. In the event that larger vehicles than specified in Condition B16 are required to access the loading bay, arrival and departure times must be scheduled outside of AM and PM peak periods.

Noise Control – Plant and Machinery

- E4. Noise associated with the operation of any plant, machinery or other equipment on the Site, must not exceed 5 dB(A) above the rating background noise level when measured at the boundary of the sensitive receiver.
- E5. The Applicant must undertake noise monitoring of mechanical plant and equipment, to collect valid data and provide a quantitative assessment of operational noise impacts following the occupation of the building.

The noise monitoring must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Secretary within three months of full occupation of the building to verify that operational noise levels do not exceed the noise levels presented within the *Noise and Vibration Impact Assessment*, prepared by Wood and Grieve Engineers dated 2 February 2018.

- E6. Should the short-term noise monitoring required under condition E5 identify any exceedance of the recommended noise levels, the Applicant must implement appropriate on-site noise attenuation measures to ensure operational noise levels do not exceed the recommended noise levels and/or provide noise attenuation measures at the affected noise sensitive receivers.

The implementation of noise attenuation measures, either on-site or at the affected receiver(s), must be provided within three months of the completion of the short-term noise monitoring required under condition E5, or other appropriate time period as agreed by the Secretary.

Storage of Hazardous or Toxic Material

- E7. 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

- 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 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

- E10. 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.
-

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, Permits and Requirements

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*.

AN3 Sydney Trains Engineering Management Interface must be contacted prior to the commencement of any works to determine public liability and Bond/Bank Guarantee requirements.

Responsibility for other consents/agreements

AN4 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Use of Mobile Cranes

AN5 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;
 - 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; and
- 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

AN6

- 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

AN7 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

AN8

- 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 Environment and Energy 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

AN9 All excavation and demolition works involving the removal and disposal of asbestos must be undertaken in consultation with SafeWork NSW and 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

AN10 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.