

Development consent

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

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



David Gainsford
Executive Director
Priority Projects

Sydney 20th February 2019

SCHEDULE 1

Application No.:	SSD 8937
Applicant:	The University of Newcastle
Consent Authority:	Minister for Planning
Land:	The University of Newcastle, Callaghan Campus (Part Lot 1 DP 1188100)
Development:	Development of new Bioresources Facility, including: <ul style="list-style-type: none">• site excavation and earthworks;• construction of a new three storey building;• use of the building for education and research;• single storey plant and storage enclosure;• landscaping works including:<ul style="list-style-type: none">○ new pathways and furniture○ tree removal and replacement planting; and• utilities and infrastructure connection works.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	The University of Newcastle or any person carrying out any development to which this consent applies
Approved disturbance area	The area identified as such on the development layout
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EPP&A Act
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	Conditions contained in Schedule 2 of this document
Construction	<p>All physical works to enable operation, including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, excluding:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling, investigative excavation or Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities
Council	City of Newcastle Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising site preparation, construction, and use, as modified by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	The Environmental Impact Statement titled Environmental Impact Statement, <i>Proposed Bioresources Facility, University Drive, Callaghan</i> , prepared by de Witt Consulting, dated June 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>

EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
GTP	Green Travel Plan
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
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 the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	NSW Office of Environment and Heritage
ONMP	Operational Noise Management Plan
Operation	The use of the building upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
RMS	NSW Roads and Maritime Services
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>

Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Supplementary Response to Submissions	All additional information and documentation submitted by the Applicant following the Response to Submissions
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

Terms of Consent

- A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS as amended by the Response to Submissions and Supplementary Response to Submissions;
- (d) in accordance with the management and mitigation measures; and
- (e) in accordance with the approved plans in the table below:

Architectural Drawings prepared by Denton Corker Marshall			
Dwg No.	Rev	Name of Plan	Date
A01_0100	D3	SITE PLAN	07.09.2018
A03_0000	T2	DEMOLITION PLAN	04.02.2019
A10_0000	T1	GROUND LEVEL – OVERALL PLAN	25.10.2018
A10_0100	T2	LEVEL 1 – OVERALL PLAN	30.10.2018
A10_0200	T2	LEVEL 2 – OVERALL PLAN	29.10.2018
A10_0300	T2	ROOF LEVEL – OVERALL PLAN	29.10.2018
A11_0000	T1	GA ELEVATIONS – NORTH	25.10.2018
A11_0001	T1	GA ELEVATIONS – SOUTH	25.10.2018
A11_0002	T1	GA ELEVATIONS – EAST	25.10.2018
A11_0003	T1	GA ELEVATIONS – WEST	25.10.2018
A12_0000	T1	GA SECTIONS – SHEET 00	25.10.2018
A12_0001	T1	GA SECTIONS – SHEET 01	25.10.2018
A12_0002	T1	GA SECTIONS – SHEET 02	25.10.2018
A12_0003	T1	GA SECTIONS – SHEET 03	25.10.2018
A12_0004	T1	GA SECTIONS – SHEET 04	25.10.2018
A13_0300	A	FAÇADE TYPES SHEET 03	31.01.2018
-	-	DESIGN PRINCIPLES – EXTERNAL MATERIAL SCHEDULE	undated
Landscape Drawings prepared by Denton Corker Marshall and Landarche			
Dwg No.	Rev	Name of Plan	Date
A04_0000	T3	LANDSCAPE OVERALL PLAN	29.11.2018
ASC_0002 Sheets 3-5	T2	LANDSCAPE MATERIALS SCHEDULE	29.11.2018
SK_201811 29_YC01	P01	LANDSCAPE CROSS SECTION - WEST	20.11.2018
SK_201811 29_YC02	P01	LANDSCAPE CROSS SECTION - NORTH	20.11.2018
Civil and Stormwater Management Plans prepared by Northrop			
Dwg No.	Rev	Name of Plan	Date
C10	1	EROSION AND SEDIMENT CONTROL PLAN	23.05.18
C11	1	EROSION AND SEDIMENT CONTROL DETAILS	23.05.18
CCC-C3.0	1	BULK EARTHWORKS PLAN	18.07.18
C20	1	CONCEPT STORMWATER MANAGEMENT PLAN	23.05.18

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

- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent lapses five years after the date from which it operates, unless the works associated with the development have physically commenced.
- A6. This consent does not include approval of signage. Separate approval must be obtained for any signs which do not meet exempt development provisions.

Prescribed Conditions

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

Planning Secretary as Moderator

- A8. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Long Service Levy

- A9. 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

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

Evidence of Consultation

- A11. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary or Certifying Authority for information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging, Combining and Updating Strategies, Plans or Programs

- A12. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A13. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A14. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

Structural Adequacy

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

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

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

External Walls and Cladding

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

Bush Fire Protection

- A17. Water, electricity and gas are to comply with sections 4.1.3 of *Planning for Bush Fire Protection 2006*.

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.
- A19. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- 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 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

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

Access to Information

- A21. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

Compliance

- A22. 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.

ADVISORY NOTES

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

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

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

If the construction of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- B2. Prior to the commencement of construction, 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.

External Walls and Cladding

- B3. Prior to the commencement of construction, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

Design Modification - Landscape

- B4. Prior to the commencement of construction, the Applicant must revise the landscape plan to:
- (a) incorporate three additional trees within the northern and/or western setback, being locally indigenous canopy trees with a mature height of at least 12 metres and a minimum pot size at least 200L at installation;
 - (b) incorporate two additional trees consistent in species, size and location as detailed in condition B4(a) above should tree numbers 31 and 32 be required to be removed as a consequence of the detailed design of the adjacent access path and first floor entry ramp (respectively); and
 - (c) ensure compliance with Planning for Bushfire Protection 2006.

The revised landscape plan must be submitted to the satisfaction of the Certifying Authority and submitted to the Planning Secretary for information.

Protection of Public Infrastructure

- B5. Before the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Certifying Authority and Council.

Utilities and Services

- B6. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- B7. 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.

Community Communication Strategy

- B8. A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.
- B9. The Community Communication Strategy must:
- (a) identify people to be consulted during the design and construction phases;
 - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;

- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development; and
 - (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction; and operation of the development, including disputes regarding rectification or compensation.
- B10. The Community Communications Strategy must be submitted to the Planning Secretary for approval no later than one month before the commencement of any work.
- B11. Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.

Ecologically Sustainable Development

- B12. Within six months of commencement of construction, the Applicant must register for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifying Authority, unless otherwise agreed by the Planning Secretary.

Outdoor Lighting

- B13. Prior to commencement of building works, all outdoor lighting within the Subject site must comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-1997 Control of the obtrusive effects of outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority.

Access for People with Disabilities

- B14. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of any work, 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.

Environmental Management Plan Requirements

- B15. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development;
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review of the plan.

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

Construction Environmental Management Plan

- B16. Prior to the commencement of construction the Applicant must prepare a Construction Environmental Management Plan (CEMP) and it must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling
 - (b) Construction Traffic and Pedestrian Management Sub-plan (see Condition B18);
 - (c) Construction Noise and Vibration Management Sub-plan (see Condition B19);
 - (d) Construction Waste Management Sub-plan (see Condition B20);
 - (e) Construction Soil and Water Management Sub-plan (see Condition B21);
 - (f) an unexpected finds protocol for contamination, Aboriginal and non-Aboriginal heritage and associated communications procedure; and
 - (g) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.
- B17. The Applicant must not commence construction of the development until the CEMP is approved by the Certifying Authority and submitted to the Planning Secretary.
- B18. The Construction Traffic and Pedestrian Management Sub-plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and RMS;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B19. The Construction Noise and Vibration Management Sub-plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) incorporate recommendations of the Noise and Vibration Impact Assessment dated August 2018 and prepared by Muller Acoustic Consulting
 - (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (d) outline how noise and vibration impacts would be monitored during construction
 - (e) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (f) include strategies that have been developed with the community for managing high noise generating works; and
 - (g) describe the community consultation undertaken to develop the strategies; and
 - (h) include a complaints management system that would be implemented for the duration of the construction.
- B20. The Construction Waste Management Sub-plan must address, but not be limited to, the following:

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

B21. The Construction Soil and Water Management Sub-plan must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified expert, in consultation with Council;
- (b) describe all erosion and sediment controls to be implemented during construction;
- (c) provide a plan of how all construction works will be managed in wet weather events (i.e. storage of equipment, stabilisation of the Site);
- (d) detail all off-Site flows from the Site; and
- (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1 year ARI, 1 in 5 year ARI and 1 in 100 year ARI.

Unexpected Contamination Procedure

B22. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material (including asbestos containing materials and lead based paint) is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition B16 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

Construction Parking

B23. Prior to the commencement of construction, the Applicant must demonstrate to the satisfaction of the Certifying Authority that sufficient off-street parking has been provided for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

Roof Water to Tank

B24. Roof water from the proposed new work is to be directed to the proposed rainwater tank and be reticulated therefrom to toilet water cisterns, cold water washing machine taps and irrigation for landscaping, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch cisterns, laundry taps and irrigation to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be installed in accordance with Australian Standard AS3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be submitted to the satisfaction of the Certifying Authority prior to commencement of work.

Rainwater Tank Water Quality

B25. All downpipes discharging to the rainwater tank/s are to have pre-storage insect, debris and vermin control (e.g. a rainwater head being leaf screened and vermin and insect proof) to minimise the contamination of captured roof water. A first flush device is to be provided for the inlet to the tank and a backflow prevention device is to be installed in the tank overflow outlet before connecting to the stormwater drainage system. If the roof downpipes are charged to the rainwater tank, all pipes are to be chemically welded and the stormwater system is to be designed such that the system is capable of being flushed in the event of a pipe blockage (e.g. capped relief access points at the lowest level stormwater drainage). Full details are to be submitted to the satisfaction of the Certifying Authority prior to commencement of work.

Stormwater Management

B26. Prior to the commencement of construction, the Applicant must design a stormwater management system for the development and submit it to the satisfaction of the Certifying Authority. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design in the EIS;
- (c) demonstrate the three pits which are located at the end of the stormwater drainage lines (two along the western property and one at the north eastern corner) before the discharge outlet location (KIP on existing road) are fitted with pit inserts (SPEL StormSack or similar);
- (d) be in accordance with applicable Australian Standards; and
- (e) be in accordance with the requirements of Section 7.06 'Stormwater' of the Newcastle Development Control Plan 2012.

B27. Stormwater is to be conveyed to the existing property stormwater drains by way of a sealed pipe system. Prior to commencement of works, the existing drains are to be checked for adequacy and cleared of any obstructions.

Operational Noise – Design of Mechanical Plant and Equipment

- B28. Prior to the commencement of construction, the Applicant must incorporate the noise mitigation recommendations of the Noise and Vibration Assessment dated 6 August 2018 by Muller Acoustic Consulting, 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 will not exceed the recommended operational noise levels identified in Noise and Vibration Assessment.

Mechanical Ventilation

- B29. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings–Microbial control* to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the satisfaction of the Certifying Authority prior to the commencement of building works.

Compliance Reporting

- B30. No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.
- B31. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- B32. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Certifying Authority in writing when this has been done.
- B33. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

Reflectivity

- B34. The building materials used on the facades of the buildings 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 must be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground building works.

Ecological and Biodiversity Measures

- B35. Prior to the commencement of construction, relevant recommendations of the Ecological Assessment Report, Dated April 2018 and prepared by Anderson Environment and Planning are to be implemented, including contribution of funds to the University's bushland regeneration budget and installation of 15 nest boxes.

PART C DURING CONSTRUCTION

Approved Plans to be On-site

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

Site Notice

- C2. A site notice(s):
- (a) 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) is to satisfy all but not be limited to, the following requirements:
 - (i) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (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 must 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.

Operation of Plant and Equipment

- C3. 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.

Demolition

- C4. 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.

Construction Hours

- C5. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C6. Activities may be undertaken outside of the hours in condition C5 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers; or
 - (d) where a variation is approved in advance in writing by the Secretary or her nominee if appropriate justification is provided for the works.

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

- C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

Implementation of Management Plans

- C8. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).
- C9. If directed by RMS, the Applicant must make changes to the Construction Traffic and Pedestrian Management sub-plan as accordance with RMS directions in order to maintain road safety and network efficiency.

Construction Traffic

- C10. All construction vehicles are to be contained wholly within the Site, except if located in an approved on street work zone, and vehicles must enter the Site before stopping.

Road Occupancy Licence

- C11. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

- C12. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

- C13. 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

- C14. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under and circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

Construction Noise Limits

- C15. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan
- C16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the Subject site or surrounding residential precincts outside of the construction hours of work outlined under condition C5.
- C17. 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.
- C18. 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

- C19. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C20. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C19.
- C21. The limits in conditions C19 and C20 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B16 of this consent.

Contamination

- C22. Following the relocation or demolition of any existing structures, infrastructure and in ground utilities, and excavation works, the Applicant is to carry out further investigation of soil contamination (including within the

footprint and immediate surrounds of those structures, infrastructures and utilities prior to undertaking any construction) to address any contamination with regard to the following:

- (a) NSW EPA Sampling Design Guidelines;
- (b) Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017;
- (c) Guidelines for Consultants Reporting on Contamination Sites, 2011; and
- (d) The National Environment Protection (Assessment of Contamination) Measure.

- C23. Any contaminated material identified as a result of the above investigations is to be removed in accordance with the guidelines in condition C22 and the unexpected contamination procedure required by condition B22.
- C24. A site auditor accredited under the Contaminated Land Management Act 1997 is to be engaged to review the adequacy of the site investigations and actions taken to address contamination in accordance with condition C22 and condition B22.

Tree Protection

- C25. For the duration of the construction works:
- (a) all trees on the Subject site that are not approved for removal must be suitably protected during construction in accordance with AS 4970 2009: Protection of trees on development sites; and
 - (b) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Tree Removal

- C26. An experienced and qualified ecologist is to be on site to supervise tree felling and to manage any displaced fauna on site during tree felling of any tree with habitat features.

Dust Minimisation

- C27. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C28. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

- C29. All erosion and sediment control measures, must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Imported Soil

- C30. The Applicant must ensure that only VENM, ENM, or other material approved in writing by the EPA is brought onto the site and keep accurate records of the volume and type of fill used.

Disposal of Seepage and Stormwater

- C31. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the Environment Protection Authority in accordance with the *Protection of the Environment Operations Act 1997*.

Unexpected Finds Protocol – Aboriginal Heritage

- C32. 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 objects/Sites. Works shall only recommence with the written approval of OEH.

Unexpected Finds Protocol – Historic Heritage

- C33. 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.

Waste Storage and Processing

- C34. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- C35. All waste generated during construction (including excavated material being removed from the site) must be assess, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014).
- C36. 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 or 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.
- C37. 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

- C38. 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.

Incident Notification, Reporting and Response

- C39. 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.

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

Non-Compliance Notification

- C40. 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.

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.

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

Revision of Strategies, Plans and Programs

- C41. Within three months of:
- (a) the submission of a compliance report under condition B30;
 - (b) the submission of an incident report under condition C39;
 - (c) the submission of an Independent Audit under condition C44;
 - (d) the approval of any modification of the conditions of this consent; or
 - (e) the issue of a direction of the Planning Secretary under condition A3 which requires a review,
- 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.
- C42. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Certifying Authority. Where revisions are required, the revised document must be submitted to the Planning Secretary for information within six weeks of the review.

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

Independent Environmental Audit

- C43. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- C44. No later than four weeks before the date notified for the commencement of construction an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.
- C45. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required during the construction phase is:
- (a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and
 - (b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.

In all other respects, Table 1 remains the same. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least four weeks' notice to the applicant of the date upon which the audit must be commenced.

- C46. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department and the Certifying Authority under condition C44 of this consent; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C47. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C44 of this consent;
 - (b) submit the response to the Department and the Certifying Authority; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Certifying Authority in writing when this has been done.
- C48. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary, may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Notification of Occupation

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

External Walls and Cladding

- D2. Prior to the occupation of the building, 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 requirements of the BCA.
- D3. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

Protection of Public Infrastructure

- D4. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

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

Post-construction Dilapidation Report

- D5. Prior to occupation of the building, 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:
- a) to ascertain whether the construction works created any structural damage to adjoining buildings or infrastructure.
 - b) to be submitted to 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) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c) to be forwarded to Council.

Utilities and Services

- D6. Before occupation of the building, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 50 of the *Hunter Water Corporation Act 1991*.

Mechanical Ventilation

- D7. Following completion, installation and testing of all mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Certifying Authority, prior to the final occupation, 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.

Fire Safety Certification

- D8. Prior to the occupation of the building, a **Fire Safety Certificate** must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- D9. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifying Authority prior to the occupation of the relevant parts of any new or refurbished buildings. 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.
- c) person/s authorised to, for the life of the development.

Rainwater Harvesting

- D10. A signed works-as-executed Rainwater Re-use Plan must be provided to the Certifying Authority prior to the issue of the final Occupation Certificate.

Water Quality Maintenance

- D11. A maintenance manual for all water quality devices and rainwater tank devices is to be prepared in accordance with Newcastle City Council's 'Stormwater and Water Efficiency for Development Technical Manual' (updated July 2017). The maintenance manual is to address maintenance issues concerning the water quality devices and rainwater tank devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the maintenance manual is to be completed prior to occupation of the Bioresources Facility Building.

Warm Water Systems and Cooling Systems

- D12. 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.

Outdoor Lighting

- D13. The Applicant must ensure the installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers. Outdoor lighting must:
- (a) comply with the latest version of AS 4282-1997 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
 - (b) be mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Upon installation of outdoor 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.

Signage

- D14. 'Do not drink' signage on non-potable water used for toilet flushing and to new hose taps and irrigation systems for landscaped areas must be installed within the site prior to occupation.

Operational Waste Management Plan

- D15. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifying Authority. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during construction and operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - (c) detail the materials to be reused or recycled, either on or off site; and
 - (d) include the Management and Mitigation Measures included in the EIS.

Site Audit Report and Site Audit Statement

- D16. Prior to occupation of the building, the Applicant must obtain from an EPA accredited Site Auditor, a Site Audit Statement and a Site Audit Report which demonstrates that the site is suitable for its intended use(s).

Landscaping

- D17. Prior to occupation of the building, the Applicant must prepare a Landscape Management Plan to manage the landscaping works on-site, to the satisfaction of the Certifying Authority. The plan must:
- (a) Include updated landscape plan including the modifications as per condition B4;
 - (b) identify that all trees are established on site prior to occupation of the premises;
 - (c) ensure landscaping of the site remains compliant with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*

- (d) provide an ongoing weed control and maintenance program to maintain the existing and new vegetations;
- (e) describe the monitoring and maintenance measures to manage revegetation and landscaping works.

Evacuation and Emergency Management

- D18. Prior to occupation of the building, the existing evacuation and emergency plan for the University shall be updated to include the Bioresources Facility and be consistent with *Development Planning – A guide to developing bush fire emergency management and evacuation plan December 2014*.

Asset Protection Zones

- D19. Prior to occupation of the building, the property around the building to a distance of 20 metres on the northern, western and southern elevations and 25 metres on the eastern elevation shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*.

Evacuation and Emergency Management

- D20. Prior to occupation of the building, the existing evacuation and emergency plan for the University shall be updated to include the Bioresources Facility and be consistent with *Development Planning – A guide to developing bush fire emergency management and evacuation plan December 2014*.

PART E POST OCCUPATION

Operation of 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.

Community Communication Strategy

- E2. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following completion of construction.

Operational Noise Limits

- E3. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Noise and Vibration Impact Assessment dated August 2018 by Muller Acoustic Consulting.
- E4. Noise associated with the operation of any plant, machinery, or other equipment on the site, must not exceed 5 dB(A) above the rating background noise level when measured at the boundary of any sensitive receiver.
- E5. The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry, to collect valid data and provide a quantitative assessment of operational noise impacts following occupation of the building. The noise monitoring must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within three months of full occupation of the building.

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

Unobstructed Driveways and Parking Areas

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

Outdoor Lighting

- E7. Notwithstanding Condition D13, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Odour Management

- E8. The following odour management measures are to be adhered to for the duration of occupation of the development:
- (a) The autoclaving cycle is not to be conducted in the early mornings (prior to 9:00 am) during the winter months
 - (b) All wastes are to be covered and all waste management practices and protocols followed.

Hazards Management

- E9. The Applicant must ensure that the quantities of dangerous goods stored within the development or transported to and from the development will remain below the screening threshold quantities listed in the Department's Applying SEPP 33 guideline (January 2011) at all times.
- E10. The Applicant must store and handle all chemicals, fuels and oils within the development in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.

In the event of an inconsistency between the requirements listed from (a) to (b) above, the most stringent requirement shall prevail to the extent of the inconsistency.

Fire Safety Certificate

- E11. 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.

Landscaping

- E12. The landscaping is to be maintained at all times following its installation in accordance with the approved Landscape Management Plan.

Asset Protection Zones

- E13. The asset protection zones required by Condition D19 shall be maintained for the duration of occupation of the development.

Ecologically Sustainable Development

- E14. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifying Authority and the Planning Secretary.

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C40 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.