

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 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
Infrastructure Assessments

Sydney *21st November* 2019

SCHEDULE 1

Application Number:	SSD 9670
Applicant:	Western Sydney University
Consent Authority:	Minister for Planning and Public Spaces
Site:	2-6 Hassall Street, Parramatta (Lot 22 in DP 608861, Lot 62 in DP 1006215 and Lot 7 in DP128820)
Development:	Construction of a 19 storey mixed use development, including: <ul style="list-style-type: none">• tertiary education, commercial and retail uses.• a single level basement containing car and bicycle parking vehicular servicing areas and waste storage areas.• amphitheatre/exhibition space.• landscaping and public domain works.• plant and equipment.• installation of utilities and infrastructure 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	Western Sydney University or any other person carrying out any development to which this consent applies
Approved disturbance area	The area identified as such on the development layout
Archaeological Salvage	As identified in any Aboriginal Cultural Heritage Management Plan
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following: <ul style="list-style-type: none">• building and road dilapidation surveys;• investigative drilling or investigative excavation;• Archaeological Salvage;• establishing temporary site offices (in locations identified by the conditions of this consent);• installation of environmental impact mitigation measures, fencing, enabling works; and• minor adjustments to services or utilities.
Council	Parramatta City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising the Western Sydney University Innovation Hub, as modified by the conditions of this consent.
DIP	Design Integrity Panel
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled Western Sydney Innovation Hub (SSD 18_9670), prepared by Ethos Urban dated 8 May 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application

Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Division	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in Part 7 of the EIS.
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community

	views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions (RtS)	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1.
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
TfNSW (RMS)	Transport for New South Wales (Roads and Maritime Services)
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS and Response to Submissions;
 - (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by Tzannes Blight Rayner			
Dwg No.	Rev	Name of Plan	Date
03.10	M	Site Plan	23.08.2019
03.50	L	Proposed Setback diagram	09.08.2019
10.00	L	Basement	09.08.2019
10.01	L	Ground Level	09.08.2019
10.02	L	Level 01	09.08.2019
10.03	L	Level 02	09.08.2019
10.04	L	Level 03	09.08.2019
10.05	L	Level 04-06	09.08.2019
10.06	L	Level 07-09	09.08.2019
10.07	L	Level 10	09.08.2019
10.08	L	Level 11	09.08.2019
10.09	L	Level 12 - Terrace	09.08.2019
10.10	L	Level 13 -17	09.08.2019
10.11	L	Level 18 - Plant	09.08.2019
10.12	L	Level 19 - Plant	09.08.2019
10.13	L	Roof Plan	09.08.2019
11.03	L	Reflective Ceiling Plan – Level 02	09.08.2019
18.00	L	GFA Diagrams - Midrise	09.08.2019
18.01	L	GFA Diagrams - Highrise	09.08.2019
20.00	L	Section A	09.08.2019
20.01	L	Section B	09.08.2019
20.10	L	Podium Section B	09.08.2019
20.11	L	Podium Section A	09.08.2019
30.00	L	North Elevation	09.08.2019
30.01	L	East Elevation	09.08.2019
30.02	L	South Elevation	09.08.2019
30.03	L	West Elevation	09.08.2019
52.01	L	Façade Section – North Facade	09.08.2019

52.02	L	Façade Section – West Facade	09.08.2019
52.03	L	Façade Section – South Facade	09.08.2019
52.04	L	Façade Section - Plant	09.08.2019
52.05	C	Typical Terrace Door Detail	09.08.2019
60.01	L	External Finishes Schedule	09.08.2019
80.00	A	Cooling Tower Enclosure Comparison	09.08.2019
Landscape Drawings and Public Domain Plans prepared by Aspect Studios			
Dwg No.	Rev	Name of Plan	Date
6HS-ASP-L01.01	D	Cover Sheet and General Arrangement Plans	30.07.2019
6HS-ASP-L01.02	D	Legend	30.07.2019
6HS-ASP-L01.03	D	Reference Plans	30.07.2019
6HS-ASP-L01.04	D	Ground Level Plans	30.07.2019
6HS-ASP-L01.05	D	Ground Level Plans	30.07.2019
6HS-ASP-L01.06	D	Upper Levels Plans	30.07.2019
6HS-ASP-L01.07	D	Details	30.07.2019
6HS-ASP-L01.08	D	Details	30.07.2019
6HS-ASP-L01.09	A	Details	30.07.2019

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

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

Prescribed Conditions

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

Planning Secretary as Moderator

- A7. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Evidence of Consultation

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging

- A9. The project may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted for the information of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A10. A Staging Report prepared in accordance with condition A9 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. Where staging is proposed, the project must be staged in accordance with the Staging Report, as submitted to the Planning Secretary.
- A12. Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

Staging, Combining and Updating Strategies, Plans or Programs

- A13. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
 - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and

- (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A14. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A15. If approved by the Planning Secretary, updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Structural Adequacy

- A16. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

External Walls and Cladding

- A17. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

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, Site audit report and independent auditing.

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

Access to Information

- 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 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.

Incident Notification, Reporting and Response

A23. 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.

A24. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

A25. The Planning Secretary 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.

A26. 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.

A27. 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

A28. Within three months of:

- (a) the submission of a compliance report under condition B36;
- (b) the submission of an incident report under condition A24;
- (c) the submission of an Independent Audit under condition C32;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

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 Certifying Authority for approval 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.*

Signage

A29. Details of the final signage design, content and illumination within the approved signage zones are to be submitted to the satisfaction of the Planning Secretary prior to the installation and display of any signage.

Design Excellence and Integrity

A30. In order to ensure design excellence of the development is retained:

- (a) the lead architect is to have:
 - (i) direct involvement in the design competition, contract documentation construction stages of the project; and
 - (ii) access to the site and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project.
- (b) in the event that the design architect for the application is not the lead architect (A24(a)), it must have a role in the Design Integrity Panel (DIP) or another review/oversight role as may be agreed by the Planning Secretary.

A31. The DIP is to be provided with the opportunity to review and comment on the architectural drawings, landscape drawings and samples of all external materials, including revised 3D photomontages, prepared during design development prior to the issue of the relevant certification of Crown building works. This is to ensure that the construction certification drawings are consistent with the approved design.

A32. Any changes to the design must be referred to the DIP for endorsement.

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- B1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- B2. If the construction or operation 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

- B3. 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 the relevant clauses of the BCA and this development consent.

Development Contributions

- B4. A Section 7.12 levy totalling **\$1,735,200**, is to be paid to Council in accordance with Section 7.12 of the EP&A Act and Parramatta City Centre S94A Development Contribution Plan (Amendment 4). The levy must be paid in cash, bank cheque or by credit card. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of determination to the date of payment (note - Council should be contacted for the indexed contribution amount prior to payment). Prior to commencement of works, 50 per cent of the contribution amount must be paid to Council.

Evidence of the payment must be provided to the Certifying Authority prior to the commencement of any work subject to this consent.

External Walls and Cladding

- B5. Prior to the commencement of construction, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA.
- B6. 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

- B7. Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifying Authority and Council.

Pre-Construction Dilapidation Report

- B8. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council, NSW Heritage Division and the Certifying Authority. The report must provide an accurate record of the existing condition of adjoining private properties, heritage items and Council assets that are likely to be impacted by the proposed works.

Site Contamination

- B9. The Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the proposed education, commercial and retail land uses and be provided to the satisfaction of the Certifying Authority.

Ecologically Sustainable Development

B10. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by registering for a minimum 5 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifying Authority.

Outdoor Lighting

B11. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifying Authority that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Wind Mitigation

B12. Prior to the commencement of construction, the Applicant must submit amended documentation demonstrating the design includes the wind mitigation measures recommended in the Wind Impact Assessment WE531-01F02(REV3)- WS prepared by Windtech dated 11 April 2019 including horizontal screening elevated above ground level through the plaza, planting or localised screening throughout the plaza and 1.5m high impermeable balustrades around the Level 12 terraces to the satisfaction of the Certifying Authority.

Environmental Management Plan Requirements

B13. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:

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

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

Construction Environmental Management Plan

B14. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifying Authority and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:

- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling;
- (b) Construction Noise and Vibration Management Sub-Plan (see condition B15);
- (c) Construction Waste Management Sub-Plan (see condition B16);
- (d) Construction Soil and Water Management Sub-Plan (see condition B17);
- (e) an unexpected finds protocol for contamination and associated communications procedure;
- (f) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
- (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; and

B15. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
- (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (d) include strategies that have been developed with the community for managing high noise generating works;
- (e) describe the community consultation undertaken to develop the strategies in condition B15(d);
- (f) include a complaints management system that would be implemented for the duration of the construction; and
- (g) adherence to the recommendations of the report titled *Noise Impact Assessment Issue B* dated 11 April 2019 and prepared by Floth, as modified by the conditions of this consent.

B16. 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; and
- (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

B17. 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 a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
- (d) detail all off-Site flows from the Site; and
- (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

Construction Traffic and Pedestrian Management Plan

B18. A Construction Traffic and Pedestrian Management Plan (CTPMP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with the TfNSW Sydney Coordination Office and Council;
- (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on the Parramatta Light Rail project and rail replacement services and general traffic, cyclists and pedestrians and bus services;
- (d) location all proposed work zones;
- (e) proposed construction hours;
- (f) estimated number and type of construction vehicle movements including volume, time of day, vehicle routes, access and parking arrangements. All construction vehicles are to enter and exit site in a forward direction. No reversing into site should be allowed for pedestrian safety reasons. Construction vehicle movements should be limited during peak periods, AM (7am-9.30am) and PM (4pm-6.30pm) to reduce impacts on any bus operations and traffic flow.
- (g) construction program including details of peak construction activities and proposed construction staging;
- (h) cumulative construction impacts of projects in the Parramatta CBD precinct, and the duration of the impacts;
- (i) measures to reduce the likelihood of construction workers driving into the CBD to park, placing further demand on kerbside parking and the road network during construction.
- (j) 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;
- (k) include a program to monitor the effectiveness of these measures; and
- (l) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

B19. A copy of the final CTPMP is to be submitted to the Coordinator General, Transport Coordination at TfNSW for endorsement prior to the commencement of any work.

Construction Worker Transportation Strategy

B20. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifying Authority. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers

in order to minimise demand for parking in nearby public and residential streets or public parking facilities.

Soil and Water

- B21. Prior to the commencement of construction, the Applicant must:
- (a) install erosion and sediment controls on the site to manage wet weather events; and
 - (b) divert existing clean surface water around operational areas of the site.
- B22. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

Stormwater Management System

- B23. Prior to the certification of Crown building work or commencement of any construction work, whichever occurs first, relating to the ground floor (including slab pour, public domain works or any other above ground structure), the Applicant must design an operational stormwater management system for the development and it be approved by Council's Group Manager Development and Traffic Services. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) include a stormwater drainage pipeline with kerb inlet pits along the kerbline of Hassall Street from the site eastwards, then crossing Hassall Street to the point of connection near 13-15 Hassall Street with minimum 375mm diameter concrete spigot and socket pipe in accordance with Council's standards with an underground connection from the site to the kerb inlet;
 - (c) be designed in accordance with On-site Detention and Water Sensitive Urban Design requirements in Parramatta Development Control Plan 2011;
 - (d) be in accordance with applicable Australian Standards;
 - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

Operational Noise – Design of Mechanical Plant and Equipment

- B24. Prior to installation of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the Noise Impact Assessment Issue B prepared by Floth dated 11 April 2019, into the detailed design drawings. The Certifying Authority must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise Impact Assessment Issue B prepared by Floth dated 11 April 2019.

Landscaping

- B25. Prior to the commencement of construction, the Applicant must prepare a detailed Landscape Plan to manage the landscaping works on-site, to the satisfaction of the Certifying Authority. The plan must:
- (a) detail the location, species, maturity and height at maturity of plants to be planted on-site;
 - (b) include species (trees, shrubs and groundcovers) indigenous to the local area;
 - (c) include the provision of street tree planting. Species and spacing of trees to be determined in Consultation with Council.

Construction and Demolition Waste Management

- B26. Prior to the commencement of the removal of any waste material from the site, the Applicant must notify the TfNSW (RMS) Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site.

Operational Waste Storage and Processing

- B27. Prior to the commencement of construction, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken

by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifying Authority.

Rainwater Harvesting

B28. Prior to the commencement of construction, the Applicant must ensure that a rainwater reuse/harvesting system for the development is developed for the site. A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer.

Operational Car Parking and Service Vehicle Layout

B29. Prior to the commencement of construction, compliance with the following requirements must be submitted to the satisfaction of the Certifying Authority:

- (a) all vehicles must enter and leave the Site in a forward direction;
- (b) a minimum of 15 on-site car parking spaces for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
- (c) the swept path of the longest construction vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with the latest version of AS 2890.2.

Bicycle Parking and End-of-Trip Facilities

B30. Prior to the commencement of construction, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifying Authority:

- a) the provision of a minimum 196 bicycle parking spaces (including a minimum of 14 bicycle parking spaces at ground level);
- b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- c) the provision of end-of-trip facilities for staff;
- d) appropriate pedestrian and cyclist advisory signs are to be provided; and
- e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Public Domain Plans

B31. Public domain alignment drawings must be prepared by a suitable qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and approved by Council prior to commencement of public domain work. The Public domain alignment drawings must document all work required to ensure the public domain complies with the requirements outlined in Chapter 2 of Council's Public Domain Guidelines including:

- a) existing and proposed levels for roads, kerb and gutter, footways, forecourts and through-site links;
- b) positive drainage away from the building and interfaces of the public domain and new building entries via a series of engineering cross and long sections;
- c) proposed general layout of elements, services and finishes;
- d) a splay at the driveway crossover (in lieu of bollards) outside the pedestrian walking area as shown in Figure 3.3 of AS2890.1; and
- e) landscape drawings for internal site areas showing all proposed boundary treatments and compliant open space areas, including levels.

B32. Prior to the commencement of any construction work relating to the ground floor (including slab pour, public domain works or any other above ground structure), a set of detailed public domain construction drawings must be prepared in accordance with *City of Parramatta Public Domain Guidelines*, submitted to and approved by Council's Group Manager Development and Traffic Services. The drawings must address, but not be limited to, the following areas:

- a) the street frontages of the development site between the gutter and building line, including footpath, drainage, forecourt, front setback;
- b) any publicly accessible areas; and

- c) any works in carriageway.

Internal Noise

- B33. Prior to the commencement of construction, details must be submitted to the satisfaction of the Certifying Authority demonstrating the glazing recommendations in the Noise Impact Assessment prepared by Floth Revision B dated 11 April 2019 have been incorporated into the design to achieve satisfactory internal noise levels for the development.

Crime Prevention Through Environmental Design (CPTED)

- B34. Prior to the commencement of construction, details must be submitted to the satisfaction of the Certifying Authority the recommendations in the Crime Prevention Through Environmental Design report prepared by Ethos Urban dated 27 March 2019 have been incorporated into the design to minimise crime risk and ensure the design is generally consistent with the principles in the CPTED principles.

Compliance Reporting

- B35. No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifying Authority.
- B36. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary and notify the Planning Secretary and the Certifying Authority in writing at least seven days before this is done.
- B37. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

PART C DURING CONSTRUCTION

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 site during construction 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 is to satisfy the following requirements;
 - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- C3. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

- (a) between 7:00am and 6:00pm, Mondays to Fridays inclusive; and
- (b) between 8:00am and 1:00pm, Saturdays.

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

- C5. Construction activities may be undertaken outside of the hours in condition C4 if required:

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

- C6. Notification of such construction activities as referenced in condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

- (a) 9am to 12pm, Monday to Friday;
- (b) 2pm to 5pm Monday to Friday; and
- (c) 9am to 12pm, Saturday.

Implementation of Management Plans

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

Construction Traffic

- C9. All construction vehicles (excluding worker 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.

Hoarding Requirements

- C10. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
 - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

Implementation of Management Plans

- C11. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

Construction Noise Limits

- C12. 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.
- C13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C4.
- C14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

- C15. 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).
- C16. 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 C15.
- C17. The limits in conditions C15 and C16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B15 of this consent.

Air Quality

- C18. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C19. 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

C20. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

Imported Soil

C21. The Applicant must:

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

Disposal of Seepage and Stormwater

C22. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Unexpected Finds Protocol – Aboriginal Heritage

C23. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

Unexpected Finds Protocol – Historic Heritage

C24. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the NSW 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 the NSW Heritage Division.

Waste Storage and Processing

- C25. 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.
- C26. All waste generated during construction must be assess, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014).
- C27. The body of any vehicle or trailer used to transport waste or excavation spoil must be covered before leaving the premises to prevent any spillage or escape of any dust, waste of spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site must be removed before leaving the premises.
- C28. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.

Independent Environmental Audit

- C29. 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.
- C30. Prior to 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 Planning Secretary and the Certifying Authority.
- C31. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:
- (a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and
 - (b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit; and

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 4 weeks notice to the applicant of the date upon which the audit must be commenced.

- C32. Independent Audits of the development must be submitted to the Planning Secretary and must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Planning Secretary and the Certifying Authority under condition C30 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).
- C33. 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 C32 of this consent;
 - (b) submit the response to the Planning Secretary and the Certifying Authority; and
 - (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifying Authority in writing at least seven days before this is done.
- C34. 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.

Community Engagement

- C35. The Applicant must consult with the community regularly throughout construction, including consultation with the nearby sensitive residential receivers located in Hassall Street and the commercial receivers at Curtis Cheng Centre (NSW Police Headquarters), Lancer Military Barracks, Commercial Hotel, 7 Hassall Street and Eclipse Tower, relevant regulatory authorities and other interested stakeholders.

Builders Details

- C36. The Applicant must provide the builder's direct contact number to surrounding stakeholders impacted by the construction work and the Transport Management Centre and Sydney Coordination Office within TfNSW to resolve issues relating to traffic, freight, servicing and pedestrian access during construction in real time. The Applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

Public Domain Work Inspections

- C37. All the public domain works must be constructed by licensed contractors. All the soft landscape works must be carried out by licensed landscape contractors.

- C38. The Applicant must give Council 48 hours notice prior to the commencement of the following to allow Council to inspect the public domain works:
- (a) commencement of public domain works, including tree protection measures installed and set out of tree pits;
 - (b) subgrade inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
 - (c) installation of required underground conduits;
 - (d) blinding layer/concrete slab based completion and initial (indicative) set out of pavers street fixtures and fittings as applicable to ensure compliance with the requirements in the Public Domain Guidelines;
 - (e) commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments;
 - (f) completion of concrete blinding layer before any paver to be laid, and set out/location of furniture installation;
 - (g) completion of (raised) planting beds with required sub-drainage layer installed as specified.
 - (h) completion of unit (granite) paving and furniture (seatings) installation. Manufacturer's warranty and maintenance information for all proprietary products must be provided to Council's Inspection Officer;
 - (i) completion of paving sealant application and tactile indicator installation as per Council's specification.
 - (j) delivery of street trees to site, which must be installed within 24hrs of delivery. The contractor must provide Council's Officer with the NATSPEC document to prove the quality of the tree stock.
 - (k) final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.

PART D PRIOR TO COMMENCEMENT OF OPERATION

Notification of Occupation

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

External Walls and Cladding

- D2. Prior to commencement of operation, the Applicant must provide the 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.

Development Contributions

- D4. Prior to commencement of operation, the remaining 50 per cent of the contribution required pursuant to condition B4 must be paid to Council. Evidence of the payment must be provided to the Certifying Authority prior to the commencement of operation.

Post-construction Dilapidation Report

- D5. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - b) to be submitted to the 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.

Protection of Public Infrastructure

- D6. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

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

Protection of Property

- D7. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Utilities and Services

- D8. Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

Design Integrity

- D9. Prior to commencement of operation, the DIP must be provided the opportunity to review the development to ensure the as-built development maintains design integrity in accordance with

previously reviewed or endorsed plans and drawings in accordance with conditions A31 and A32.

- D10. Any matters recommended by the DIP to be resolved, which are not satisfactory or consistent with its previous advice or recommendations must be rectified prior to commencement of operation.

Works as Executed Plans

- D11. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifying Authority.

Stormwater Works

- D12. Prior to the commencement of operation, the stormwater augmentation in Hassall Street must be completed to the satisfaction of Council's Infrastructure Manager in accordance with condition B23.

Green Travel Plan

- D13. Prior to the commencement of operation, a Green Travel Plan (GTP), must be submitted to the Certifying Authority to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Parramatta City Council and Transport for NSW (Sydney Coordination Office);
 - (b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
 - (c) identify strategies and mode share targets that encourage the use of public and active transport and reduce the proportion of single-occupant car journeys to the site;
 - (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP;
 - (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development;
 - (f) include a Transport Access Guide that provides information to students/employees/visitors about the range of travel modes, access arrangements and supporting facilities that service the site;
 - (g) identify relevant workplace policies such as flexible working and teleworking arrangements that enable travel outside peak periods or which reduce the need for work related travel (where applicable); and
 - (h) nominate the party/parties responsible for implementing the Travel Plan and its ongoing monitoring and review, including the delivery of actions and associated mode share targets.

Mechanical Ventilation

- D14. Prior to commencement of operation, the Applicant must provide evidence to the satisfaction of the Certifying Authority that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
 - (b) The BCA and the development consent and any relevant modifications; and
 - (c) any dispensation granted by Fire and Rescue NSW.

Operational Noise – Design of Mechanical Plant and Equipment

D15. Prior to the commencement of operation, the Applicant must submit evidence to the Certifying Authority that the noise mitigation recommendations in the Noise Impact Assessment Issue B dated 11 April 2019 prepared by Floth have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

Road Damage

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

Crime Prevention

D17. Prior to the commencement of operation, details shall be submitted to the satisfaction of the Certifying Authority the CPTED works have been completed in accordance with condition B34.

Fire Safety Certification

D18. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

D19. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority. 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.

Stormwater Quality Management Plan

D20. Prior to the commencement of operation, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifying Authority along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:

- (a) maintenance schedule of all stormwater quality treatment devices;
- (b) record and reporting details;
- (c) relevant contact information; and
- (d) Work Health and Safety requirements.

Rainwater Harvesting

D21. Prior to the commencement of operation, signed works-as-executed Rainwater Re-use Plan must be provided to the Planning Secretary and Certifying Authority.

Warm Water Systems and Cooling Systems

D22. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Outdoor Lighting

D23. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifying Authority that demonstrates that installed lighting

associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage

- D24. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- D25. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- D26. Prior to the commencement of operation, '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.

Operational Waste Management Plan

- D27. 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 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 and RtS.

Landscaping

- D28. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan to manage the landscaping on-site, to the satisfaction of the Certifying Authority. The plan must:
 - (a) describe the ongoing monitoring and maintenance measures to manage landscaping; and
 - (b) be in accordance with the Public Domain Drawings required by conditions B31 and B32; and
 - (c) be consistent with the Applicant's Management and Mitigation Measures as described in the EIS and RtS.
- D29. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifying Authority.

Loading Dock Management Plan

- D30. Prior to the commencement of operation, the Applicant must prepare a Loading Dock Management Plan to the satisfaction of the Certifying Authority to manage the operation of the servicing bays including:
 - (a) allocation of sufficient loading spaces
 - (b) restrictions on delivery and operating times
 - (c) measures to ensure no queuing of delivery vehicles
 - (d) a booking system to reduce potential conflict, vehicle congestion at the access point and vehicle waiting times and minimise interaction of peak pedestrian flows with servicing vehicles.

Waste Collection

D31. Prior to the commencement of the operation, the Certifying Authority must be satisfied the waste management and storage areas have been completed in accordance with Council Waste management requirements.

PART E POST OCCUPATION

Operation of Plant and Equipment

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

Warm Water Systems and Cooling Systems

- E2. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Operational Noise Limits

- E3. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Noise Impact Assessment Issue B dated 11 April 2019 prepared by Floth.
- E4. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in Noise Impact Assessment Issue B dated 11 April 2019 and prepared by Floth. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Unobstructed Driveways and Parking Areas

- E5. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Green Travel Plan

- E6. A final/revised Green Travel Plan is to be submitted to the Planning Secretary within 18 months of occupation. The final Green Travel Plan should include consideration of journey to work patterns and behaviours identified by a staff/students/visitor travel survey taken during the first 12 months of opening of the institution.
- E7. The Green Travel Plan required by condition D13 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Ecologically Sustainable Development

- E8. Within six months of commencement of operation, unless otherwise agreed by the Planning Secretary, Green Star certification must be obtained demonstrating the development achieves a minimum 5 star Green Star Design & As Built rating. Evidence of the certification must be provided to the Certifying Authority and the Planning Secretary.

Outdoor Lighting

- E9. Notwithstanding condition D23, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Landscaping

- E10. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D28 for the duration of occupation of the development.

Independent Environmental Audit

E11. Within one month of completing each audit carried out in accordance with condition C32, the Applicant must submit a report to the Planning Secretary for information. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

Hazards and Risk

E12. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.

E13. In the event of an inconsistency between the requirements of condition E12(a) and E12(b), the most stringent requirement must prevail to the extent of the inconsistency.

Dangerous Goods

E14. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:

- (a) all relevant Australian Standards;
- (b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
- (c) the Environment Protection Manual for *Authorised Officers: Bunding and Spill Management – technical bulletin* (EPA, 1997).

E15. In the event of an inconsistency between the requirements E14(a) to E14(c), the most stringent requirement must prevail to the extent of the inconsistency.

Underground Storage Tanks

E16. Any UST installed on the site to support emergency electrical generation or the like must comply with the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2014.

Radiation Control Act 1990

E17. Any research activities / occupancies involving the storage and use of 'regulated material' within the meaning of the Radiation Control Act 1990 must comply with the requirements of the Radiation Control Act 1990.

Loading and Unloading

E18. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out in accordance with the Loading Dock Management Plan condition D30.

Rainwater Harvesting

E19. The Applicant must implement the rainwater re-use plan required by condition D21 for the duration of the development

APPENDIX 1 ADVISORY NOTES

General

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

Long Service Levy

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

Access for People with Disabilities

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the 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.

Utilities and Services

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

Road Design and Traffic Facilities

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (RMS) (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

Road Occupancy Licence

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

AN9. 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

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Fire Safety Certificate

AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary 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 A23 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.