

Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, I approve the Development Application referred to in Schedule 1, subject to the conditions 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



Keiran Thomas
Director
Regional Assessments

Sydney

28 July 2023

SCHEDULE 1

Application No.:	SSD-47749715
Applicant:	The University of Newcastle
Consent Authority:	Minister for Planning
Site:	305 Mann Street, Gosford Lots 1, 2, 4, 29, 30, 31 and 32 in Deposited Plan 1591, Lot 1 in Deposited Plan 911163, and Lot 1 in Deposited Plan 911164
Development:	Demolition of all existing buildings, site preparation, bulk earthworks, augmentation and connection of new services infrastructure, and the construction and operation of a four-storey educational building, retail/café, associated basement vehicle and bicycle parking and public open space.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	University of Newcastle, or any person carrying out any development to which this consent applies
Application	The development application and the accompanying drawings, plans and documentation described at condition A2
BCA	Building Code of Australia
Certifier / Certifying Authority	A person who is authorised by or under Part 6 of the EP&A Act to issue Part 6 certificates
Construction	Any works, including earth and building works
Council	Central Coast Council
DAP	Gosford Design Advisory Panel
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and RTS including the works and activities comprising construction, operation and post commencement of use, as modified by the conditions of this consent
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	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
Environmental Impact Statement / EIS	Environmental Impact Statement prepared by Urbis, rev Final, dated 18 January 2023
Feasible	Means what is possible and practical in the circumstances
GFA	Gross floor area
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: <i>“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
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
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
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

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
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	Response to Submissions report and attachments, prepared by Metroplan Services and dated 11 January 2023
Site	The site as described at Schedule 1
TfNSW	Transport for NSW

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SCHEDULE 2
PART A – ADMINISTRATIVE CONDITIONS

Obligation To Minimise Harm To The Environment

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

Terms of Consent

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the Environmental Impact Statement and Response to Submissions;
- (d) in accordance with the approved plans in the table below (except where modified by the conditions of this consent):

Survey Plan prepared by ADW Johnson			
Drawing No.	Revision	Title	Date
190852-DET-001-A (page 1 of 9)	1	Detail and Contour Survey upon Lots 1,2,4,29,30,31&32 IN DP 1519 & LOT 1 DP 911163 & LOT 1 DP 911164	16.09.2022
190852-DET-001-A (page 2 of 9)	1	Detail and Contour Survey upon Lots 1,2,4,29,30,31&32 IN DP 1519 & LOT 1 DP 911163 & LOT 1 DP 911164	16.09.2022
190852-DET-001-A (page 3 of 9)	1	Detail and Contour Survey upon Lots 1,2,4,29,30,31&32 IN DP 1519 & LOT 1 DP 911163 & LOT 1 DP 911164	16.09.2022
190852-DET-001-A (page 4 of 9)	1	Detail and Contour Survey upon Lots 1,2,4,29,30,31&32 IN DP 1519 & LOT 1 DP 911163 & LOT 1 DP 911164	16.09.2022
190852-DET-001-A (page 5 of 9)	1	Detail and Contour Survey upon Lots 1,2,4,29,30,31&32 IN DP 1519 & LOT 1 DP 911163 & LOT 1 DP 911164	16.09.2022
190852-DET-001-A (page 6 of 9)	1	Detail and Contour Survey upon Lots 1,2,4,29,30,31&32 IN DP 1519 & LOT 1 DP 911163 & LOT 1 DP 911164	16.09.2022
190852-DET-001-A (page 7 of 9)	1	Detail and Contour Survey upon Lots 1,2,4,29,30,31&32 IN DP 1519 & LOT 1 DP 911163 & LOT 1 DP 911164	16.09.2022
190852-DET-001-A (page 8 of 9)	1	Detail and Contour Survey upon Lots 1,2,4,29,30,31&32 IN DP 1519 & LOT 1 DP 911163 & LOT 1 DP 911164	16.09.2022
190852-DET-001-A (page 9 of 9)	1	Detail and Contour Survey upon Lots 1,2,4,29,30,31&32 IN DP 1519 & LOT 1 DP 911163 & LOT 1 DP 911164	16.09.2022
Architectural Plans prepared by Lyons Architecture			
Drawing No.	Revision	Title	Date
DA-A-1001	4	SITE PLAN	16.01.2023
DA-A-3000	6	CONTEXT PLAN - GROUND LEVEL	12.07.2023
DA-A-3001	5	CONTEXT PLAN - LEVEL 01	28.06.2023
DA-A-3002	4	PLAN - LEVEL 02	16.01.2023

DA-A-3003	4	PLAN - LEVEL 03	16.01.2023
DA-A-3004	4	PLAN - LEVEL 04	16.01.2023
DA-A-3100	4	AREA PLANS - GROSS FLOOR AREA(DCP)	16.01.2023
DA-A-4000	4	BUILDING ELEVATIONS	16.01.2023
DA-A-4500	4	BUILDING SECTIONS	16.01.2023
DA-A-5001	2	SOLAR ACCESS ANALYSIS (EXISTING) - WINTER SOLSTICE (JUNE 21) 9AM	16.01.2023
DA-A-5002	1	SOLAR ACCESS ANALYSIS (EXISTING) - WINTER SOLSTICE (JUNE 21) 10AM	16.01.2023
DA-A-5003	1	SOLAR ACCESS ANALYSIS (EXISTING) - WINTER SOLSTICE (JUNE 21) 11AM	16.01.2023
DA-A-5004	1	SOLAR ACCESS ANALYSIS (EXISTING) - WINTER SOLSTICE (JUNE 21) 12PM	16.01.2023
DA-A-5005	2	SOLAR ACCESS ANALYSIS (EXISTING) - WINTER SOLSTICE (JUNE 21) 1PM	16.01.2023
DA-A-5006	1	SOLAR ACCESS ANALYSIS (EXISTING) - WINTER SOLSTICE (JUNE 21) 2PM	16.01.2023
DA-A-5007	1	SOLAR ACCESS ANALYSIS (EXISTING) - WINTER SOLSTICE (JUNE 21) 3PM	16.01.2023
DA-A-5008	2	SOLAR ACCESS ANALYSIS - WINTER SOLSTICE (JUNE 21) 9AM	16.01.2023
DA-A-5009	1	SOLAR ACCESS ANALYSIS - WINTER SOLSTICE (JUNE 21) 10AM	16.01.2023
DA-A-5010	1	SOLAR ACCESS ANALYSIS - WINTER SOLSTICE (JUNE 21) 11AM	16.01.2023
DA-A-5011	1	SOLAR ACCESS ANALYSIS - WINTER SOLSTICE (JUNE 21) 12PM	16.01.2023
DA-A-5012	2	SOLAR ACCESS ANALYSIS - WINTER SOLSTICE (JUNE 21) 1PM	16.01.2023
DA-A-5013	1	SOLAR ACCESS ANALYSIS - WINTER SOLSTICE (JUNE 21) 2PM	16.01.2023
DA-A-5014	1	SOLAR ACCESS ANALYSIS - WINTER SOLSTICE (JUNE 21) 3PM	16.01.2023
DA-A-5015	2	SOLAR ACCESS ANALYSIS (EXISTING) - SUMMER SOLSTICE (DECEMBER 21) 9AM	16.01.2023
DA-A-5016	1	SOLAR ACCESS ANALYSIS (EXISTING) - SUMMER SOLSTICE (DECEMBER 21) 10AM	16.01.2023
DA-A-5017	1	SOLAR ACCESS ANALYSIS (EXISTING) - SUMMER SOLSTICE (DECEMBER 21) 11AM	16.01.2023
DA-A-5018	1	SOLAR ACCESS ANALYSIS (EXISTING) - SUMMER SOLSTICE (DECEMBER 21) 12PM	16.01.2023
DA-A-5019	2	SOLAR ACCESS ANALYSIS (EXISTING) - SUMMER SOLSTICE (DECEMBER 21) 1PM	16.01.2023
DA-A-5020	1	SOLAR ACCESS ANALYSIS (EXISTING) - SUMMER SOLSTICE (DECEMBER 21) 2PM	16.01.2023
DA-A-5021	1	SOLAR ACCESS ANALYSIS (EXISTING) - SUMMER SOLSTICE (DECEMBER 21) 3PM	16.01.2023
DA-A-5022	2	SOLAR ACCESS ANALYSIS - SUMMER SOLSTICE (DECEMBER 21) 9AM	16.01.2023
DA-A-5023	1	SOLAR ACCESS ANALYSIS - SUMMER SOLSTICE (DECEMBER 21) 10AM	16.01.2023
DA-A-5024	1	SOLAR ACCESS ANALYSIS - SUMMER SOLSTICE (DECEMBER 21) 11AM	16.01.2023
DA-A-5025	1	SOLAR ACCESS ANALYSIS - SUMMER SOLSTICE (DECEMBER 21) 12PM	16.01.2023

DA-A-5026	2	SOLAR ACCESS ANALYSIS - SUMMER SOLSTICE (DECEMBER 21) 1PM	16.01.2023
DA-A-5027	1	SOLAR ACCESS ANALYSIS - SUMMER SOLSTICE (DECEMBER 21) 2PM	16.01.2023
DA-A-5028	1	SOLAR ACCESS ANALYSIS - SUMMER SOLSTICE (DECEMBER 21) 3PM	16.01.2023
DA-A-5029	2	SOLAR ACCESS ANALYSIS (EXISTING) - EQUINOX (MARCH 21 / SEPTEMBER 21) 9AM	16.01.2023
DA-A-5030	1	SOLAR ACCESS ANALYSIS (EXISTING) - EQUINOX (MARCH 21 / SEPTEMBER 21) 10AM	16.01.2023
DA-A-5031	1	SOLAR ACCESS ANALYSIS (EXISTING) - EQUINOX (MARCH 21 / SEPTEMBER 21) 11AM	16.01.2023
DA-A-5032	1	SOLAR ACCESS ANALYSIS (EXISTING) - EQUINOX (MARCH 21 / SEPTEMBER 21) 12PM	16.01.2023
DA-A-5033	2	SOLAR ACCESS ANALYSIS (EXISTING) - EQUINOX (MARCH 21 / SEPTEMBER 21) 1PM	16.01.2023
DA-A-5034	1	SOLAR ACCESS ANALYSIS (EXISTING) - EQUINOX (MARCH 21 / SEPTEMBER 21) 2PM	16.01.2023
DA-A-5035	1	SOLAR ACCESS ANALYSIS (EXISTING) - EQUINOX (MARCH 21 / SEPTEMBER 21) 3PM	16.01.2023
DA-A-5036	2	SOLAR ACCESS ANALYSIS - EQUINOX (MARCH 21 / SEPTEMBER 21) 9AM	16.01.2023
DA-A-5037	1	SOLAR ACCESS ANALYSIS - EQUINOX (MARCH 21 / SEPTEMBER 21) 10AM	16.01.2023
DA-A-5038	1	SOLAR ACCESS ANALYSIS - EQUINOX (MARCH 21 / SEPTEMBER 21) 11AM	16.01.2023
DA-A-5039	1	SOLAR ACCESS ANALYSIS - EQUINOX (MARCH 21 / SEPTEMBER 21) 12PM	16.01.2023
DA-A-5040	2	SOLAR ACCESS ANALYSIS - EQUINOX (MARCH 21 / SEPTEMBER 21) 1PM	16.01.2023
DA-A-5041	1	SOLAR ACCESS ANALYSIS - EQUINOX (MARCH 21 / SEPTEMBER 21) 2PM	16.01.2023
DA-A-5042	1	SOLAR ACCESS ANALYSIS - EQUINOX (MARCH 21 / SEPTEMBER 21) 3PM	16.01.2023
A_GOA_DW G_A3100	T1	FLOOR PLAN - GROUND LEVEL	17.05.2023
A_GOA_DW G_A6020	T1	RLS - GROUND - END OF TRIP LOCKERS	17.05.2023
A_GOA_DW G_A6022	T1	RLS - GROUND - END OF TRIP BIKE STORE	17.05.2023
Landscape Drawings prepared by McGregor Coxall			
Drawing No.	Revision	Title	Date
LD-SSDA-0A	C	Cover Page	20.12.2022
LD-SSDA-0B	C	Planting Schedule	20.12.2022
LD-SSDA-0C	C	Key Plan	20.12.2022
LD-SSDA-11	C	GA Site Plan	20.12.2022
LD-SSDA-101	C	Material & Finishes Plan – GF & L1	20.12.2022
LD-SSDA-201	C	Sections – Sheet 01	20.12.2022
LD-SSDA-202	C	Sections – Sheet 02	20.12.2022
Internal Civil Woks prepared by Northrop			
Drawing No.	Revision	Title	Date

C1.1	A	Cover Sheet	02.12.2022
C2.1	A	Soil & Water Management Plan	02.12.2022
C2.2	A	Soil & Water Management Details	02.12.2022
C3.1	A	Bulk Earthworks Plan	02.12.2022
C4.1	A	Concept Civil Works and Water Cycle Management & Levels Plan	02.12.2022
C4.10	A	Long Sections – Sheet 1	02.12.2022
C4.11	A	Long Sections – Sheet 2	02.12.2022
C10.1	A	Civil Details – Sheet 1	02.12.2022
C15.1	A	Vehicle Swept Path Plan	02.12.2022
C33.2	5	Internal Civil Works and Water Cycle Management & Levels Plan – Sheet 2	24.05.2023
C35.6	1	Civil Details Sheet 6	24.05.2023

- (f) generally in accordance with the following documents:
- (i) Aboriginal Cultural heritage Assessment prepared by Urbis, report no. RTS Amendments – 26/4/2023, dated 26 April 2023
 - (ii) Access Report prepared by Lindsay Perry Access, rev 3, dated 1 December 2022
 - (iii) Acid Sulphate Soil Management Plan, ref. NCA23R153886, prepared by Kleinfelder, dated 22 May 2023
 - (iv) Archaeological Research Design & Excavation Methodology prepared by Urbis, report no. RTS Response – 26/4/2023, dated 26 April 2023
 - (v) CPTED Report, prepared by James Marshall & Co, dated December 2022
 - (vi) Dewatering Management Plan, ref. NCA23R153933, prepared by Kleinfelder, dated 24 May 2023
 - (vii) Environmental Acoustic Assessment prepared by Rapt Consulting, rev 0, dated 1 December 2022
 - (viii) Preliminary Arboricultural Report prepared by Active Green Services, dated November 2022
 - (ix) Building Code of Australia Capability Statement prepared by Blackett Maguire and Goldsmith, dated 21 December 2022
 - (x) Environmental Impact Statement prepared by Urbis, rev Final, dated 18 January 2023
 - (xi) Ecological Sustainable Design Statement prepared by WSP, rev 2, dated 19 December 2022
 - (xii) Geotechnical Investigations Report prepared by Kleinfelder, rev 2, dated 8 December 2022
 - (xiii) Green Travel Plan prepared by SECA Solution, ref. P2437, rev 3, dated 14 December 2022
 - (xiv) Hazardous Materials Survey, prepared by ESP Environmental Safety Professionals, ref. J47098_305 Mann St Gosford_HMS_FINAL, dated 13 December 2022
 - (xv) Heritage Impact Statement prepared by Urbis, report no. 02, dated 1 December 2022
 - (xvi) Historical Archaeological Impact Assessment prepared by Urbis, report no. D01 – Issued 13th December 2022
 - (xvii) Detailed Site Investigation prepared by Kleinfelder, rev 2, dated 15 December 2022
 - (xviii) Submissions Report prepared by Urbis, dated 31 May 2023
 - (xix) Response to Submissions letter prepared by Urbis, ref. P0041532_CentralCoastCampus_RTSCoverLetter, dated 26 April 2023
 - (xx) Response to Submissions letter prepared by SECA Solution, ref. P2437 UoN Gosford Campus DoP RFI, dated 30 May 2023
 - (xxi) Parking and Transport Assessment prepared by SECA Solution, ref. P2437, rev 3, dated 27 April 2023
 - (xxii) Infrastructure Report prepared by ADP Consulting, rev 2, dated 2 December 2022

(xxiii) Pedestrian Wind Environment Statement, ref. WH334-02F01(REV0)- WE REPORT.DOCX, rev. 0, dated 20 April 2023

(xxiv) Visual Impact Assessment prepared by Terras Landscape Architecture, rev D, dated 20 December 2022

(xxv) Construction and Demolition Waste Management Plan, rev C, dated 6 February 2023

(xxvi) Operational Waste Management Plan, rev. C, dated 6 February 2023

- 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;
 - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in any such document referred to in A3(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**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in this consent, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent will lapse five years from the date of consent unless work is physically commenced.

Signage

- A6. This consent does not authorise signage except for signage associated with way-finding, parking, safety and the like.

Prescribed Conditions

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 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.

Evidence of Consultation

- A9. Unless otherwise agreed by the Planning Secretary, 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

- A10. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

- A11. A Staging Report prepared in accordance with condition **A10** 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.
- A12. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A13. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

Combining and Updating Strategies, Plans or Programs

- A14. 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.
- A15. Any strategy, plan or program prepared in accordance with condition **A14**, where previously approved by the Planning Secretary under this consent, must be re-submitted to the satisfaction of the Planning Secretary.
- A16. If the Planning Secretary agrees or directs, 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.
- A17. Updated strategies, plans (including management plan, architectural or design plan), or programs, supersede their previous versions and must be implemented in accordance with the relevant condition(s) which require(s) the strategy, plan, program or drawing.

External Walls and Cladding

- A18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

External Materials

- A19. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in condition **A2**. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier, provided that:
- (a) the alternative colour/material is of a similar tone/shade and finish to the approved, external colours/building materials;
 - (b) the quality and durability of any alternative material is the same standard as the approved, external building materials; and

- (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary for information.

Applicability of Guidelines

- A20. 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 as at the date of this consent.
- A21. 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

- A22. 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 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

- A23. At least 48 hours before the commencement of construction and 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

- A24. 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

- A25. The Applicant must notify the Planning Secretary in writing to compliance@planning.nsw.gov.au, immediately after they become aware of any 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.

A26. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

A27. The Applicant must notify the Planning Secretary in writing to compliance@planning.nsw.gov.au, within seven days after they become aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au, within seven days after they identify any non-compliance.

A28. The notifications must identify the development and its application number, the condition of consent with which the development is non-compliant, the way in which it does not comply, the reasons for the non-compliance (if known), and the actions which have been, or will be, undertaken to address the non-compliance.

A29. 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

A30. Within three months of

(a) the submission of an incident report under conditions **A25** and **A26**. or

(b) the approval of any modification of the conditions of this consent, or

(c) 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 Planning Secretary and the Certifier must be notified in writing that a review is being carried out.

A31. If necessary, to either, improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (but only where previously approved by the Certifier and if the condition allows). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the completion of the review

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

TfNSW (Sydney Trains)

A32. Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

A33. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the commencement of construction or prior to occupation, as relevant.

A34. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- acts as the authorised representative of the Applicant; and
- is available (or has a delegate notified in writing to Sydney Trains who is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

A35. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

A36. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is North Interface, and they can be contacted via email on North.Interface@transport.nsw.gov.au.

PART B – PRIOR TO COMMENCEMENT OF CONSTRUCTION OR WORKS

Amendments to Plans

- B1. Prior to the commencement of the relevant stage of works, amended architectural- and landscape-plans must be submitted to the satisfaction of the Certifier that:
- (a) Retain the fencing immediately around the kiosk substation but set back other gate & fence at least one vehicle-length from the Hill St boundary;
 - (b) Include height or openness to any new north side fencing that provides necessary visibility between vehicles exiting the site and the footpath;
 - (c) Provide 15 bicycle parking spaces (whether they be covered or uncovered) within reasonable proximity of that ramped access from the street and building entry at either Mann Street or Beane Street in accordance with condition **B43(a)(ii)**; and
 - (d) Reflect the heritage interpretation plan and public art strategy approved by the Planning Secretary under condition **B44**.

Development ----

- B2. Prior to the commencement of works, a payment of a levy of 1% of the proposed cost of carrying out the development, excluding the following items from the cost of the development for the purposes of calculating the levy in accordance with section 208(4) of the EP&A Regulation, must be paid to Council under section 7.12 of the EP&A Act (former Section 94A) unless otherwise agreed by the Planning Secretary:
- (a) Project management
 - (b) Fittings & furnishings
 - (c) Education Building fitments
 - (d) FF&E / Audio Visual
 - (e) Enabling access by disabled persons
 - (f) Energy & water efficiency measures
 - (g) External Works excluding areas not open to the public
 - (h) Hard landscaping comprising paving, decking, pergola, seating walls, walls, stairs, streetscape, miscellaneous and sundries but excluding driveway, fencing and substation enclosure
 - (i) Soft landscaping
- B3. Works must not commence unless Council or the Planning Secretary have confirmed in writing, that all required contributions have been paid.

Special Infrastructure Contributions

- B4. The Applicant must obtain a determination from the Planning Secretary as to whether a special infrastructure contribution is required to be made under the *Environmental Planning and Assessment (Special Infrastructure Contribution – Gosford City Centre) Determination 2018* (2018 Determination). The Applicant must do so before the time by which, a special infrastructure contribution, if made as a monetary contribution, would have to be paid under the 2018 Determination.

If the Planning Secretary determines that a special infrastructure contribution is required to be made under the 2018 Determination, the Applicant must make a contribution in accordance with that Determination (as in force at the date of this consent).

A person may not commence works in relation to development the subject of this consent unless the person provides, in connection with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made, or that arrangements are in force for the making of the contribution.

In this condition:

developer means the person having the benefit of this development consent, and

Planning Secretary means the Secretary of the Department of Planning and Environment.

More information

A request for assessment by the Department of Planning and Environment, of the amount of the special infrastructure contribution required under this condition, can be made through the NSW Planning Portal (<https://www.planning.nsw.gov.au/Plans-for-your-area/Infrastructure-funding/Special-Infrastructure-Contributions>). Refer to <https://www.planningportal.nsw.gov.au/applicant-resources> – Our Applicant

Services – Special Infrastructure Contributions (SIC) for how to submit an SIC request through the Portal, and refer to <https://www.planning.nsw.gov.au/Plans-for-your-area/Infrastructure-funding/Special-Infrastructure-Contributions/Gosford-City-Centre-SIC> for further information on SICs and Gosford City Centre. Please refer queries to SICContributions@planning.nsw.gov.au.

Security Deposit/s

- B5. The following deposit must be provided to Council as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work and for remedying any defect on such public works, in accordance with section 4.17 of the EP&A Act:

(a) \$50,000 – Damage / Civil Works Security Deposit

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

The Applicant shall advise Council in writing and/or through photographs of any signs of existing damage to the roadway, footway, or verge prior to the commencement of any building/demolition works.

Notification of Commencement

- B6. The Applicant must notify the Planning Secretary in writing, of the dates of the intended commencement of construction and operation, at least 48 hours before those dates.
- B7. If the construction or operation of the development is to be staged, the Applicant must notify the Planning Secretary, 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.

Building Code of Australia Compliance

- B8. The proposed works must comply with the applicable Performance Requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity, for the ongoing benefit of the community. Compliance with the Performance Requirements can only be achieved by:

- (a) compliance with the Deemed to Satisfy Provisions of the BCA; or
- (b) Performance Solution which demonstrates:
- (i) compliance with all relevant Performance Requirements of the BCA or
- (ii) the solution is at least equivalent to the Deemed to Satisfy Provisions; or
- (c) a combination of **B8 (a) and (b)** above.

- B9. A certification issued by a suitably qualified person is to be provided to the Crown prior to commencement of any building work on the site.

Note: Where the proponent of building works is the Crown, the building work must comply with the BCA under s6.28 of the Act prior to commencement of works.

S6.28 of the EP&A Act states:

(2) Crown building work cannot be commenced unless the Crown building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:

- (a) the date of the invitation for tenders to carry out the Crown building work, or
- (b) in the absence of tenders, the date on which the Crown building work commences, except as provided by this section.

Therefore, a suitably qualified person needs to certify that the crown building works comply as required by s6.28 prior to commencement of Crown building works. There is no format required for such a certification.

Certified Drawings

- B10. Prior to the commencement of the relevant stage of works, the Applicant must submit to the satisfaction of the Certifier, structural drawings prepared and signed by a suitably qualified, practising Structural Engineer which demonstrate compliance with this consent.

B11. Plans certified in accordance with section 6.16 of the EP&A Act are to be submitted to the Certifier and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

Demolition

B12. Prior to the commencement of the relevant stage of works, demolition work plans required by AS 2601-2001 *The demolition of structures (Standards Australia, 2001)*, 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, must be submitted to the Certifier and Planning Secretary.

External Walls and Cladding

B13. Prior to the commencement of the relevant stage of works, the Applicant must provide the Certifier 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.

B14. The Applicant must provide a copy of the documentation given to the Certifier under condition **B13**, to the Planning Secretary, within seven days after the Certifier accepts it.

Protection of Public Infrastructure

B15. Prior to the commencement of works, the Applicant must:

- (a) consult with the relevant owner and provider of services which 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 (including by photographs) the condition (including existing damage) of all public infrastructure in the vicinity of the site (including roads, kerb, gutters, footpaths, driveways, street trees, street signs and street signs); and
- (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council, prior to the issue of the Section 138 Roads Act Works approval under condition **B48**.

The Applicant may update the dilapidation report and submit it to the Council or the Planning Secretary for approval, prior to the commencement of works. The report will be used by Council or the Planning Secretary to establish damage to public infrastructure resulting from the development works.

Pre-Construction Dilapidation Report

B16. Prior to the commencement of works, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.

Pre-Construction Survey – Adjoining Properties

B17. Prior to the commencement of any works, the Applicant must offer a pre-construction survey to the owners of buildings which are likely to be impacted by the development.

B18. Where the offer of a pre-construction survey is accepted (under condition **B17**) the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert, prior to the commencement of vibration generating works which could impact on the buildings identified.

B19. Prior to the commencement of any vibration generating works which could impact on the buildings surveyed under condition **B18**, the Applicant must:

- (a) provide a copy of the relevant survey to the owner of each building surveyed, in the form of a Pre-Construction Survey Report;
- (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
- (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

Environmental Management Plan Requirements

B20. Management plans required under this consent must be prepared having regard to the relevant guidelines, including but not limited to, the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects (DPIE April 2020)*.

Note:

- *The Environmental Management Plan Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>*
- *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

Construction Environmental Management Plan

B21. Prior to the commencement of the relevant stage of works, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary for information. 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 any roadway by vehicles leaving the site;
 - (vi) external lighting in compliance with AS 4282-2019 *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997);
 - (viii) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
- (b) an unexpected finds protocol for contamination and an associated communications procedure to ensure that potentially contaminated material is appropriately managed;
- (c) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and an associated communications procedure;
- (d) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in those areas of the site;
- (e) Construction Traffic and Pedestrian Management Sub-Plan (see condition **B22**);
- (f) Construction Noise and Vibration Management Sub-Plan (see condition **B25**);
- (g) Construction Waste Management Sub-Plan (see condition **B26**); and
- (h) Construction Soil and Water Management Sub-Plan (see condition **B27**).

The Applicant must not commence construction of the development until the CEMP is approved by the by the Planning Secretary.

B22. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be submitted to Council for approval, be prepared to achieve the objective of ensuring safety and efficiency of the road and pedestrian network, and address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s), who has Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites;
- (b) be prepared in consultation with Council;
- (c) describe the proposed construction works and the traffic impacts on the local area;
- (d) 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; and
- (e) detail heavy vehicle routes, access and parking arrangements.
- (f) ingress and egress of construction related vehicles to the development site.
- (g) details of the various vehicle lengths that will be used during construction, and the frequency of their movements.
- (h) use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- (i) deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles will stand to load and unload, where construction plant will stand, location of storage areas for

equipment, materials and waste, locations of Work Zones (if required), and location of cranes (if required).

- (j) Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- (k) control of pedestrian and vehicular traffic where pre-construction routes are affected.
- (l) Temporary Road Closures.

Refer to Advice Note **AN7** for further information.

- B23. Where the plan under condition **B22** identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site, an application must be made to Council for a Road Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must take place only following receipt of a Road Occupancy Licence from Council (or the Roads and Maritime Service where the works or diversions are on a classified road).
- B24. Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site, a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.
- B25. A Construction Noise and Vibration Management Sub-Plan must be submitted to the Planning Secretary for approval and 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 the 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 a complaints management system implemented for the duration of construction;
 - (e) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition **B21**.
 - (f) is to predict noise and vibration at the nearest receivers based on the proposed plant.
 - (g) the efficacy of sound blankets or hoarding around the construction site is to be investigated as a noise barrier to protect the amenity of adjacent and nearby receivers.
 - (h) impacted receivers are to be consulted regarding the nature and timing of the works, including predicted noise and vibration impacts at their property and the mitigation measures that will be adopted, noting that the project hours of work will overlap with hours of occupation for both residential and commercial premises, and noting that the programme/s of works should seek to create the least possible disruption to the community.
 - (i) nearby receivers are also to be provided with a site contact for the lodgement of any noise or vibration complaints.
 - (j) Investigation of any complaints received and measurements to be undertaken and compared with predictions made in the CNVMP. If the measurements are not in accordance with those predictions, additional reasonable and feasible mitigation measures are to be investigated.
 - (k) plant selected with consideration of the sound and vibration output. Selected plant will not be any larger than that required to undertake the activity.
 - (l) sound barriers (either, plywood hoarding or sound barrier mats hung from site fencing) will be erected around the site perimeter and extend to at least 1.8 m above ground level.
- B26. A Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste, comprising:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
 - (b) information regarding the recycling and disposal locations; and
 - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- B27. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) which 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, as a minimum, in accordance with *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004), commonly referred to as the, 'Blue Book';
- (c) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas;
- (d) provide a plan of how all construction works will be managed in wet-weather events (i.e., storage of equipment, stabilisation of the Site);
- (e) details of all off-site flows from the Site; and
- (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to, the 1 in 5-year ARI and 1 in 100-year ARI.

Groundwater Take, Licensing and Dewatering

- B28. Prior to the commencement of the relevant stage of works, the Applicant must obtain a Water Access Licence (WAL) under the *Water Management Act 2000* (NSW), unless an exemption applies under the *Water Management (General) Regulation 2018* (NSW). Details of the WAL or exemption, are to be submitted to the Certifier. Refer to Advice Note **AN12** for further information.
- B29. Prior to the commencement of works, the Applicant must submit a Dewatering Management Plan prepared by a suitably qualified person(s), which included the following:
- (a) The assumptions leading to the calculations that support the reported estimated volume of groundwater take;
 - (b) Excavation depths;
 - (c) Size of the excavation relative to the starting and finishing water table levels required to facilitate construction activities;
 - (d) Details of the design and construction of the work, including those which:
 - (i) limit the on-going take of groundwater following completion of construction to less than the Water Access Licence obtained by the proponent, or 3ML/yr if an exemption applies. This may require the structure to be fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;
 - (ii) prevent obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and
 - (iii) prevent any elevated water table from rising to within 1.0 m below the natural ground surface.
 - (e) A Construction Monitoring Programme, including that:
 - (i) sets staged cumulative performance targets for the volume of de-watering extracted using the estimated groundwater dewatering take reported at the development application stage;
 - (ii) presents the trigger action and response procedure (TARP), inclusive of agency notification should the performance targets be breached;
 - (iii) commits to the re-assessment of the predicted take for both, during and post construction phases, should the predicted groundwater dewatering volume be exceeded during the construction phase within 28 days; and
 - (iv) ensures that the TARP documents the process for mitigation options to ensure post-construction take will be less than 3 ML/yr, or if it will exceed 3ML, necessary water access licences are obtained before the 3ML limit is exceeded.

Operational Waste Storage and Processing

- B30. Prior to the commencement of works which include the operational waste storage and processing area/s, the Applicant must:
- (a) where waste removal will be undertaken by Council, obtain agreement from Council for the design of the operational waste storage area/s; and

- (b) where waste removal will be undertaken by a third party, provide evidence to the Certifier that the design of the waste storage area/s:
 - (i) is constructed using solid, non-combustible materials;
 - (ii) includes a cold water supply with a hose through a centralised mixing valve; and
 - (iii) is naturally ventilated, or an air handling exhaust system is in place.

Shoring for Adjoining Public Land

- B31. Where shoring will be located on, or will support Council/public property, engineering details of the shoring are to be prepared by an appropriately qualified, practising structural engineer. Those details are to include the proposed shoring devices, the extent of encroachment, and the method of removal and de-stressing of the shoring elements. A copy of those details must be provided to Planning Secretary and Council for information. The Applicant must comply with all of the recommendations made by the qualified, practising structural engineer.
- B32. Council and public property adjoining the construction site, must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council and public property, are to be prepared by a qualified structural or geotechnical engineer. Those details must be provided to the satisfaction of the Certifier. A copy of those details must be forwarded to the Planning Secretary and Council for information, prior to any work being commenced.

Site Stability, Excavation and Construction Work

- B33. A report must be obtained from a suitability qualified and experienced professional engineer/s, submitted to the Certifier and include the following details :
 - (a) geotechnical details which confirm the suitability and stability of the site for the development, and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land;
 - (b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
 - (c) details which demonstrate that the proposed methods of excavation, support and construction are suitable for the site and will not result in any damage to adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
 - (d) adjoining land, and buildings located upon adjoining land must always be adequately supported throughout the demolition, excavation and building work;
 - (e) written approval must be obtained from the owners of adjoining land to install any ground or rock anchors underneath adjoining premises (including any public roadway or public place).

Soil and Water

- B34. 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. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, , in accordance with, as a minimum, *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004), commonly referred to as the 'Blue Book'.

Flood Management

- B35. Prior to the commencement of the relevant stage of works, the Applicant must submit evidence to the Certifier that all floor levels will be no lower than the 1% Annual Exceedance Probability flood, plus 500 mm of freeboard.
- B36. Prior to the commencement of the relevant stage of works, the Applicant must submit evidence to the Certifier that any structures below the 1% Annual Exceedance Probability, plus 500mm of freeboard, will be constructed from flood compatible building components.

Stormwater Management System

- B37. Prior to the commencement of the relevant stage of works, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. 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) be in accordance with applicable Australian Standards;
- (d) 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; and
- (e) be designed not to exceed the capacity of the Central Coast Highway, or local stormwater drainage system.

Building Over Sewer

- B38. Prior to the commencement of any work involving building over and/or adjacent to sewer mains, the Applicant must submit engineering details, prepared and certified by a practising structural engineer, which comply with Council's *Building Over or Adjacent to Sewer and Water Main Guidelines*, to Council's Water Assessment Team for approval. Plan assessment fees apply.

Contamination

- B39. Prior to the commencement of works, an Unexpected Contamination Finds Protocol (UFP) shall be prepared by a suitably qualified and experienced expert. The protocol should include detailed procedures for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The Applicant is to ensure that the protocol includes details of who will be responsible for implementing it and the roles and responsibilities of all responsible parties. The Applicant must implement the UFP for the duration of works.
- B40. Details demonstrating compliance with the requirements of condition **B39** must be submitted to the Planning Secretary for Approval. The Applicant must not commence works until the UDF is approved by the Planning Secretary. A copy of the approval of the documentation required by condition **B39** must be submitted to the Certifier.

Groundwater

- B41. Prior to the commencement of the relevant stage of works, the Applicant must, either:
- (a) Obtain approval from the local water authority to discharge groundwater extracted during any dewatering activities during works to the sewer network; or
 - (b) Submit details, including a supporting report prepared by a suitably qualified expert, of arrangements to pump and treat groundwater extracted during any dewatering activities during works prior to discharge, to the Planning Secretary for Approval.

Note: Refer to the *Detailed Site Investigation, ref. 20232408.001A*, dated 15 December 2022, prepared by Kleinfelder for further information.

Car Parking and Service Vehicle Layout

- B42. Prior to the commencement of works involving car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier, that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the Site in a forward direction;
 - (b) twenty four on-site car parking spaces are included 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 vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2;
 - (d) there is no conflict between swept paths and building features, including with respect to any boom gate or other gates, waste collection vehicle access and other service vehicle access;
 - (e) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, has been addressed; and
 - (f) access driveways (including, but not limited to, ramp grades, ramp width and height clearances) incorporate suitable profile over the footway, and comply with Council's *Standard Vehicle Entrance Designs* and the requirements of AS2890.1.
- B43. Prior to the commencement of the relevant stage of works, the following design details for the secure bicycle parking and motorcycle parking, must be submitted to the Certifier for approval:
- (a) the provision of a minimum of 69 bicycle parking spaces, comprising the provision of a minimum of:
 - (i) 54 bicycle parking spaces within the basement; and

- (ii) 15 bicycle parking spaces (whether covered or uncovered) within reasonable proximity of ramped access from the street and building entry at, either, Mann Street or Beane Street;
- (b) the provision of a minimum of one (1) motorcycle space within the basement;
- (c) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of *AS 2890.3:2015 Parking facilities – Bicycle parking*; and
- (d) the provision of end-of-trip facilities for students and staff.

Heritage Interpretation and Public Art

B44. Prior to the commencement of the relevant stage of works, the Applicant must submit to the Planning Secretary for approval, a heritage interpretation plan that includes the re-use of materials, and a public art strategy, prepared by suitably qualified person(s), both of which reflect the heritage significance of the Mann Street part of the site. The Applicant must not commence works until the heritage interpretation plan and public art strategy are approved by the Planning Secretary. The Applicant must submit a copy of the Secretary's approval of the heritage interpretation plan and public art strategy to the Certifier.

Building Materials

B45. The building materials used on the facades of the buildings, must have a maximum, normal specular reflectivity of visible light of 20 per cent, and be designed so as not to result in glare that causes any discomfort, or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with those requirements, must be submitted to the satisfaction of the Certifier, prior to the commencement of any construction which involves above ground façade works.

Disability Access

B46. The following instruments describe building standards relevant to promoting accessibility for persons with a disability:

- (a) the *Disability Discrimination Act 1992* (Cth);
 - (b) the *Disability (Access to Premises – Buildings) Standards 2010*; and
 - (c) the BCA,
- (together, the 'relevant provisions').

Prior to the commencement of the relevant stage of works, the Applicant must provide the Certifier with appropriate plans and specifications which demonstrate: compliance with the above instruments; and that the works proposed as part of the Development will comply with the relevant provisions, in accordance with the approved use, of housing for people with a disability.

Safer by Design

B47. Prior to the commencement of the relevant stage of works, the Applicant must provide plans to the satisfaction of the Certifier, to implement the following Crime Prevention Through Environmental Design (CPTED) principles and strategies, to minimise the opportunities for crime:

- (a) provide adequate lighting to common areas as required under *Australian Standard AS 1158: Lighting for roads and public spaces*;
- (c) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity;
- (d) design the development to avoid foot holes or natural ladders, to minimise unlawful access to the premises;
- (e) provide signage within the development, to identify all facilities, entry / exit points and direct movement within it;
- (f) install a system of Closed Circuit Television of a type, and in locations on the site, which will record high-quality images of all public areas on the site; and
- (g) the recommendations contained in Section 5 of the CPTED Report, prepared by James Marshall & Co, dated December 2022, referenced in condition **A2(f)(v)**.

Public Domain Works

B48. Prior to the commencement of the relevant stage of works, the Applicant must lodge a separate application and obtain consent from Council, for any works within the road reserve pursuant to section

138 of the *Roads Act 1993* (NSW). The Applicant must obtain consent, or other satisfactory arrangements confirmed in writing, from Council for each relevant stage.

Ecologically Sustainable Development

- B49. Prior to the commencement of the relevant stage of works, the Applicant must provide details to the satisfaction of the Certifier, of ecologically sustainable development (ESD) measures implemented on the site, including, but not limited to:
- (a) high performance glazing;
 - (b) passive solar heating and cooling principles;
 - (c) energy efficient heating, cooling and ventilation systems;
 - (d) efficient artificial lighting systems;
 - (e) time switch controls and motion sensors;
 - (f) energy efficient appliances with higher energy stars (within 1 star of the highest energy efficient rating available on the market); and
 - (g) adhesives, sealants, flooring and paint products that contain low or no Volatile Organic Compounds (VOCs) and engineered timber products to contain low or no formaldehyde.

Water Efficiency

- B50. Prior to the commencement of the relevant stage of works, the following details must be submitted for the approval of the Certifier:
- (a) All toilets installed within the development must be of water efficient, dual flush capacity or vacuum design with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
 - (b) All taps, shower heads, hoses and fittings installed must be water efficient with at least a 4-star rating under the WELS, or a AAA+ rating, where available.

Landscaping

- B51. Prior to the commencement of the relevant stage of works, a Vegetation Management Plan must be submitted to the satisfaction of the Certifier. The Vegetation Management Plan must:
- (a) Includes tree planting that complies with required offsets as specified by relevant authorities and Services/Civil Engineer;
 - (b) Show the location of all proposed and existing water and sewer infrastructure across the site and within at least 20 m radius of the site. The location of such service lines shall be clear of the location of proposed street trees;
 - (c) Show that all trees planted will be a minimum 45 litre container size;
 - (d) Show that all trees/shrubs planted will be installed in accordance with Council's requirements;
 - (e) Identify that all trees are to be grown in accordance with AS2303:2015 (Tree stock for landscape use);
 - (f) Include post-transplantation aftercare maintenance and duration of the maintenance; and.
 - (g) Include a maintenance schedule with regular maintenance checks, weed removal, replacement planting, and other maintenance to ensure ongoing maintenance in the life of the landscaping in perpetuity.
- B52. Prior to the commencement of the relevant stage of works, a Vegetation Management Plan demonstrating compliance with the requirements of condition **B51** and, in particular, **B51(b)**, must be submitted to Council for approval with respect to **B51(b)**. The Applicant must not commence works until Council provide written confirmation that **B51(b)** has been satisfied.

TfNSW (Sydney Trains)

- B53. Prior to the commencement of the relevant stage of works, the Applicant shall undertake a Dial Before You Dig search to establish the existence and location of any rail services. Persons performing the Dial Before You Dig search, shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- B54. Prior to the commencement of the relevant stage of works, an acoustic report must be prepared and submitted to the Certifier and Council. The acoustic report must demonstrate that the proposed development will comply with *State Environmental Planning Policy (Transport and Infrastructure) 2021*,

and *Development Near Rail Corridors and Busy Roads - Interim Guidelines*. The Principal Certifying Authority must ensure that all of the measures and recommendations of the acoustic report are incorporated into the construction drawings and documentation prior to the commencement of construction.

- B55. Prior to the commencement of construction, the Applicant is to engage an electrolysis expert to prepare an Electrolysis Risk report on stray currents. The Applicant must incorporate all of the measures recommended in the Electrolysis Risk report into the development, in order to control any risk. A copy of the report is to be provided to the Certifier prior to construction. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the commencement of construction.
- B56. The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or, from which, reflected light might be) visible from the rail corridor, must limit glare and reflectivity to the satisfaction of the rail operator. Relevant construction must not commence until the Applicant has received written confirmation from Sydney Trains which confirms that this condition has been satisfied.
- B57. If required by Sydney Trains, prior to the commencement of construction, a Risk Assessment/Management Plan, and a detailed, Safe Work Method Statements (SWMS) for the proposed works, are to be submitted to Sydney Trains for review and comment on the impacts on its rail corridor. Construction must not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B58. Prior to relevant construction, the Applicant must submit to Sydney Trains, a plan showing all craneage and other aerial operations for the development, which complies with all of Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations, in order to comply with all Sydney Trains' requirements. Relevant construction must not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied or, if no response has been received from Sydney Trains, until at least 21 days have passed since the submission of the SWMS to Sydney Trains.
- B59. Prior to the commencement of the relevant stage of works, the following, final version rail specific items must be submitted to Sydney Trains for review, comment, and written endorsement:
- (a) Machinery to be used during excavation/construction; and
 - (b) Demolition, excavation, and construction methodology and staging.
- Relevant construction must not commence until the Principal Certifying Authority has received written confirmation from Sydney Trains that this condition has been complied with.
- B60. Prior to the commencement of construction, if required, the Applicant is to contact Sydney Trains External Interface Management team, to determine the need for public liability insurance cover. If insurance cover is deemed necessary, it must be for a sum as determined by Sydney Trains, and not contain any exclusion for works on, or near, the rail corridor and rail infrastructure. The insurance must be maintained for the duration as specified by Sydney Trains. The Applicant must contact Sydney Trains External Interface Management team to ascertain the level of insurance required for the Development. Prior to the commencement of construction, the Certifier must witness written evidence of the insurance and Sydney Trains' written advice to the Applicant on the level of insurance which is required.
- B61. If required, prior to the commencement of construction the Applicant is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the commencement of construction, the Principal Certifying Authority must witness written advice from Sydney Trains which confirms the lodgement of the Bond/Bank Guarantee.
- B62. The Applicant must provide a Geotechnical Engineering report to Sydney Trains for review by its Geotechnical section prior to the commencement of the relevant stage of works. The report must demonstrate that the development will have no negative impact on the rail corridor, or the integrity of the infrastructure due to its loading and ground deformation, and contain structural design details/analysis for review by Sydney Trains. The report must address the Development's potential impact from demolition and excavation, and demolition, and excavation induced vibration in rail facilities, and loadings on Sydney Trains Facilities.
- B63. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within six horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary,

contact and pull-off wires of the adjacent tracks, and any aerial power supplies within, or adjacent to, the rail corridor.

- B64. If required by Sydney Trains, prior to the commencement of the relevant stage of works, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project, must be carried out by representatives from Sydney Trains and the Applicant. Those dilapidation surveys must establish the extent of any existing damage and enable observation of any deterioration during construction. The Applicant must submit a detailed dilapidation report to Sydney Trains within 10 days following the undertaking of the joint inspection, unless otherwise notified by Sydney Trains.

PART C – DURING CONSTRUCTION OR WORKS

Site Notice

- C1. A site notice(s) must be prominently displayed at the boundaries of the site during construction, for the purpose of informing the public of project details, and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must be 841 mm x 594 mm (A1), with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice(s) must be durable and weatherproof, and displayed throughout the construction period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints, must be displayed on the site notice(s); and
 - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing, and state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- C2. 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. Works, including the operation of all plant and equipment, are not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997 (NSW)* or the *Noise Policy for Industry (2017, NSW EPA)*.

Approved Plans to be On-Site

- C3. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times, and be readily available for perusal by any officer of the Department, Council or the Certifier.

Demolition

- C4. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001), and endorsed by a suitably qualified person as required by condition **B12**.

Construction Hours

- C5. Construction, including the delivery of materials to and from the site, may be carried out only between the following hours:
- (a) 7 am and 6 pm, Mondays to Fridays, inclusive; and
 - (b) 8 am and 1 pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C6. Construction activities may be undertaken outside of the hours specified 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, 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.
- C7. Notification of such construction activities as referenced in condition **C6** must be given to affected residents before undertaking the activities, or as soon as practical afterwards.
- C8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may be carried out only between the following hours:
- (a) 9 am to 12 noon, Mondays to Fridays;
 - (b) 2 pm to 5 pm Mondays to Fridays; and
 - (c) 9 am to 12 noon, Saturdays.

Crane Construction

- C9. Mobile cranes must use aviation lighting similar to the standards in NSW Health *GL2020_014 Guidelines for Hospital HLS in NSW* if they operate at night or in low visibility.

Implementation of Management Plans

- C10. The Applicant must carry out the construction of the development in accordance with the approved CEMP (including Sub-Plans).

Hoarding Requirements

- C11. The following hoarding requirements must be complied with:
- (a) no third party advertising, unless associated with State or Commonwealth Funding of the development or development deeds (such as logos of such associated stakeholders), 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 the application of graffiti.

No Obstruction of Public Way

- C12. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips, or the like, under any circumstances.

Construction Traffic and Pedestrian Management Sub-Plan

- C13. The CTPMSP must be reviewed and updated during construction of the development, to address any changing site conditions. A copy of the CTPMSP must be held on site at all times and be made available to Council and the Planning Secretary upon request.

Construction Noise Limits

- C14. 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.
- C15. 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 required by condition **C5**.
- C16. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' (or comparable technology), to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

- C17. 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).
- C18. 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 **C17**.
- C19. The limits in conditions **C17** and **C18** apply, unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP, and required by condition **B25** of this consent.

Air Quality

- C20. During construction, the Applicant must ensure that all reasonable steps are taken to minimise dust generated during all works authorised by this consent, including but not limited to, the following:
- (a) activities are carried out in a manner that minimises dust, including emission of windblown, or traffic generated dust;

- (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 in the vicinity of the Site used by trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Imported Fill

C21. The Applicant must:

- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make those records available to the Certifier upon request.

Disposal of Seepage and Stormwater

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

Dewatering Completion Report

C23. Following completion of the dewatering activity, and any monitoring required under the approved Monitoring Programme, the applicant must submit a completion report to DPE Water. Refer to **B29(e)** for further information.

Emergency Management

C24. The Applicant must prepare and implement awareness training for employees and contractors, including locations of assembly points and evacuation routes, for the duration of construction.

Unexpected Finds Protocol – Aboriginal Heritage

C25. In the event that surface disturbance identifies a new Aboriginal object:

- (a) all works in the immediate area must halt to prevent any further impacts to the object(s);
- (b) a suitably qualified archaeologist, and registered Aboriginal representatives must be contacted to determine the significance of the objects;
- (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) managed by Heritage NSW, and the management outcome for the site is to be included in the information provided to AHIMS;
- (d) the Applicant must consult with Aboriginal community representatives, archaeologists and Heritage NSW, to develop and implement management strategies for all objects/sites; and
- (e) works shall recommence only with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Historic Heritage

C26. If any unexpected archaeological relics are uncovered during works:

- (a) all works must cease immediately in that area and notice given to Heritage NSW and the Planning Secretary within two business days of the relics being uncovered;
- (b) 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, as determined in consultation with Heritage NSW; and
- (c) works may recommence only with the written approval of the Planning Secretary.

Waste Storage and Processing

C27. All waste generated during construction must be secured and maintained within designated waste storage areas on the site, at all times and must not leave the site onto neighbouring public or private properties.

C28. All waste generated during construction must be assessed, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014)*.

- C29. 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.
- C30. The Applicant must record the quantities of each waste type generated during construction, and the proposed reuse, recycling and disposal locations, for the duration of construction.
- C31. The Applicant must ensure that the 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, are in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Shoring and Adequacy of Adjoining Properties

- C32. If development involves excavation that extends below the level of the base of the footings of a building on adjoining land, the Applicant must, at their own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation; and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage.

TFNSW (Sydney Trains)

- C33. The Applicant/Developer shall not, at any stage, block the corridor access gate on Mann Street; and should make provision for easy and ongoing 24 hour access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
- C34. Sydney Trains advises there is a High Voltage Aerial Transmission Line (11kV & 66kV) opposite the Site. The proposed development should note the requirements of the following electrical standards/guidelines:
 - i. ISSC 20 – *Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.*
 - ii. The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”.
 - iii. “WorkCover Code of Practice – Work near Overhead Power Lines (The Code)”

In addition, all landscaping must be in accordance with the Sydney Trains High Voltage Powerline Tree Management Plan.

PART D – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

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.

Works as Executed Plans

- D2. Prior to occupation, works-as-executed drawings signed by a registered surveyor, demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, and that all works have been carried out within the property boundaries, must be submitted to the Certifier.

Digital Model

- D3. A digital model of the development must be submitted to Council, for approval, for inclusion in Council's 3D model for the Gosford City Centre, prior to occupation and operation of the development. The development must not commence occupation or operation until Council provides written confirmation that the digital model is satisfactory.

Stormwater Drainage Design Plan(s)

- D4. Prior to occupation, an Operation and Maintenance Plan (OMP) prepared by a Practising Professional Engineer, or Registered Surveyor experienced in the design of stormwater drainage systems is to be submitted to the satisfaction of the Certifier, 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.

External Walls and Cladding

- D5. Prior to commencement of operation, the Applicant must provide the Certifier 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.
- D6. The Applicant must provide a copy of the documentation given to the Certifier under condition **D5**, to the Planning Secretary, within seven days after the Certifier accepts it.

Developer Contributions

- D7. Prior to occupation, the Certifier must provide a copy of the documentation to the Planning Secretary which confirms that there are no outstanding infrastructure contributions or levies.
- Prior to occupation, the Certifier is required to obtain a document from: Council confirming the payment of infrastructure contributions; and the Department, confirming the payment of the Special Infrastructure Contributions.

Post-Construction Dilapidation Report

- D8. 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. The report is to:
- (a) ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - (b) ascertain whether the construction created any damage to heritage items in the vicinity of the site;
 - (c) be submitted to the Certifier, who, in ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions **B16** and **D8**; and

- (ii) have written confirmation from the relevant authority, that there is no adverse structural damage to the authority's infrastructure and roads.
- (d) be forwarded to Council for information.

Repair of Public Infrastructure

- D9. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) remove any redundant existing vehicular crossing (or section thereof), at no cost to Council;
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and
 - (c) repair, immediately, to the satisfaction of Council, or pay the full costs associated with repairing, any public infrastructure, including, but not limited to, all public footways, foot paving, kerbs, gutters and road pavement, damaged by the carrying out of the development.

Note: *This condition does not apply to any damage to roads otherwise addressed by contributions required by condition **B5** of this consent.*

Protection of Property

- D10. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing, any property damaged as a result of the carrying out of the development.

Utilities and Services

- D11. Prior to the occupation:
- (a) a section 305 application under the *Water Management Act 2000 (NSW)* must be submitted; and
 - (b) a compliance certificate under the section 307 of the *Water Management Act 2000 (NSW)* must be obtained from Council and submitted to the Certifier.
- D12. Prior to the occupation, written advice shall be obtained from the relevant wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant), stating that satisfactory arrangements have been made to ensure provision of adequate services to each approved lot.

Roadworks and Access

- D13. Prior to occupation, the Applicant must complete the construction of all proposed driveways, car parking and service vehicle parking / loading / unloading areas to the satisfaction the Certifier.

Redundant Driveways

- D14. Prior to occupation, the Applicant must remove any redundant driveways on Beane Street and Hill Street and replace them with new kerb, gutter and concrete footpath and turf, as appropriate, at a grade of a maximum of 2%.

Car Parking, Service Vehicles and Bicycle Parking Arrangements

- D15. Prior to occupation, or other timeframe agreed to in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Certifier, which demonstrates that:
- (a) the car-parking, service vehicle areas and bicycle parking facilities comply with condition **B1**;
 - (b) way-finding signage and signage identifying the location of staff car parking has been installed;
 - (c) appropriate pedestrian and cyclist advisory signs, including way-finding signage that directs cyclists from footpaths to designated bicycle parking areas, have been provided;
 - (d) all works/regulatory signposting associated with the proposed development have been undertaken at no cost to the relevant roads authority; and
 - (e) The bicycle parking spaces are located in easy to access, well lit areas which incorporate passive surveillance.

Parking and Signage

- D16. All parking and loading bays are to be permanently marked on the pavement surface, with loading bays and parking facilities clearly indicated by signs, prior to occupation.
- D17. The vehicular entrance and exit driveways and the direction of traffic movement within the site, are to be clearly indicated by means of reflective signs and pavement markings. The traffic and parking signs,

line markings and required traffic and safety devices, as indicated in the approved architectural plans and traffic report, are to be completed prior to occupation.

Building Code of Australia (BCA) Compliance

- D18. Prior to commencement of occupation, or use of the whole, or any part of a new building:
- (a) evidence must be provided to the satisfaction of the Certifier, that the proposed works have been completed in accordance with the Building Code of Australia (BCA) and conditions **B8** and **B10**; and
 - (b) a BCA Completion Statement must be completed by an appropriately qualified person appointed by the Crown and submitted to the Certifier.

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 Certifier. A copy of the Certificate, with an electronic set of final drawings (contact the approval authority for specific electronic format), must be submitted to the Certifier and the Council, after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked against those listed on the final Design Certificate/s.

Fire Safety Certification

- D20. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all of the Essential Fire or Other Safety Measures forming part of this consent; and be prominently displayed in the building. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council.

Mechanical Ventilation

- D21. Prior to occupation, the Applicant must provide evidence prepared by a suitably qualified person(s) to the satisfaction of the Certifier, that the installation and performance of the mechanical ventilation systems comply with:
- (a) the BCA and AS1668.1, *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings*, *AS3666 – Microbial Control of Air Handling and Water Systems of Building*, and other relevant codes to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection; and
 - (b) any dispensation granted by Fire and Rescue NSW.

Screening

- D22. All external items of air conditioning plant must be screened or positioned in such a manner so as not to detract from the visual presentation of the building.

Warm Water Systems and Cooling Systems

- D23. The installation of warm water systems and water cooling systems (as defined under the Public Health Act 2010 (NSW)) must comply with the *Public Health Act 2010 (NSW)*, *Public Health Regulation 2012 (NSW)*, *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*.

Water Safety Signage

- D24. Prior to occupation or operation, 'Do not drink' signage on non-potable water used for toilet flushing, and new hose taps and irrigation systems for landscaped areas, must be installed within the site.

Compliance with Food Code

- D25. Prior to occupation or operation of the relevant parts of the development, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the café and its kitchen, food storage and food preparation areas have been fitted in accordance with the *AS 4674 Design, construction and fit-out of food premises*, and provide evidence, to the satisfaction of the Certifier, of receipt of the certificate.

Industry Engagement Space

D26. Prior to the commencement of occupation or operation, to ensure that there is no long-term tenure of no change or presentation of a disused space, the Applicant must prepare and maintain a display strategy and programme for the glazed frontage of the Industry Engagement Space at Mann Street which maintains the display of activity and interest to the street.

Outdoor Lighting

D27. Prior to occupation, the Applicant must submit evidence, from a suitably qualified practitioner, to the Certifier, which demonstrates that installed lighting associated with the development, achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers, and:

- (a) provides at least 20 lux at ground level to pathways;
- (b) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
- (c) has been mounted, screened and directed in such a manner that it avoids glare for pedestrians and does not create a nuisance to surrounding properties or the public road network

Landscaping

D28. Prior to the commencement of operation, landscaping of the site must be completed in accordance with landscape plan(s) listed in condition **A2**, as amended by any conditions of this consent .

D29. Prior to the commencement of operation, the Applicant must provide the Certifier with written certification from a suitably qualified Landscape Architect/Designer certifying that landscaping has been implemented in accordance with the approved landscape plan(s) listed in condition **A2**, as amended by any conditions of this consent.

D30. Prior to the commencement of operation, the Applicant must provide the Certifier with a Plan of Management prepared by a suitably qualified person(s) for the rain gardens treatments within the site.

Safer by Design

D31. Prior to the commencement of occupation or operation, the Applicant must provide to the satisfaction of the Certifier, evidence that the development has implemented the CPTED strategies outlined in condition **B47**.

PART E – DURING OCCUPATION

Operation of Plant and Equipment

- E1. All plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997 (NSW)*.

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 (NSW)*) must comply with the *Public Health Act 2010 (NSW)*, *Public Health Regulation 2012 (NSW)*, 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*.

Unobstructed Driveways and Parking Areas

- E3. 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. They must be used solely for vehicular and/or pedestrian access and the parking of vehicles associated with the use of the premises.

Green Travel Plan

- E4. The Green Travel Plan prepared by SECA Solution, ref. P2437, rev 3, dated 14 December 2022 and referenced in condition **A2(f)(xiii)** must be implemented, reviewed and if necessary updated annually unless otherwise agreed by the Planning Secretary.

Street Level Façade

- E5. No opaque glass, film or security roller doors are permitted at any time on any part of the façade that faces the public domain at street level.

Landscaping

- E6. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Vegetation Management Plan required by condition **B51** for the duration of occupation of the development.

Student and Staff Numbers

- E7. Unless otherwise agreed in writing by the Planning Secretary, the maximum number of occupants in the building is 710.

Groundwater Take Reporting Arrangements

- E8. If a non-watertight basement is constructed, then, metering, recording and reporting of annual water take from below-ground levels must be completed in compliance with section 21(6) of the *Water Management (General) Regulation 2018 (NSW)*.

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 \$250,000 or more, a Long Service Levy must be paid. For further information, please contact the Long Service Payments Corporation Helpline on telephone 131 441.

Legal Notices

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

Utilities and Services

AN4. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

Road Design and Traffic Facilities

- AN5. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (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.
- AN6. Any application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form available from Council. The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's Civil Works Specifications. Fees, in accordance with Council's Fees and Charges, will be invoiced to the Applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

Design drawings, reports and documentation will be required to address the following works within the road reserve:

- (a) The reconstruction of kerb and guttering, subsurface pavement drainage, pedestrian ramps, service utility adjustment or relocation and road shoulder pavement including sealing across the Mann, Beane and Hills Street frontages of the site.
- (b) Construction of full width footpath for the full street frontage of the development in Mann, Beane and Hills Streets designed in accordance with Council's Gosford CBD Streetscape Design Guidelines prepared by Oculus Landscape Architecture Design 2011.
- (c) Construction of a commercial vehicle access crossings that has a width to accommodate the service vehicle turning paths within Mann and Hills Streets.
- (d) Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb.
- (e) Replacement of all damaged kerb and gutter with new kerb and gutter.
- (f) Construction of any works required to transition the new works into existing infrastructure and the surrounding land formation.
- (g) Construction of a storm water drainage connection from the development site to connect into Council's piped storm water drainage system within the Mann Street.
Note: *The connection EKI shall be reconstructed to accommodate the new connection.*
- (h) Road pavement designs. An Investigation and Design report prepared by a practising Geotechnical Engineer must be provided. The pavement design thickness must be determined in compliance with Council's Civil design and Construction Specifications.

The design is to be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

Road Occupancy Licence

AN7. A Road Occupancy Licence must be obtained from the relevant road authority for any works which impact on traffic flows during construction activities.

SafeWork Requirements

AN8. 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

AN9. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserves.

Handling of Asbestos

AN10. 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 (NSW), particularly, Part 7 – ‘Transportation and management of asbestos waste’, must be complied with.

Fire Safety Certificate

AN11. The owner must submit to Council, an Annual Fire Safety Statement, every 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council’s Fire Safety Statement.

Water Licensing and Exemption Requirements

AN12. This project includes excavation activities required for the construction of a building, road or infrastructure, which is item 2(c) in Clause 7 of the *Water Management (General) Regulation 2018*.

A Water Access Licence (WAL) is legislatively required under the WMA for groundwater take above 3ML/year. If the take of groundwater is greater than 3ML per year, further impact assessment will be required. As such, the applicant should consider the Guidelines for Groundwater Documentation for SSD/SSI Projects (2022) and the Minimum requirements for building site groundwater investigations and reporting (2022) to ensure the documentation required is fit for purpose.

Alternately, If the take is less than or equal to 3ML of water per year for any aquifer interference activities listed in Clause 7 of Schedule 4 of the *Water Management (General) Regulation 2018*, an exemption may apply.

Under the exemption, a person can take up to 3 ML of groundwater through an aquifer interference activity per authorised project per water year (July – June) without needing to obtain a WAL. DPE Water notes that there are requirements for an exemption, such as:

1. the water is not taken for consumption or supply;
2. the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and
3. the records are kept for 5 years.

Further information on these requirements and other information on exemptions can be found on: <https://water.dpie.nsw.gov.au/licensing-and-trade/licensing/groundwater-wal-exemptions>. Please note that an exemption application form and a specific FAQ on ‘WAL exemptions – 3ML or less of groundwater’ is provided at this website as well as a form to report and record water take under an exemption.

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 via compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given even if the Applicant fails to give the notification required under Conditions **A25, A26, A27, A28** or **A29**, 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 of 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.