

# Development consent

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

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Anthea Sargeant  
**Executive Director**  
**Regions, Industry and Key Sites Assessments**

Sydney

21/5/2020

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### SCHEDULE 1

<b>Application No.:</b>	SSD 9510
<b>Applicant:</b>	The University of Newcastle
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Land:</b>	University of Newcastle, 16 Honeysuckle Drive Lot 1 in DP 1163346
<b>Development:</b>	Development of Stage 1A, University of Newcastle City Campus, including: <ul style="list-style-type: none"><li>• construction and fit-out of a four storey building and temporary single storey extension for tertiary education (university) use</li><li>• landscaping and public domain works.</li></ul>

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	University of Newcastle or any other person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certification of Crown building work</b>	Certification under section 6.28(2) of the EP&A Act
<b>Certified Contaminated Land Consultant</b>	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
<b>Certifier</b>	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including (except where specifically excluded by a condition of this consent) but not limited to the carrying out of works for the purposes of the development, including remediation/earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	City of Newcastle
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS, RtS and RFIR, including the works and activities, as modified by the conditions of this consent
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement</i> , prepared by Ethos Urban dated 29 July 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPL</b>	Environment Protection Licence under the POEO Act

<b>Evening</b>	The period from 6pm to 10pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>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)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	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
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
<b>RtS</b>	Response to Submissions report and attachments titled ' <i>Re: Response to Submissions to SSD 9510 University of Newcastle Honeysuckle City Campus, Stage 1A</i> , prepared by Ethos Urban Pty Ltd and dated 5 March 2019
<b>RFIR</b>	Applicant's Response to further information request
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
<b>Site</b>	The land defined in Schedule 1
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

**Obligation to Minimise Harm to the Environment**

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

**Terms of Consent**

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

<b>Architectural Drawings prepared by <i>EJE Architecture</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
A-010	SSD	SITE PLAN	2020/04/23
A-100	SSD	GROUND FLOOR PLAN	2019/16/12
A-100.1	SSD	MEZZANINE PLAN	2019/16/12
A-101	SSD	LEVEL 1 PLAN	2019/16/12
A-102	SSD	LEVEL 2 PLAN	2019/16/12
A-103	SSD	LEVEL 3 PLAN	2019/16/12
A-104	SSD	PLANT LEVEL PLAN	2019/16/12
A-107	SSD	ROOF PLAN	2019/16/12
A-190	SSD	GROUND FLOOR AREA PLAN	2019/16/12
A-191	SSD	MEZZANINE AREA PLAN	2019/16/12
A-192	SSD	LEVEL 1 AREA PLAN	2019/16/12
A-193	SSD	LEVEL 2 AREA PLAN	2019/16/12
A-194	SSD	LEVEL 3 AREA PLAN	2019/16/12
A-196	SSD	ROOF AREA PLAN	2019/16/12
A-200	SSD	WEST ELEVATION	2020/02/28
A-201	SSD	NORTH ELEVATION	2020/02/28
A-202	SSD	SOUTH ELEVATION	2020/02/28
A-203	SSD	EAST ELEVATION	2020/02/28
A-300	SSD	SECTIONS – SHEET 1	2020/02/28
A-301	SSD	SECTIONS – SHEET 2	2020/02/28
A-302	SSD	SECTIONS – SHEET 3	2020/02/28
M-1	T-1	MATERIALS SCHEDULE	2019/07/16
M-2	T-2	MATERIALS SCHEDULE	2019/08/09
M-3	T-1	MATERIALS SCHEDULE	2019/07/16
SG-1	T-1	SIGNAGE SCHEDULE	2019/07/16
SG-2	T-1	SIGNAGE SCHEDULE	2019/07/16
<b>Landscape Drawings prepared by <i>Terras Landscape Architects</i></b>			

Dwg No.	Rev	Name of Plan	Date
11749.CC L03	2	Extent of work	28/02/2020
11749.CC L04	2	Landscaping layout	28/02/2020
11749.CC L05	2	Landscaping layout: part 1	28/02/2020
11749.CC L06	2	Landscaping layout: part 2	28/02/2020
11749.CC L07	2	Landscaping details	28/02/2020
11749.CC L08	2	Landscaping details	28/02/2020
11749.CC L09	2	Planning layout	28/02/2020
11749.CC L10	2	Planting palette	28/02/2020
<b>Civil and Stormwater Management Plans prepared by Aurecon</b>			
Dwg No.	Rev	Name of Plan	Date
CV0002	5	SITE PLAN	03.10.19
CV0003	5	STORM WATER PLAN	03.10.19
CV0004	5	PAVEMENT PLAN	03.10.19
CV0005	4	CIVIL DETAILS SHEET 1	16.07.19
CV0006	4	CIVIL DETAILS SHEET 2	16.07.19
CV0007	5	CIVIL DETAILS SHEET 3	02.10.19

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

#### Limits of Consent

- A5. This consent lapses five years after the date from which it operates, unless the works associated with the development have physically commenced.
- A6. Separate approval must be obtained for any works or uses which do not meet exempt development provisions. This consent does not include approval of the following:
- site preparation and remediation works
  - installation of a substation
  - use of the building for events, with the exception of events directly associated with the building's University function
  - digital display, projection or any other means of lighting or animation onto the façades of the building.

### Prescribed Conditions

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

### Planning Secretary as Moderator

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

### Legal Notices

- A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

### Evidence of Consultation

- A10. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary or Certifying Authority for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### Staging, Combining and Updating Strategies, Plans or Programs

- A11. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
  - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
  - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A12. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A13. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

### Structural Adequacy

- A14. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with:
- (a) the relevant requirements of the BCA;
  - (b) any additional requirements of the Subsidence Advisory NSW where the building or structure is located on land within a declared Mine Subsidence District.

**Note 1:** Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works

**Note 2:** Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

### External Walls and Cladding

- A15. The external walls of all buildings including additions to existing building must comply with the relevant requirements of the BCA.

### Applicability of Guidelines

- A16. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A17. 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

A18. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

**Note 1:** *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

A19. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

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

## Compliance

A20. 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.

## **PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION**

### **Amendments to the Building Design Requiring Approval**

- B1. Within one month of the commencement of works, the proposal shall be amended and plans / elevations and documents (where necessary) shall be submitted to the Planning Secretary for approval showing:
- (a) amendments to the roof of the building to reduce the prominence and visibility of the rooftop enclosures. This could be achieved by:
    - (i) reducing the size of the enclosures
    - (ii) architecturally incorporating the enclosures into the design of the building
    - (iii) increasing the height of building parapets / creating a roof feature
    - (iv) or an alternative approach as agreed with the Planning Secretary.

### **Notification of Commencement**

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

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

### **Certified Drawings**

- B3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA; and
  - (b) this development consent.

### **External Walls and Cladding**

- B4. Prior to the commencement of construction of external walls and cladding, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

### **Protection of Public Infrastructure**

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

### **Pre-Construction Dilapidation Report**

- B6. Prior to the commencement of construction, 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.

### **Utilities and Services**

- B7. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- B8. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### **Ecologically Sustainable Development**

- B9. Within six months of commencement of construction, the Applicant must register for a minimum 5-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier, unless otherwise agreed by the Planning Secretary.



## Outdoor Lighting

- B10. Prior to commencement of above ground works, all outdoor lighting within the Subject site must comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-1997 Control of the obtrusive effects of outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority.

## Access for People with Disabilities

- B11. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of above ground works, the Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

## Environmental Management Plan Requirements

- B12. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development;
    - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
  - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (g) a protocol for managing and reporting any:
    - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
    - (ii) complaint;
    - (iii) failure to comply with statutory requirements; and
  - (h) a protocol for periodic review / update of the plan and any updates in response to incidents or matters of non-compliance.

*Note 1: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

## Construction Environmental Management Plan

- B13. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) stormwater control and discharge;
    - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject site;
    - (vi) groundwater management plan including measures to prevent groundwater contamination;
    - (vii) external lighting in compliance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting;
    - (viii) community consultation and complaints handling
  - (b) Construction Traffic and Pedestrian Management Sub-plan (see **Condition B14**);

- (c) Construction Noise and Vibration Management Sub-plan (see **Condition B15**);
  - (d) Construction Waste Management Sub-plan (see **Condition B16**);
  - (e) Construction Soil and Water Management Sub-plan (see **Condition B17**);
  - (f) an unexpected finds protocol for contamination, Aboriginal and non-Aboriginal heritage and associated communications procedure; and
  - (g) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.
- B14. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council and TfNSW;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
  - (d) include location of all proposed work zones (Note: Any on-street parking changes associated with provision of a works zone will need to be consulted with and approval by City of Newcastle's Traffic and Transport Section. Email: [traffic@ncc.nsw.gov.au](mailto:traffic@ncc.nsw.gov.au));
  - (e) detail heavy vehicle routes, access and parking arrangements;
  - (f) include a Driver Code of Conduct to:
    - (i) minimise the impacts of earthworks and construction on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise; and
    - (iv) ensure truck drivers use specified routes;
  - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
  - (h) details of estimated number and type of construction vehicle movements including morning and afternoon peak and off-peak movements for each stage of construction;
  - (i) details of the construction program highlighting details of peak construction activities and proposed construction staging;
  - (j) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
  - (k) cumulative impacts of the proposed construction and ongoing projects in the vicinity of the site;
  - (l) 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
  - (m) include a program to monitor the effectiveness of these measures.
- B15. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) incorporate recommendations of the *University of Newcastle HCCD Stage 1A SSD Noise and Vibration Impact Assessment*, prepared by AECOM and dated 26 February 2020;
  - (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (d) hours of construction in accordance with **Conditions C4 to C8**;
  - (e) outline how noise and vibration impacts would be monitored during construction
  - (f) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (g) include strategies that have been developed with the community for managing high noise generating works; and
  - (h) describe the community consultation undertaken to develop the strategies; and
  - (i) include a complaints management system that would be implemented for the duration of the construction.
- B16. The Construction Waste Management Sub-Plan (CWMSMP) must address, but not be limited to, the following:

- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
  - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facilities in accordance with the requirements of the relevant legislation, codes, standards and guideline, prior to the commencement of any building works.
- B17. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council and where necessary the Department of Planning, Industry and Environment - Water (DPIE - Water);
  - (b) describe all erosion and sediment controls to be implemented during construction;
  - (c) provide a plan of how all construction works will be managed in wet weather events (i.e. storage of equipment, stabilisation of the Site);
  - (d) detail all off-Site flows from the Site;
  - (e) site dewatering (if applicable), including preparation of a dewatering management plan in consultation with DPIE – Water
  - (f) information on:
    - (i) any Impacts of the development on surface and groundwater hydrology and quality
    - (ii) any water licensing requirements or other approvals required under the *Water Act 1912* or *Water Management Act 2000*.
  - (g) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1 year ARI, 1 in 5 year ARI and 1 in 100 year ARI.
- B18. The Flood Emergency Response Sub-Plan (FERSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EESG);
  - (c) include details of:
    - i) the flood emergency responses for the construction phase of the development;
    - ii) predicted flood levels;
    - iii) flood warning time and flood notification;
    - iv) assembly points and evacuation routes;
    - v) evacuation and refuge protocols; and
    - vi) awareness training for employees and contractors.

#### **Site preparation and land contamination works**

- B19. Site preparation and remediation works relevant to the Stage 1A lot shall be carried out in accordance with the separate development consent (reference DA2018/0093) approved by Council on 1 July 2019. The site preparation and remediation works shall be completed prior to the commencement of the development.
- B20. Prior to the commencement of construction, the Applicant must prepare an unexpected finds contamination procedure to ensure that potentially contaminated material (including asbestos containing materials and lead based paint) is appropriately managed. The procedure must form part of the of the CEMP and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

#### **Construction Parking**

- B21. Prior to the commencement of construction, the Applicant must submit to the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

#### **Operational Noise – Design of Mechanical Plant and Equipment**

- B22. Prior to the commencement of above ground works, the Applicant must incorporate the noise mitigation recommendations of the *University of Newcastle HCCD Stage 1A SSD Noise and Vibration Impact Assessment*, prepared by AECOM and dated 26 February 2020, into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the report.

## Mechanical Ventilation

- B23. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings–Microbial control* to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground works.

## Wind

- B24. Prior to the commencement of external landscape works, the Applicant shall submit evidence to the Certifier demonstrating that the design of the development has incorporated the wind mitigation measures contained with the *Pedestrian Wind Environment Statement HCCD Stage 1A, University of Newcastle WE613-02F02(REV1)- WS Report* prepared by Windtech and dated 27 February 2020.

## Reflectivity

- B25. Prior to the commencement of external walls and cladding, the Applicant shall submit evidence to the Certifier demonstrating that the materials used on the façades of the building do not exceed a maximum normal specular reflectivity of 20% so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers.

## Crime Prevention Through Environmental Design (CPTED)

- B26. Prior to the commencement of above ground works, the Applicant shall submit evidence to the Certifier demonstrating that the design of the development has incorporated the CPTED management and mitigation measures included within the CPTED report *Crime Prevention Through Environmental Design Assessment* prepared by Ethos Urban and dated 9 May 2019.

## Compliance Reporting

- B27. Prior to the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.
- B28. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- B29. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Certifying Authority in writing when this has been done.
- B30. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

## Stormwater

- B31. All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 -Stormwater of the Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of Australian Standard AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by Aurecon (Drg. No. 504356-001-DRG-CV-003 Rev 5 dated 3 October 2019).

## Awning

- B32. The proposed awning is to be designed in a manner that is consistent with Section 7.10- -Street Awnings and Balconies of the Newcastle Development Control Plan 2012.

## Flooding

- B33. Prior to commencement of construction the following details are to be provided to the Certifying Authority:
- The whole of the proposed building/structure below the flood planning level (FPL) of 2.80 metres Australian Height Datum (AHD) is to be constructed of water-resistant materials and finishes that are resistant to damage from floodwaters.
  - Electrical fixtures such as power points, light fittings and switches must be sited above the FPL (2.80 m AHD) unless they are on a separate circuit (with earth leakage protection) to the rest of the building. Any new machinery or equipment, storage items or similar likely to be damaged by a flood reaching a peak flood level at or below the FPL, are to be installed above the FPL (2.80 m AHD) unless they are of materials and have the functional capacity resistant to the effects of floodwaters
  - An on-site refuge is to be provided for the proposed development. The minimum refuge level is to be the level of the Probable Maximum Flood (Local Catchment Flood Level RL3.29m Australian Height Datum).

The on-site refuge is to be designed to cater for the number of people reasonably expected to be on the development site.

#### **Road reserve**

- B34. A separate application must be lodged and consent obtained from City of Newcastle for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993 (NSW)*. The consent must be obtained, or other satisfactory arrangements confirmed in writing from City of Newcastle, before the commencement of construction works within the road reserve.

#### **Honeysuckle Drive / Worth Place Frontages**

- B35. Prior to the commencement of construction works within the road reserve, the Developer is to design and construct the following works within the Honeysuckle Drive and Worth Place frontages of the Stage 1A site generally in accordance with the City Centre Public Domain Technical Manual design, at no cost to City of Newcastle and in accordance City of Newcastle's guidelines and design specifications and relevant Australian Standards:
- (a) New footpath and streetscape work extending 2-5m either side of the property.
  - (b) New street trees and any grass verge areas.
  - (c) New kerb and gutter, removal of redundant driveways, and repair any road works.
  - (d) Required parking signs, line markings, mandatory signage (Note: Any changes to the existing on-street parking signs will need to be approved by Newcastle City Traffic Committee).
  - (e) Repair of any damages caused during construction.
  - (f) New street furniture including bicycle racks or rings and new seats and bins.
  - (g) Street lighting including new Smart City poles and infrastructure (including to connect to existing Smart City infrastructure).
  - (h) New drainage and development drainage connections.
  - (i) Any artwork and interpretation for heritage related elements within the road reserve (if required).
- B36. Engineering design plans and specifications for the works being undertaken within the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to City of Newcastle for approval pursuant to Section 138 of the *Roads Act 1993 (NSW)*. The consent must be obtained, or other satisfactory arrangements confirmed in writing from City of Newcastle before the commencement of construction works within the road reserve.

## PART C DURING CONSTRUCTION

### Approved Plans to be On-site

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

### Site Notice

- C2. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
  - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
  - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### Operation of Plant and Equipment

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

### Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
  - (c) No work may be carried out on Sundays or public holidays.
- C5. Notwithstanding condition C4, provided noise levels do not exceed the existing background noise level plus 5 dB, works may also be undertaken during the following hours:
- (a) between 6pm and 7pm, Mondays to Fridays inclusive; and
  - (b) between 1pm and 4pm, Saturdays.
- C6. Construction activities may be undertaken outside of the hours in condition C4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers.
- C7. Notification of such construction activities as referenced in condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### Implementation of Management Plans

- C9. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).
- C10. If directed by TfNSW, the Applicant must make changes to the Construction Traffic and Pedestrian Management sub-plan as accordance with TfNSW directions in order to maintain road safety and network efficiency.

### Construction Traffic

- C11. All construction vehicles are to be contained wholly within the Site, except if located in an approved on street work zone, and vehicles must enter the Site before stopping.

### Road Occupancy Licence

- C12. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

### SafeWork Requirements

- C13. 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

- C14. The following hoarding requirements must be complied with:
- no third-party advertising is permitted to be displayed on the subject hoarding/ fencing;
  - the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application; and
  - the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### No Obstruction of Public Way

- C15. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under and circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

### Construction Noise Limits

- C16. 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 CNVMP.
- C17. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the Subject site or surrounding residential precincts outside of the construction hours of work outlined under **Conditions C4 to C8**.
- C18. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- C19. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of  $L_{Aeq}$  75dBA) as measured at the sensitive receiver must only be undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than one hour respite between ceasing and recommencing any of the work the subject of this condition.
- C20. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.

### Vibration Criteria

- C21. Vibration caused by construction at any residence or structure outside the site must be limited to:
- 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
  - 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).
- C22. 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 C21.
- C23. The limits in **Conditions C21** and **C22** apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by **Condition B13** of this consent.

## **Air Quality**

- C24. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C25. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## **Erosion and Sediment Control**

- C26. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

## **Excavated and Imported Soil**

- C27. The Applicant must ensure that only VENM, ENM, or other material approved in writing by the EPA is brought onto the site and keep accurate records of the volume and type of fill used.
- C28. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.
- C29. Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to City of Newcastle officers or the Principal Certifying Authority on request.

## **Disposal of Seepage and Stormwater**

- C30. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the Environment Protection Authority in accordance with the *Protection of the Environment Operations Act 1997*.

## **Unexpected Finds Protocol – Aboriginal Heritage**

- C31. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The Site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the Site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and OEH to develop and implement management strategies for all objects/Sites. Works shall only recommence with the written approval of OEH.
- C32. Construction works shall be carried out in accordance with the recommendations of the *Aboriginal Cultural Heritage Assessment Report* prepared by Curio Projects and dated February 2019.

## **Unexpected Finds Protocol – Historic Heritage**

- C33. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the OEH Heritage Division contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage Division of the Office of Environment and Heritage.

## **Waste Storage and Processing**

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



- C37. 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.
- C38. 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 is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

#### Handling of Asbestos

- C39. The Applicant is to consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

#### Incident Notification, Reporting and Response

- C40. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

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

#### Non-Compliance Notification

- C41. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.

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

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

#### Revision of Strategies, Plans and Programs

- C42. Within three months of:

- (a) the submission of a compliance report under condition B30;
- (b) the submission of an incident report under condition C39;
- (c) the submission of an Independent Audit under condition C44;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A3 which requires a review,

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

- C43. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Certifying Authority. Where revisions are required, the revised document must be submitted to the Planning Secretary for information within six weeks of the review.

**Note 1:** *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development*

#### Independent Environmental Audit

- C44. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior commencement of an initial construction Independent Audit (**Condition C46(a)**).
- C45. Prior to commencement of an initial construction Independent Audit (**Condition C46(a)**) an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.
- C46. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required during the construction phase is:
- (a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and
  - (b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.

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

- C47. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department and the Certifying Authority under condition C44 of this consent; and
  - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C48. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C44 of this consent;
  - (b) submit the response to the Department and the Certifying Authority; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Certifying Authority in writing when this has been done.
- C49. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary, may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

## PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### Notification of Occupation

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

### External Walls and Cladding

- D2. Prior to 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.
- D3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### Protection of Public Infrastructure

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

*Note 1: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required this consent.*

- D5. Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications.

### Post-construction Dilapidation Report

- D6. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - to be forwarded to Council.
- D7. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

### Green Travel Plan

- D8. Prior to the commencement of operation, a Green Travel Plan (GTP), must be submitted to the Certifier to promote the use of active and sustainable transport modes. The plan must:
- be prepared by a suitably qualified traffic consultant in consultation with Council and Transport for NSW;
  - be based on the *Honeysuckle City Campus Development University of Newcastle Green Travel Plan* prepared by SECA solution and dated May 2019
  - include objectives and modes share targets to define the direction and purpose of the GTP;
  - include specific tools and actions to help achieve the objectives and mode share targets;
  - include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP;
  - include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development; and
  - include tools, actions and processes to address the scenario where the mode share targets are not achieved, including the approach to providing additional management and mitigation measures and infrastructure (where deemed necessary).

## Utilities and Services

- D9. Prior to the commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 50 of the *Hunter Water Corporation Act 1991*.

## Mechanical Ventilation

- D10. Prior to commencement of operation and following completion, installation and testing of all mechanical ventilation systems, the Applicant must submit evidence to the Certifier demonstrating the installation and performance of the mechanical systems complies with:
- the BCA;
  - AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
  - the development consent and any relevant modifications; and
  - any dispensation granted by the NSW Fire Brigade.

## Fire Safety Certification

- D11. Prior to the occupation of the building, a **Fire Safety Certificate** must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

## Structural Inspection Certificate

- D12. 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 approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

## Warm Water Systems and Cooling Systems

- D13. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

## Outdoor Lighting

- D14. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## Operational Waste Management Plan

- D15. Prior to the commencement of operation, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifying Authority. The Waste Management Plan must:
- be prepared in consultation with Council
  - confirm the location of waste collection and establish appropriate routes to the collection point
  - provide confirmation of the engagement of a qualified private waste collection contractor
  - detail the type and quantity of waste to be generated during construction and operation of the development;
  - describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
  - detail the materials to be reused or recycled, either on or off site; and
  - include the Management and Mitigation Measures included in the EIS.

## Site Audit Report and Site Audit Statement

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

## On-Street Servicing Bay

- D17. Prior to the commencement of the operation, the Applicant shall submit evidence to the Certifier demonstrating that the following requirements are complied with:
- (a) all roads and traffic facilities outside the site boundary must be designed to meet the requirements of Council. The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road / pavement construction works
  - (b) all required signage, associated pavement markings and kerbside parking controls for the servicing loading/unloading bay on Honeysuckle Drive must be installed, inspected by Council and handed over to Council
  - (c) any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with the Road Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

## Bicycle Parking and End-of-Trip Facilities

- D18. Prior to occupation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifier:
- a) the provision of a minimum 52 bicycle parking spaces including:
    - i) 40 spaces for students and staff within the temporary single storey extension
    - ii) 12 spaces for visitors within the public domain
  - b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
  - c) the provision of end-of-trip facilities for staff, which provide for at two showers, a changing area and lockers;
  - d) appropriate pedestrian and cyclist advisory signs are to be provided; and
  - e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.
- D19. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

## Landscaping

- D20. Prior the commencement of the operation or the first planting season (whichever is the sooner), the landscaping (including hard and soft landscaping, paths and the like) must be installed in accordance with the landscaping drawings and the *Landscape Document University of Newcastle HCCD Stage 1A Honeysuckle Drive, Newcastle* prepared by Terras Landscape Architects and dated 28 February 2020.
- D21. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan (OLMP) to manage the landscaping on-site. The OLMP must:
- (a) describe the ongoing monitoring and maintenance measures to manage landscaping; and
  - (b) identify that all trees are established on site prior to occupation of the premises.
- D22. The Applicant must not commence operation until the OLMP has been submitted to the Certifier.

## Mosquito Management

D23. Prior to the commencement of the operation the Applicant shall prepare a Mosquito Management Plan (MMP), which addresses the spread and breeding of exotic mosquitos that may have arrived from the operational port. The MMP shall be prepared in consultation with Hunter New England Local Health District.

## Operational Flood Management

- D24. Prior the commencement of the operation, an Operational Flood Emergency Management Plan (OFEMP) must be submitted to the Certifier that:
- (a) is prepared by a suitably qualified and experienced person(s);
  - (b) addresses the provisions of the *Floodplain Risk Management Guidelines* (EESG);
  - (c) includes details of:
    - (i) the flood emergency responses for operational phase of the development;
    - (ii) likely flood behaviour and predicted flood levels;
    - (iii) flood warning time and flood notification;

- (iv) assembly points and evacuation routes;
- (v) evacuation and refuge protocols; and
- (vi) awareness training for employees and contractors, and students
- (vii) how detailed evacuation procedures interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and include provisions for any third parties likely to be involved.

D25. The OFEMP shall be effectively updated and maintained by the occupiers.

D26. Prior to the commencement of the operation a clear warning notice is to be erected and maintained at all points of entry to the site advising that the premises is subject to flooding and that caution should be observed at times of heavy or prolonged rainfall. Such notice is to also provide advice regarding the availability of further detail in respect of possible flooding, refuge areas and include an appropriate telephone number.

#### **Stormwater Drainage**

D27. Prior the commencement of the operation a copy of the stormwater drainage design plans with 'work as executed' levels indicated, shall be submitted to the Certifier and to Council. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

#### **Signage**

D28. Signage shall be installed in accordance with the specifications of the signage drawings listed at **Condition A2**.

## PART E POST OCCUPATION

### Temporary Structures and Elements

- E1. The temporary single storey extension containing the machine-room, bicycle and waste stores and the internal pump room shall be relocated, and incorporated into the Stage 1B redevelopment. The relocated facilities shall achieve the following requirements:
- the occupants of Stage 1A shall be permitted to access the relocated facilities within Stage 1B
  - the relocated Stage 1A bicycle parking and waste storage capacity shall be in addition to the bicycle and waste storage requirements of the Stage 1B building
  - the space created by the relocation of the pump room shall provide for a direct connection (visual or physical) to the southern square / public domain.

### Operation of Plant and Equipment

- E2. All plant and equipment used on site, or to monitor the performance of the development must be:
- maintained in a proper and efficient condition; and
  - operated in a proper and efficient manner.

### Operational Noise Limits

- E3. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the *University of Newcastle HCCD Stage 1A SSD Noise and Vibration Impact Assessment*, prepared by AECOM and dated 26 February 2020.
- E4. Noise associated with the operation of any plant, machinery, or other equipment on the site, must not exceed 5 dB(A) above the rating background noise level when measured at the boundary of any sensitive receiver.
- E5. The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry, to collect valid data and provide a quantitative assessment of operational noise impacts following occupation of the building. The noise monitoring must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within three months of full occupation of the building. Should the noise monitoring identify any exceedance of the recommended noise levels, the Applicant must implement appropriate on-site noise attenuation measures to ensure operational noise levels do not exceed the recommended noise levels and/or provide noise attenuation measures at the affected noise sensitive receivers.

### Unobstructed Driveways and Parking Areas

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

### Outdoor Lighting

- E7. Notwithstanding **Condition D14**, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### Hazards Management

- E8. The Applicant must ensure that the quantities of dangerous goods stored within the development or transported to and from the development will remain below the screening threshold quantities listed in the Department's Applying SEPP 33 guideline (January 2011) at all times.
- E9. The Applicant must store and handle all chemicals, fuels and oils within the development in accordance with:
- the requirements of all relevant Australian Standards; and
  - the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.

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

### Landscaping

- E10. The landscaping is to be maintained at all times following its installation in accordance with the approved Landscape Management Plan.

### Flooding and Stormwater

- E11. The operation of the building must be carried out at all times in accordance with the FERSP (**Condition B18**) and the OFEMP (**Condition D24**).

### **Ecologically Sustainable Development**

- E12. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5-star Green Star As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifying Authority and the Planning Secretary.

### **Warm Water Systems and Cooling Systems**

- E13. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.



## APPENDIX 1 ADVISORY NOTES

### General

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

### Long Service Levy

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

### Legal Notices

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

### EPA

AN4. The EPA recommends the use of 'certified consultants'. Please note that the EPA's *Contaminated Land Consultant Certification Policy*, Ver 2, (dated November 2017) ([https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en&hash=D56233C4833022719BCE0F40F870C19D\\_C273A1F7](https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en&hash=D56233C4833022719BCE0F40F870C19D_C273A1F7)) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the *Contaminated Land Management Act 1997* to be prepared, or reviewed and approved, by a certified consultant.

### Access for People with Disabilities

AN5. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

AN6. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.

### Utilities and Services

AN7. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN8. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### Road Design and Traffic Facilities

AN9. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (RMS) (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### Road Occupancy Licence

AN10. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### SafeWork Requirements

AN11. 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

AN12. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### Handling of Asbestos

AN13. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### **Fire Safety Certificate**

AN14. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

## APPENDIX 2 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C41 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.