

Development Assessment CONDITION SET

Development Application No:	DA-2022/409
Property:	28-40 Lord Street, BOTANY NSW 2019 Lot 2 in DP 1001894 and Lot 1 in DP 1001894
Proposal:	Change of use of existing buildings into an education establishment with internal fit-out works and use of the existing car parking, operating 24 hours a day, seven (7) days a week
Assessment Planner:	Michael Maloof
Content Manager No:	23/157373
Read in conjunction with Planning Assessment Report Content Manager No:	23/125461

GENERAL CONDITIONS

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan No.	Revision No.	Plan Title.	Drawn By.	Date of Plan
Plan A0.00	Revision 01	Botany Campus Cover Page	H2o architects Pty Ltd	18.11.22
Plan A0.00a		Botany Campus Proposed Scope of Works		
Plan A1.03		Botany Campus Site Plan Level 00 Proposed Site Plan		
Plan A1.04	Revision 01	Botany Campus Site Plan Level 00 Proposed Site Roof Plan	H2o architects Pty Ltd	18.11.22
Plan A1.05		Botany Campus Site Plan Level 00 Proposed Parking Site Plan		
Plan A1.07		Botany Campus Proposed Occupancy Summary		

Approved Plans				
Plan No.	Revision No.	Plan Title.	Drawn By.	Date of Plan
Plan A1.10	Revision 01	Botany Campus Block A-A1 Level 00 Proposed Plan	H2o architects Pty Ltd	18.11.22
Plan A1.11		Botany Campus Block A-A1 Level 01 Proposed Plan		
Plan A1.12		Botany Campus Block A-A1 Level 02 Proposed Plan		
Plan A1.13	Revision 01	Botany Campus Block B-C Level 00 Proposed Plan	H2o architects Pty Ltd	18.11.22
Plan A1.14		Botany Campus Block B-C Level 01 Proposed Plan		
Plan A1.15		Botany Campus Block B-C Level 02 Proposed Plan		
Plan A1.16	Revision 01	Botany Campus Block D Level 00 Proposed Plan	H2o architects Pty Ltd	18.11.22
Plan A1.17		Botany Campus Block D Level 01 Proposed Plan		
Plan A1.18		Botany Campus Block D Level 02 Proposed Plan		
Plan A1.19	Revision 01	Botany Campus Block E Level 00 Proposed Plan	H2o architects Pty Ltd	18.11.22
Plan A1.20		Botany Campus Block E Level 01 Proposed Plan		
Plan A1.21		Botany Campus Block E Level 02 Proposed Plan		

Approved Documents			
Document Title.	Version No.	Prepared By.	Date of Document
Statement of Environmental Effects	Issue 01	Urbanac	November 2022
Flood Risk Management Plan, UTS 28 Lord Street, Botany	-	TTW Structural Civil Traffic Facade	20 September 2022

Waste Management Plan	-	UTS	1 July 2020
Operational Plan of Management (OPOM)	03	UTS Tech Lab	22 November 2022
BCA and Access Report	2.0	Professional Certification Group	10 November 2022
Acoustic Report	A	Resonate	22 November 2022
University of Technology Sydney Centre for Technology, UTS Tech Lab DA for Change of Use / Fit-out, 28-40 Lord Street, Botany comprising Lots 1 and 2 of DP1001894, Traffic and Parking Assessment Report	Final V1	Positive Traffic Engineering / Planning	November 2022

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

In the event of any inconsistency with the approved plan and a condition of this consent, the condition prevails.

REASON

To ensure all parties are aware of the approved plans and supporting documentation that apply to the development.

2. Staged Development

This development consent relates to four separate stages for the proposed development as outlined in the table below:

Stage	Details of each Stage
Stage 0	Use of buildings B and C and part of building D (D2) as an educational establishment (tertiary institution and research including industry partnerships) and, associated 181 car parking spaces and loading on the subject site. A maximum of 490 people associated with the educational establishment are permitted on the entire site in this stage.
Stage 1	Change of use of the remainder of Block D (D1) to an educational establishment (tertiary institution and research including industry partnerships) along with the addition of 140 car parking spaces, ancillary fit-out and minor demolition as detailed below: <ul style="list-style-type: none"> • new furniture to be placed within the existing fitout to enable UTS occupancy. • minor demolition on Level 00 into the warehouse area to accommodate new fitout layout, which includes the build of new partitions into the research (warehouse) area at the south-eastern end of the building. • minimal branding of UTS lobby spaces • essential fire services upgrades to achieve required fire compartmentalisation.

	A maximum of 867 people associated with the educational establishment are permitted on the entire site in this stage and, a minimum of 321 car parking spaces shall be provided.
Stage 2	<p>Change of use of Blocks A1 and A2 to an educational establishment (tertiary institution and research including industry partnerships) along with the addition of 150 car parking spaces & minimal internal fit-out works as detailed below:</p> <ul style="list-style-type: none"> • new furniture within the existing fit-out. • Minor internal branding of UTS in lobby areas. • Fire upgrade to comply with essential fire services with fire hydrants. <p>A maximum of 1272 people associated with the educational establishment are permitted on the entire site in this stage and, a minimum of 471 car parking spaces shall be provided.</p>
Stage 3	<p>Change of use of Block E to an educational establishment for a tertiary institution (tertiary institution and research including industry partnerships) along with the addition of 100 car parking spaces and loading areas to the site. Works comprise the following:</p> <ul style="list-style-type: none"> • Minimal internal fit-out works including remove existing and new floor finishes with new partitions and fitout with amenities (male, female and unisex). • New furniture within the existing fit-out. • Minor internal branding of UTS in lobby areas. • Fire upgrade to comply with essential fire services with fire hydrants. <p>A maximum of 1541 people associated with the educational establishment are permitted on the entire site in this stage and, a minimum of 571 car parking spaces shall be provided.</p>

Stage 0 must be completed first and the remaining stages must be completed in sequential order.

When the development consents listed in condition 22 are successfully surrendered to Council and the shuttle bus operational management plan is approved as required by condition 3, then Stage 0 will immediately become operational. Stage 0 of the development must be enacted before a crown certificate can be obtained for stages 1, 2 & 3.

REASON

To ensure development is staged in a manner that complies with the provisions of the Environmental Planning and Assessment Act 1979

3. Operational Shuttle Bus

An Operational Management Plan for the shuttle bus service shall be established and submitted to Bayside Council for approval prior to the commencement of use of stage 0. The Operational Management Plan shall be prepared having regard to the operational conditions in this consent. The approved Operational Management Plan for the shuttle bus service shall be implemented for the lifetime of the development.

REASON

To ensure the shuttle bus service is provided and operated in a satisfactory manner.

4. Compliance with the Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the BCA.

REASON

EP&A Regulation Clause 69(1).

5. No Intensification of Activities

No intensification of activities shall occur on the premises without prior consent from Council.

REASON

To avoid changes that may result in adverse impacts without proper assessment.

6. Separate Approval for Signage

A separate consent must be obtained for any proposed signage, in addition to the directional signage specifically approved under this consent, (other than exempt and complying development).

Advisory Note: 'signage' is defined as follows:

'signage' means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- a) an advertising structure, and
- b) building identification sign, and
- c) business identification sign.

REASON

To avoid changes that may result in adverse impacts without proper assessment.

7. Annual Fire Safety Certificate

During occupation and ongoing use of the buildings on the premises, the applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with section 89 of the *EP&A (Development Certification and Fire Safety) Regulation 2021*.

REASON

To ensure annual checks on fire safety measures.

8. Environmental Health Conditions

- a) No intensification of activities shall occur on the premises without prior consent from Council.
- b) Adopt and implement all recommendations contained in the acoustic report prepared by Resonate – Consultants "UTS Tech Park" Noise and Vibration Assessment, Report No. S220227RP1 Revision A dated the Tuesday, 22 November 2022".
- c) Adopt and implement all recommendations contained in the Plan of Management prepared by Urbanac Pty Ltd for UTS Tech Lab "Operational Plan of Management UTS Tech Lab 28-40 Lord Street Botany NSW Revision 03 dated the 22 November 2022".

REASON

To ensure the proposed use will not result in any significant amenity impacts on the site or surrounding properties.

9. Parking Allocation

Parking spaces and associated facilities shall be provided and allocated in accordance with the following table.

Use	Number of Spaces Allocated
Educational Establishment for a tertiary institution	
Stage 0	Minimum 181 car parking spaces
Stage 1	Minimum 321 car parking spaces
Stage 2	Minimum 471 car parking spaces
Stage 3	Minimum 571 car parking spaces
Shuttle Bus	A shuttle bus must be provided connecting this site to Broadway UTS campus (Thomas Street) via other transport (e.g., railway station).
Bicycle parking	
Educational Establishment	Minimum 60 bicycle parking spaces

The above requirements must be adhered to, and complied with, at all times.

REASON

To ensure that car parking is provided and allocated in accordance with the approved plans and documentation.

PRIOR TO THE ISSUE OF ANY CROWN CERTIFICATE

The following conditions must be completed prior to the issue of any Crown Certificate:

10. Payment of Security Deposits

Before the issue of the Crown Certificate for each Stage, the Applicant must:

- (a) make payment of \$1,200 Builders Damage Deposit for a security deposit to the consent authority, and
- (b) if a Principal Certifier is required to be appointed for the development provide the Principal Certifier with written evidence of the payment and the amount paid.

REASON

To ensure any damage to public infrastructure is rectified and public works can be completed.

11. DPE – Construction Site Management Plan

Before the issue of a Crown Certificate for each stage, a construction site management plan must be prepared, and provided to the Principal Certifier. The plan must include the following matters:

- (a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- (b) Provisions for public safety;
- (c) Pedestrian and vehicular site access points and construction activity zones;
- (d) Details of construction traffic management including:
 - i. Proposed truck movements to and from the site;
 - ii. Estimated frequency of truck movements; and
 - iii. Measures to ensure pedestrian safety near the site;
- (e) Details of any bulk earthworks to be carried out;
- (f) The location of site storage areas and sheds;
- (g) The equipment used to carry out all works;
- (h) The location of a garbage container with a tight-fitting lid;
- (i) Dust, noise and vibration control measures;
- (j) The location of temporary toilets;
- (k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i. AS 4970 - Protection of trees on development sites;
 - ii. An applicable Development Control Plan;
 - iii. An arborist's report approved as part of this consent.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

REASON

To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

12. DPE - Provision of Detailed Plans for Crown Certificate Application

Before the issue of a Crown Certificate for each stage, detailed plans must be prepared by a suitably qualified person and provided to the Certifier for approval that are consistent with the plans and documentation approved under this consent.

Detailed plans must also show the following:

- (a) Car parking facilities

- (b) Acoustic Report
- (c) Disability Access Plan
- (d) Pedestrian access
- (e) Signage location and structures
- (f) Mechanical ventilation

REASON

To ensure that detailed Crown Certificate plans are consistent with the approved plans and supporting documentation.

13. Flooding Requirements

Prior to the issue of the Crown Certificate for each stage, details are to be submitted to the Principal Certifier demonstrating compliance with the following:

- (a) Storage of Materials Damaged by Flood
Materials which may be damaged by flood waters shall be stored, or able to be stored, at or above 500mm above the 1% Annual Exceedance Probability (AEP) Flood Level.

REASON

To ensure the development meets flood planning requirements and minimise risk to property.

14. DPE - Equal Access to Premises

Before the issue of a Crown Certificate for each stage, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the Certifier.

The design and fitout must be in accordance with the current version of Australian Standard 1428.1 and the relevant Council Development Control Plan.

The minimum number of accessible car parking spaces shall be in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6

Note: Compliance with the relevant Council Development Control Plan and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Commonwealth Disability (Access to Premises – Buildings) Standards 2010 (the Premises Standard). It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

REASON

To ensure safe and easy access to the premises for people with a disability.

15. Bicycle Parking

Prior to the issue of a Crown Certificate for Stage 3, the location of the 60 bicycle parking spaces must be clearly shown on the plans and provided on-site in

accordance with AS2890.3 prior to the issue of the Crown Certificate for Stage 3.

REASON

To ensure sufficient bicycle parking facilities are provided for the development.

16. Detailed Acoustic Assessment

The Principal Certifying Authority shall not issue a Crown Certificate until a detailed acoustic assessment /report of all mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners which meet the NSW EPA Noise Policy for Industry – 2017 and Protection Of Environment Operations Act 1997 as specified in Acoustic Assessment by Resonate – Consultants “UTS Tech Park” Noise and Vibration Assessment, Report No. S220227RP1 Revision A dated the Tuesday, 22 November 2022” has been carried out.

The acoustic assessment / report shall include at least the following information:

- the name and qualifications or experience of the person(s) preparing the report
- the project description, including proposed or approved hours of operation
- relevant guideline or policy that has been applied
- results of background and any other noise measurements taken from most noise affected location at the boundary line
- meteorological conditions and other relevant details at the time of the measurements
- details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details)
- a site map showing noise sources, measurement locations and potential noise receivers
- noise criteria applied to the project
- noise predictions for the proposed activity
- a comparison of noise predictions against noise criteria
- a discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures
- how compliance can be determined practically

The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants). It shall be submitted to the Principal Certifying Authority. All recommendations and/or noise mitigation measures (If applicable) shall be complied with.

REASON

To ensure the development complies with the Acoustic Assessment report and does not result in any planning significant acoustic / noise impacts.

17. Maximum Number of Persons – Prescribed Condition

At the completion of each stage of the development, a sign must be displayed in a prominent position in the building stating that the maximum number of persons, that are permitted in the building, must not exceed the following capacity as specified in the schedule below:

- a) Stage 0 – 490 people
- b) Stage 1 – 867 people
- c) Stage 2 – 1,272 people
- d) Stage 3 – 1,541 people

The sign shall include letters not less than 25mm in height and must be fixed at the main entry point to the licensed premises alongside the Licensee's name.

The university shall ensure that the approved capacity as scheduled above is not exceeded. On request by an authorized officer such of the Council, Police or Fire Brigade, the university shall provide evidence of the number of person's occupying each scheduled area. Details shall be provided prior to the issue of the Crown Certificate for each stage.

REASON

To ensure the entire premises can safely accommodate the anticipated number of persons in connection with the approved use. To minimise adverse impacts resulting from the approved use.

18. Reviewable Number of Persons

The number of persons on the site are approved as follows:

- a) The number of persons on the premises are approved as detailed in the previous condition being limited to 1,541 persons.
- b) Notwithstanding (a) above, should the applicant seek to increase the maximum number of persons on the site specified in the previous condition, up to a maximum of 2,130 persons, the maximum number of persons may be reviewed by Council at any time, subject to the applicant being given fourteen (14) days written notice that a review of the maximum occupancy will take place. In that time the applicant may submit to Council any information they wish to be considered in support of the increased number of persons, and
- c) Any review of the number of persons in (b) above by Council, will be based on, among other things, the performance of the operator in relation to the compliance with the development consent conditions, any substantiated complaints received, and any views expressed during public consultation or from other stakeholders, including the Police, and
- d) Following a review, Council may allow the use to continue to operate with an increased number of persons (as noted in (b) above), require the use to revert to the maximum number of persons specified in (a) above, or otherwise modify the condition as considered appropriate, and
- e) The purpose of the reviewable condition is to allow ongoing assessment of the maximum number of persons in relation to neighbourhood amenity, public safety and operational performance and allow management to demonstrate successful practices in relation to the above.

REASON

To allow operations on a reviewable basis to ensure that impacts to the community are minimised.

19. Landscape Conditions:

The Prior to the issue of any **Crown Certificate**, detailed landscape plans must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council.

The detailed landscape plan shall include, but not be limited to, the following:

- a) A planting plan at 1:100 of the entire development site, showing all existing and proposed planting areas.
- b) Provide new tree pits in all at grade parking areas. New trees shall be *Cupaniopsis anacardioides* (Tuckeroo) or other as approved by Bayside Council. Tree pot size of new trees shall be supplied and planted at minimum 100 Litre. Trees are to be planted in the existing carpark at a typical spacing of every 5 pairs of car spaces unless there is an existing tree or light pole in that location. Carpark tree pits should exclude any raised concrete edge and incorporate permeable pavers at least 1.5-meter radius from tree trunks.
- c) Carpark spaces adjacent to tree pits shall include wheel stoppers to an appropriate distance to avoid damage of planting material. Provide any signage necessary to impose rear parking only if required.
- d) Increase the quantity of medium-large canopy tree planting where deep soil is available.
- e) Landscape Maintenance Schedule to cover a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements).

REASON

To ensure compliance with landscape requirements from relevant policies.

20. Building Upgrade – Total Conformity with the NCC

Pursuant to Clause Part 4, Division 1, Section 64 of the *Environmental Planning and Assessment Regulation 2021*, the existing building must be brought into total conformity with the Building Code of Australia prior to the occupation of stages 1, 2 and 3. In this regard, construction plans that demonstrate compliance with the Building Code of Australia must be submitted to the Principal Certifier. Should there be any non-compliance, and an alternative method of fire protection and structural capacity is proposed, a detailed report, plans and supporting documents prepared by an appropriately accredited and qualified fire consultant having specialist qualifications in fire engineering must be submitted, justifying the non-compliances.

REASON

To ensure compliance with the EP&A Regulation 2021.

21. Flood Risk Management Plan - Major

The approved Flood Risk Management Plan (prepared by Taylor Thomson Whitting Ref:211735 CA AB) and all recommendations from the Flood Awareness & Evacuation Strategy are to be implemented within the development prior to the issue of the Occupation Certificate for each stage. A copy of the Flood Risk Management Plan is to be kept on-site. Details and evidence are to be provided to the satisfaction of the Principal Certifier prior to the issue of any Occupation Certificate.

REASON

To minimise risk to life and property.

22. Repair of Infrastructure

Before the issue of an Occupation Certificate for each stage:

- a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or
- b) if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.

REASON

To ensure any damage to public infrastructure is rectified.

23. Surrender of Development Consent

The surrender of Development Consents numbered DA-2016/100, DA-2017/1083, DA-2019/279 and DA-2021/230 for the change of use of parts of the site from business to educational establishment (tertiary institution and research including industry partnerships), must be undertaken prior to the issue of any Crown Certificate, or 6 months from the date of the determination of this development consent, whichever occurs first, pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979* and Clause 97 of the *Environmental Planning and Assessment Regulation 2000*. Details demonstrating compliance with the requirements of this condition must be submitted to the satisfaction of Bayside Council and the Crown Certifier.

REASON

To ensure any incompatible existing consent is not acted upon.

24. Long Service Levy

Before the issue of the relevant Crown Certificate, the long service levy of \$16,513.40 (0.25% of cost of works), as calculated at the date of this consent, must be paid to the Long Service Corporation or Council under the *Building and Construction Industry Long Service Payments Act 1986*, section 34, and evidence of payment is to be provided to the Private Certifier.

REASON

To ensure the long service levy is paid.

25. Waste Handling Systems

All waste handling equipment and systems used in conjunction with the provision of waste and recycling services shall be manufactured, installed and maintained in accordance with any applicable regulatory requirements, relevant Australian Standards, and relevant manufacturer's specifications. Details to be provided with the Crown Certificate application.

REASON

To manage waste in accordance with Council's Waste Management Technical Specifications.

26. Consult with Utility Provider

You are advised to consult with your utility providers (i.e., Ausgrid, Telstra, etc.) in order to fully understand their requirements before commencement of any work.

27. Signage may require separate Approval

Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.

28. Street number

A street number shall be prominently displayed at the front of the site. The street number shall be a minimum of 120mm in height to assist emergency services and visitors to locate the property. The numbering shall be erected prior to commencement of operations.

PRIOR TO COMMENCEMENT OF USE

The following conditions must be complied with prior to the Commencement of Use:

29. Acoustic Compliance Report

Prior to commencement of use or to the occupation of stages 1, 2 and 3, the applicant shall submit to the Principal Certifying Authority (PCA) an acoustic compliance report to verify that the measures stated in the 'Resonate – Consultants "UTS Tech Park" Noise and Vibration Assessment, Report No. S220227RP1 Revision A dated the Tuesday, 22 November 2022" and all other noise mitigation measures associated with the mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners have been carried out and certify that the construction meets the above requirements. A copy shall be submitted to Council concurrently. The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

REASON

To ensure the proposal is consistent with the requirements set out in the acoustic report submitted with the application.

30. Operational Plan of Management – University

Prior to the issue of any Crown Certificate for stages 1, 2 and 3, the Operational Plan of Management (OPOM) dated 22/11/22 submitted with the application is to be amended for the premises and submitted to and approved by Council. The OPOM must provide all details relevant to the operation of the premises. As a minimum, the following must be included:

- i. Title, and
 - ii. Objectives, and
 - iii. Operational details, and
 - iv. Hours of operation and ensure compliance with the relevant conditions of approval, (e.g., approved hours of operation specified in the conditions of this consent), and
 - v. Staffing and organisation overview, and
 - vi. Identification of the likely common pedestrian routes, minimise the potential impact of the operation of the premises on nearby residents, and
 - vii. Prior to the occupation of each stage of the development, the Operational Plan of Management is to be updated to include a plan showing the location of the flood refuge storage areas for the buildings of that stage for sheltering in place in the event of a flood.
 - viii. Deliveries and loading/unloading, and
 - ix. The operation of the shuttle bus service associated with the educational establishment shall be provided generally (as a guide) with a minimum level of service as detailed below:
 - (a) Set down and pick up passengers at UTS Broadway, Redfern Railway Station, Green Square Railway Station, and this site; and
 - (b) Be provided approximately once an hour in both directions from approximately 7am to 7pm, Monday to Friday excluding public holidays.
 - (c) Individual bus capacity of a minimum of 20 seats, and
 - (d) This shuttle shall be provided free of charge to passengers.
 - x. Managing customers or patrons and ensure responsible patron conductivity and security, and
 - xi. Security details, and
 - xii. Noise and Vibration Impact Assessment and minimise noise emissions and associated nuisances on campus, and
 - xiii. Complaint recording and handling process, effectively minimise and manage anti-social behaviour on campus and effectively manage and respond to resident complaints, and
 - xiv. The review process to continuously improve the OPOM.
- a) The OPOM is required to be reviewed every three (3) years by the University. Where necessary, the OPOM must be revised to maintain or improve the level of amenity and safety to nearby land uses and communities and to address unforeseeable issues, impacts or events raised during the operation of the premises.

The review of the OPOM will consider (but not be limited to):

- i. Complaints received by patrons, residents of surrounding properties and Council, and
- ii. Inspections conducted by Council officers at any time, and
- iii. Consideration of Police complaints.

REASON

To ensure premises are operated and managed in accordance with agreed measures to minimise adverse impacts in the locality.

PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT OR ANY WORK (including demolition and excavation)

The following conditions must be completed prior to the commencement of the development or any works:

31. Dilapidation Report – Public Domain - Pre-Construction - Major

Prior to the commencement of any work, a professional engineer specialising in civil, structural, or geotechnical engineering shall prepare a Dilapidation Report detailing the current condition of Bayside Council's infrastructure adjoining, and within 50m of, the development site. This includes the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, retaining walls, driveways, and road pavement) and any other adjacent Bayside Council properties.

Photographs are to be in colour, digital, annotated and date stamped. The full name, accreditation, professional registration, and signature of the professional engineer is to be detailed. The report is to be supplied in an electronic format to the Principal Certifier and Bayside Council.

The liability for any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the Applicant. The Applicant shall bear the cost of all restoration works to Council's property damaged by the Applicant during this development.

REASON

To advise Council of, and provide Council with, the required dilapidation report.

32. Utility Services Adjustments

The approved elements including driveways, stormwater connections, (etc.) prevail over the location of existing utility services and power poles. All services shall be adjusted at the Applicants cost to suit the construction of approved design elements. Applicants must seek approval from the relevant public utility, state authority or service provider.

REASON

To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

33. Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside work hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

REASON

Prescribed condition EP&A Regulation, Section 70 (2) and (3).

34. Landscaping

Prior to the commencement of use for stage 2, the following must be complied with:

- a) All landscape works are to be carried out in accordance with the approved construction landscape plans for the development.
- b) A Landscape Architect shall provide a report certifying that the landscape works have been carried out in accordance with the approved plans and documentation.
- c) Concrete, plastic or rubber wheel stops shall be installed in all car spaces adjoining garden beds in accordance with Council specifications and Australian Standard AS/NZZ 2890.1:2004 prior commencement of use to prevent overhang and damage to garden beds.

REASON

To ensure landscaping is maintained in compliance with landscape requirements from relevant policies.

35. APA Condition

Any works within 3 metres of the pipeline or within the pipeline easement must be approved by APA through our Third Party Works Authorisation process. This process will ensure all works are undertaken in a safe manner that does not physically impact on the pipeline. If you are seeking to undertake works on property containing a pipeline or are seeking details on the physical location of the pipeline, please contact Dial Before You Dig on 1100 or APA directly at APAProtection@apa.com.au.

REASON

To ensure the proposed use of the subject site does not result on any significant impacts on the existing pipeline in the vicinity of the site.

36. NSW Police

The following conditions are specific to the NSW Police requirements:

- a. High quality CCTV cameras to be reviewed/installed and positioned strategically throughout the site if not already done so. Pay particular attention to entry and exit points as well as sensitive and or restricted areas and blind spots. Common areas such as hallways should have sufficient CCTV as well as any reception, stair wells and lifts.
- b. Lighting should be installed and positioned strategically throughout the site creating visibility at night. Any lighting near CCTV cameras should be installed in such a way where it complements the recording ability as opposed to hindering image/video quality.
- c. CCTV management plan to be implemented if not already done so. Protocols to be implemented to allow police prompt access in case of an incident.
- d. CCTV to be retained for no less than one month.
- e. CCTV hardware/equipment (except cameras) should be kept out of sight and stored in a secure area. A code/password should be used to secure access to the CCTV system. Relevant security/staff should be trained on how to use and operate the CCTV system.
- f. Conduct relevant inductions for new persons to the site. Highlight and make aware to them emergency evacuation procedures and evacuation assembly points. It should be emphasised that personal security is the responsibility of the individual. New staff and students should be reminded about not leaving valuables in vehicles and making sure vehicles are locked and secured if parking on site. Crime prevention awareness reminders could be sent out via internal staff and student email lists.
- g. Address number and name to be clearly displayed at the front of the complex on Lord St. This is to be visible at night and should be easily seen from the street. Hedges and greenery need to be maintained regularly and should not block or grow over the address number/name.
- h. Any landscaping should be implemented in such a way that it does not create concealed areas and maintains sightlines and maximises visibility of the open space of the complex.
- i. Signage such as 24/7 CCTV, trespassers will be prosecuted, do not leave valuables inside your car etc. to be implemented and placed strategically around the complex.
- j. Furthermore, directional signage such as main office/reception this way, exit signs, signage for specific sections of the tech hub etc. could also be installed if not already done so.
- k. Consider high perimeter fencing for the entire location. This is to mitigate potential trespassers and to help control access inside and out of the complex.
- l. Define boundaries within the site, making it obvious where people can and can't go, where you can park and where you cannot. Bollards or other landscaping techniques may be beneficial to help define boundaries further within the complex.
- m. Consider hiring security guards to conduct regular patrols both day and night. As well as to provide other security services that may benefit the site.
- n. Gated access/boom gates could be implemented where staff and students will require a pass to get through. An intercom/s that is connected to security staff or reception should also be installed. This will help reception/security to assess whether to allow a visitor access to the site.
- o. All buildings, with exception of any reception areas (Business hours only) should require pass access. Students and staff that are issued passes should only have

- access to the areas they require. Areas that are not relevant to a student's degree or project should not have access to those areas.
- p. Passes that are issued should have the ability to be cancelled (If not already done so) in the event they are lost or stolen.
 - q. Conditions of entry to be displayed at the entrance such as: vehicles parked in non-designated parking areas will be towed at owners' expense, drug or alcohol affected persons not permitted to enter, staff or student ID to be presented upon request by security etc.
 - r. Valuable university equipment (Machinery, expensive digital equipment etc.) should be secured in their respective buildings. Serial numbers and unique identifiers are to be recorded and kept in a log. In the event of a theft relevant numbers and unique identifiers are to be provided to police.
 - s. Consider alarm systems for any areas that are sensitive or have valuable equipment present. If a sensitive area/room of the tech hub is not in use an alarm system will add a further layer of protection and security for that specific area.
 - t. Conduct regular white level inspections. This is where staff/students look for anything that is out of place or anything that poses a risk. If relevant, address the issue yourself or contact police if something serious is identified. (Suspicious packages, broken doors, and windows etc.)
 - u. Consider one way glazing or coating for glass windows and doors. This is where it is transparent from the inside looking out but opaque or reflective preventing view from the outside looking in. This will also make it harder for offenders to identify items/equipment to steal.
 - v. Repair and or address maintenance issues promptly, i.e., faulty locks/CCTV not working properly etc. Remove any graffiti promptly.
 - w. Consider panic alarms for sensitive areas and any reception areas.
 - x. After hours emergency contact number to be displayed at the front entrance and or provided to police.
 - y. Take all reasonable steps to continually identify any issues and implement crime preventative measures.

REASON

To ensure crime prevention and safety measures are implemented in accordance with requirements of the NSW Police.

37. Sydney Water Tap-in

Prior to the issue of the Crown Certificate, the approved plans must be submitted to Sydney Water Tap inTM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap inTM online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

REASON

To ensure compliance with Sydney Water requirements.

38. DPE – Release of Securities

When the Council receives a written request stating it has commenced each stage, an application / form may be lodged to release the securities held in accordance with Council's fees and charges for development.

REASON

To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

DURING ANY WORK (INCLUDING DEMOLITION AND EXCAVATION)

39. DPE – Implementation of the Site Management Plans

While site work is being carried out:

- (a) the measures required by the Construction Site Management Plan must be implemented at all times, and
- (b) a copy of these plans must be kept on site at all times and made available to Council officers upon request.

REASON

To ensure site management measures are implemented during the carrying out of site work.

40. Site Management - Principal Certifier Inspections

Upon inspection of each stage of construction, the Principal Certifier (or other suitably qualified person on behalf of the Principal Certifier) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:

- a) Provision of secured perimeter fences or hoardings for public safety to restrict access to building sites, and
- b) Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

REASON

To protect public safety and water quality around building sites.

41. DPE – Responsibility for changes to public infrastructure

While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service providers pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.

REASON

To ensure payment of approved changes to public infrastructure.

42. Construction Activities – Minimise Pollution

The following conditions are necessary to ensure minimal impacts during construction:

- a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment.

Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and

- b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and
- c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and
- d) Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and
- e) Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition, stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and
- f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - A. spraying water in dry windy weather, and
 - B. cover stockpiles, and
 - C. fabric fences
- g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and
- h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and
- i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and
- j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and

An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

REASON

To protect neighbourhood amenity and the quality of the waterways.

43. Site Fencing

The site shall be secured by an 1800mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points and open and secured in such a way as to not obstruct the public footway. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifier, prior to the demolition of the existing structures and commencement of building operations.

REASON

To protect the amenity of the neighbourhood and ensure public safety.

44. Protection of Council's Property

During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter, and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation, and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Bayside Council.

REASON

To ensure public safety at all times and to protect the function and integrity of public infrastructure.

45. Offensive Noise

Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:

- choosing quiet equipment
- choosing alternatives to noisy activities
- relocating noise sources away from affected neighbours
- educating staff and contractors about quiet work practices
- informing neighbours of potentially noisy activities in advance
- equipment, such as dewatering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences.

Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated, or otherwise enclosed so as to achieve the sound level objective.

REASON

To ensure the proposal does not result in any offensive noise impact on the site or surrounding properties.

46. Approval and Permits under *Roads Act* and *Local Government Act* for Works Activities on Public Land

During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the *Roads Act 1993* and *Local Government Act 1993*. All applications associated with works and activities on Bayside Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following:

- a) Road, Footpath and Road Related Area Closure – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the Applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
- b) Stand and Operate Registered Vehicle or Plant – To occupy any part of the road, footpath or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
- c) Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the Applicant to place unregistered items within the roadway including waste containers and skip bins.
- d) Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone.
- e) Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
- f) Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the Applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
- g) Tower Crane – To swing or hoist over and across Council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
- h) Public Land Access – To access through or occupy Council land. This permit is required by Applicants in order to access over or occupy Council land.

- i) Temporary Dewatering – To pump out groundwater from the site and discharge into Council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.
- j) Road Opening Application - Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the *Roads Act*.

A valid permit/approval to occupy Bayside Council land or road reserve to carry out any works or activities within the public domain must be obtained, and permit conditions complied with, during all stages of demolition and construction. Fines apply if an activity commences without a valid permit being issued. It shall be noted that any works/activities shown within Bayside Council land or road on the DA consent plans are indicative only and no approval of this is given until this condition is satisfied.

REASON

To ensure appropriate permits are applied for and comply with the Roads Act 1993.

47. Hours of Work

Site work, building work, demolition or vegetation removal must only be carried out between 7:00am to 5:00pm on Monday to Saturday. No works are to be carried out on Sunday and public holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a Police Officer of a public authority.

REASON

To protect the amenity of the surrounding area.

48. Implementation of Soil and Water Management Plan

All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary. The plan is to be available to Council Officers, on request.

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

REASON

To ensure no substance other than rainwater enters the stormwater system and waterways.

49. Toilet Facilities

- a) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site, and
- b) Each toilet must:
 - i. Be a standard flushing toilet connected to a public sewer, or
 - ii. Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - iii. Be a temporary chemical closet approved under the *Local Government Act 1993*.

REASON

To ensure compliance with the Local Government Act 1993.

50. Demolition Requirements During Works

Demolition is to be carried out in the accordance with the following:

- a) The approved Safe Work Method Statement required by this consent, and
- b) Demolition is to be carried out in accordance with *Australian Standard 2601:2001: Demolition of structures*, *Work Health & Safety Act 2011 (NSW)*, *Work Health & Safety Regulation 2011 (NSW)* and the requirements of the NSW WorkCover Authority, and
- c) Vibration monitors must be placed at the footings of the nearest residential and/or commercial property(s) boundaries prior to any demolition commencing; and
- d) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority, and
- e) Dust control - dust emission must be minimised for the full height of the building. Compressed air must not be used to blow dust from the building site, and
- f) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal, and
- g) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition, and
- h) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site, and

- i) The burning of any demolished material on site is not permitted and offenders will be prosecuted. The demolition by induced collapse and the use of explosives is not permitted, and
- j) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the Applicant's expense. *Dial Before You Dig* website: www.1100.com.au should be contacted prior to works commencing, and
- k) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times, and
- l) Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with WorkCover NSW requirements. *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operation (Waste) Regulation* and 'Waste Classification Guidelines 2014' prepared by the NSW Office of Environment and Heritage. Following completion, an Asbestos Clearance Certificate is to be provided to Council following the final asbestos clearance inspection.

REASON

To protect the amenity of the neighbourhood and ensure public safety.

51. Protection of Council's Property

During demolition, excavation and construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation, and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Bayside Council.

REASON

To ensure public safety at all times and to protect the function and integrity of public infrastructure.

52. Additional Information - Contamination

Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the Principal Certifier immediately. All work on site must cease until the council is notified of the appropriate measures to be implemented, by an appropriately qualified and experienced environmental consultant, to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines.

REASON

To ensure any ground water encountered during works is appropriately treated and disposed of.

53. Asbestos

Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:

- a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos, and
- b) *Work Health and Safety Act 2011*, and
- c) *Work Health and Safety Regulation 2011*, and
- a) Protection of the *Environment Operations Act 1997*, and
- b) Protection of the *Environment Operations (Waste) Regulation 2014*, and
- c) NSW Environment Protection Authority Waste Classification Guidelines 2014.

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in the Health and Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the *Protection of the Environment Operations (Waste) Regulation 2005*.

REASON

To ensure compliance with relevant guidelines and legislation.

54. Waste Classification – Excavated Materials

All materials excavated from the site (fill or natural) must be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site. Appropriate records must be retained to support this.

REASON

To protect the amenity of the neighbourhood during construction.

55. Importation of Fill (General)

To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill must be appropriately certified material and must be validated in accordance with the:

- a) NSW Environment Protection Authority (EPA) approved guidelines; and
- b) Protection of the Environment Operations Act 1997; and
- c) Protection of the Environment Operations (Waste) Regulation 2014.

All imported fill must be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.

REASON

To protect the site and neighbourhood during demolition and construction.

56. Noise during Construction

The following shall be complied with during construction and demolition:

a) Construction Noise

Noise from construction activities associated with the development shall comply with the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the *Protection of the Environment Operations Act 1997*.

b) Level Restrictions

Any building works being carried out must ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

c) Out of hours work

For any activity that is required to be undertaken outside normal construction hours due to public safety, traffic related reasons, or significant concrete pour, a separate Out of Hours Works Permit is required prior to commencement of any out of hours works being undertaken.

An Out of Hours Application must be submitted for each separate event to Council a minimum of one month prior to the planned activity being undertaken.

d) Silencing

All possible steps should be taken to silence construction site equipment.

REASON

To protect the amenity of the neighbourhood.

CONDITIONS TO BE SATISFIED FOR THE ONGOING USE

57. Hours of Operation

The hours of operation of the approved use as an educational establishment (tertiary institution and research including industry partnerships) are limited to:

- a) Monday to Friday: 7.30 am to 9.30 pm, and
- b) No deliveries or loading/unloading activities shall take place to the premises outside of the approved hours of operation.

The approved hours of operation include trading, preparation, waste collection and deliveries to and from the premises.

Notwithstanding the above, the late-night hours of operation of the approved use as an educational establishment (tertiary institution and research including industry partnerships) are limited to:

- c) 6.00 am to 10.00 pm seven days a week for a maximum of 25% of persons attending the facility; and,
- d) 6.00 am one day to 6.00 am the next day (i.e., 24 hours a day) for seven days a week for a maximum of 10% of persons attending the facility.

REASON

To minimise impacts to the community.

58. Reviewable Hours of Operation

The hours of operation are approved as follows:

- f) The core hours of operation of the premises are approved as detailed in the previous condition.
- g) Notwithstanding (a) above, should the applicant seek to increase the hours specified in the previous conditions, the extended hours of operation may be reviewed by Council at any time, subject to the operator of the premises being given fourteen (14) days written notice that a review of the extended hours of operation will take place. In that time the applicant may submit to Council any information they wish to be considered in support of the extended hours of operation, and
- h) Any review of the extended hours of operation in (b) above by Council, will be based on, among other things, the performance of the operator in relation to the compliance with the development consent conditions, any substantiated complaints received, and any views expressed during public consultation or from other stakeholders, including the Police, and
- i) Following a review, Council may allow the use to continue to operate with increased hours (as noted in (b) above), require the use to revert to the core hours of operation specified in (a) above, or otherwise modify the condition as considered appropriate, and
- j) The purpose of the reviewable condition is to allow ongoing assessment of the hours of operation in relation to neighbourhood amenity, public safety and operational performance and allow management to demonstrate successful practices in relation to the above.

REASON

To allow operations on a reviewable basis to ensure that impacts to the community are minimised.

59. Landscaping

The landscaping shall be maintained for the life of the development. All soft landscape areas are to be maintained in accordance with the approved Maintenance Schedule provided as part of the landscape documentation. Where vegetation approved as part of this consent dies, it must be replaced with new landscaping that achieves a similar height and form to that approved under the landscape plan.

REASON

To ensure landscaping is maintained in compliance with landscape requirements from relevant policies.

60. Noise from Mechanical Plant / Ventilation and Air Conditioning

The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environmental Operations Act, 1997.

The operation and maintenance of the building services, equipment, machinery and, ancillary fittings, mechanical ventilation systems or air-conditions shall be designed so as not to operate –

(i) during peak time—at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or

(ii) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences

REASON

To manage site operations so that adverse impacts to the locality are minimised.

61. Display of Signs on the Footpath

Signs, advertising structures or goods shall not be displayed or placed on the public footpath, or any other part of the public road at any time, without Council’s consent.

REASON

To ensure that footways are not obstructed, to avoid visual clutter and protect the amenity of the surrounding area.

62. Certification of Crown Development

Prior to commencement of any construction works associated with the approved development, it is mandatory to obtain certification under Section 6.28 of the Environmental Planning & Assessment Act, 1979. Plans, Specifications and relevant documentation accompanying the certification must include any requirement imposed by conditions of this Development Consent.

REASON

To ensure that any works complies with the conditions outlined in this consent.

63. Waste Storage

No waste storage bins or artifacts are to be stored in the approved parking or loading area of the development. All waste storage is to be internal.

REASON

To ensure the approved parking and loading areas on the site remain useable and in a clean condition.

64. Research and Development Use

The operator of the premises shall undertake the approved use (tertiary institution and research including industry partnerships) in accordance with the submitted Statement of Environmental Effects.

REASON

To ensure the use of the site is consistent with the nature and terms of the development approval and subject to the conditions of development consent.

65. Lighting

Lighting shall be provided to all public areas that will be accessed during late night hours to ensure adequate pedestrian and vehicular safety within the site.

All existing and proposed lights shall comply with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting. In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.

Lighting provided on the site must comply with the following requirements:

- (a) lighting must be placed at all entrances to, and exits from the premises;
- (b) lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;
- (c) lighting must not interfere with traffic safety;
- (d) lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and,
- (e) external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.

REASON

To ensure that adverse impacts from lighting are minimised in accordance with relevant standards. To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.

66. Storage of Goods during Ongoing Use

During ongoing use of the premises, all goods must be stored wholly within the premises and must not be stored or displayed outside the premises, including any public place, without Council's approval.

REASON

To ensure goods are stored wholly within the premises and protect the amenity of the local area.

67. Restriction on Retail Sales

Retail sales of goods, materials or products are not permitted from the proposed educational establishment (UTS) on the site. At no time shall retail sales be made from the university premises. (This does not apply to the existing café on the site).

REASON

To ensure compliance with the permissible approved use within the site.

68. Waste Management – Comply with Approved WMP

- a) The approved Waste Management Plan, as referred to in Condition 1, shall be complied with at all times during use and operation of the premises, and
- b) A sign shall be erected within or adjacent to the garbage room encouraging residents to recycle and not place recyclables into waste bins. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the Occupation Certificate.

REASON

To minimise adverse impacts to the locality.

69. Waste Management – Private Waste Collection

The Operator must comply with the following at all times during operations:

- a) Compliance with the approved Waste Management Plan as referred to in Condition 1, at all times during use and operation of the premises, and
- b) The operator shall ensure that a commercial contract for the collection of trade / commercial waste and recyclables arising from the premises is in place at all times during operations. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

REASON

To minimise adverse impacts to the locality.

70. Waste Collection – Commercial / Industrial

All waste and recycling containers shall be stored in the designated waste storage area. The waste containers are not to be over filled and the lids kept closed at all times except when material is being put in them. The occupier shall be responsible for cleaning the waste storage area, equipment, and waste collection containers.

To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours of 9.00 pm and 8.00 am.

REASON

To minimise adverse impacts to the locality.

71. Impacts on the Amenity

The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

REASON

To manage site operations so that adverse impacts to the locality are minimised.

72. Health Impacts (Non-Residential Uses)

The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or

discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.

REASON

To manage site operations so that adverse impacts to the locality are minimised.

73. Spruikers and Speakers

Spruikers (with or without sound amplification) shall not operate without the prior written consent of Council. No signs, amplification equipment, goods or the like shall be placed on public areas or the footpath. Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

REASON

To manage site operations so that adverse impacts to the locality are minimised.

74. Number of car parking spaces

The following is to be adhered to:

Stage 0 – There are to be no less than 181 car parking spaces provided on site at all times for the sole use of parking for this development (Staff, Academics, Technicians, Researchers and Visitors use only).

Stage 1 – There are to be no less than 321 car parking spaces provided on site at all times for the sole use of parking for this development (Staff, Academics, Technicians, Researchers and Visitors use only).

Stage 2 - There are to be no less than 471 car parking spaces provided on site at all times for the sole use of parking for this development (Staff, Academics, Technicians, Researchers and Visitors use only).

Stage 3 - There are to be no less than 571 car parking spaces provided on site at all times for the sole use of parking for this development (Staff, Academics, Technicians, Researchers and Visitors use only).

REASON

To ensure the development is provide with a sufficient number of car parking spaces.

75. Operation of Premises and Vehicular Access

The operation of the premises and movements of vehicles shall comply with the following requirements:

- a) All manoeuvring movements of vehicles shall be carried out wholly within the site and manoeuvring area shall be kept clear at all times.
- b) All vehicles shall be parked in the marked parking bays and all parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.

- c) Under no circumstance shall vehicles to queue on public places, public streets or any road related area (e.g., footpath, nature strip, road shoulder, road reserve etc) prior to entering the site.
- d) Any gate at the vehicular entrance of the site shall be left open during the operation hours.
- e) The occupier shall ensure that any person involved in the use of the premises shall park their vehicles, if any, in the parking area provided for the premises. No persons involved in the use of the premises shall be permitted to park on a common driveway, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve, public carpark etc).
- f) All parking spaces, driveways and vehicular manoeuvring areas shown on the architectural and parking plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g., storage of goods or containers. Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas. All vehicles shall be parked wholly within the site and not on any neighbouring or surrounding streets.
- g) All loading and loading activities in relation to the use of premises shall take place wholly within the dedicated loading area wholly within the building. Vehicles making deliveries to the premises shall be limited to 12m in length at a maximum rate of 2 per day. The loading areas shall be physically line marked and are to be maintained free of obstruction, for the sole use of delivery vehicles.
- h) Waste and recycling must be collected by a private waste contractor within the site. A contract for waste and recycling collection must be entered into. The company engaged must ensure that all recycling is collected separately from waste. Council must be advised in writing within seven (7) days of a private contractor being engaged for waste collection services.

REASON

To ensure the parking facility is set aside for a parking purpose only and to manage site operations so that adverse impacts are minimised.

76. Maintenance of Stormwater Drainage System

The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking. Rainwater tanks shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.

REASON

To protect waterways and minimise adverse impacts to the environment.

DEVELOPMENT CONSENT ADVICE

a) Lapsing of Consent

This consent will lapse five (5) years from the date of consent, unless the building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

b) Consult with Utility Provider

You are advised to consult with your utility providers (i.e., Ausgrid, Telstra, etc.) in order to fully understand their requirements before commencement of any work.

c) Asbestos

All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:

- a) Work Health and Safety Act 2011, and
- b) Work Health and Safety Regulation 2011, and
- c) Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)], and
- d) Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)], and
- e) Protection of the Environment Operations (Waste) Regulation 2005.

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in the Health and Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.

REASON

To protect the amenity of the neighbourhood.

d) Hazardous Waste

Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:

- a) *Work Health and Safety Act 2011, and*
- b) *Work Health and Safety Regulation 2011, and*
- c) *Protection of the Environment Operations (Waste) Regulation 2005.*

REASON

To protect the amenity of the neighbourhood.