

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SCL014 DA
DA Number	Da 2016/100
LGA	Bayside Council
Proposed Development	Fitout and change of use to an Educational Establishment
Street Address	28 Lord Street, Botany
Applicant/Owner	University of Technology Sydney / Perpetual Trustee Company Limited
Date of DA lodgement	27 June 2016
Number of Submissions	nil
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Crown Development with a CIV over \$5 million
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment • Environmental Planning & Assessment Regulation 2000, Part 6 – Procedures relating to development applications • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Contaminated Land • Botany Bay Local Environmental Plan 2013 • Botany Bay Development Control Plan 2013
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Cost of Works in accordance with Clause 25J of the Environmental Planning and Assessment Regulations, MBMpl Pty Ltd • Cost of Works and Capital Investment Value, MBMpl Pty Ltd
Report prepared by	Courtney Coleman – Development Assessment Officer
Report date	20 February 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Not Applicable

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Not Applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

The former Botany Bay Council received Development Application No.16/100 on 27 June 2016 seeking consent for a fit-out and change of use for an education establishment at 28 Lord Street, Botany.

The application was placed on public exhibition for a period of fourteen (14) days from the 16 November 2016 to 30 November 2016 and again on 25 January to 9 February. No submissions were received.

Upon receiving the application, Council noted that the second story was to be included within the application; however no details of its use were provided, which was clarified and resulted in an increase to Floor Space Ratio for the proposal.

The proposed site is located within ANEF 25-30, as per Australian Standard AS2021-2000, school and university buildings are listed as unacceptable for greater than 25 ANEF. The proposal is also affected by class 1 acid sulphate soils, native vegetation, wetlands and contamination which is addressed in this report.

The proposed Educational Establishment is considered Traffic Generating Development; the proposal was referred to Roads and Maritime Services (RMS).

The proposal is a crown development pursuant to Part 4 Division 4 of the Environmental Planning and Assessment Act 1979. The Capital Investment Value of the project is \$18,716,396, with the works being primarily internal.

SITE DESCRIPTION

The site comprises land at 28 Lord Street, Botany, being legally described as lot 2 DP 1001894, and with a total site area of 3.899 hectares. The site is located on the northeastern side of Lord Street, and is irregular in shape with the primary frontages facing Lord Street being approximately 126.4m to the south and 12.5m to the eastern end of Lord Street. The southwestern frontage, to 8 Lord Street, is 205.5m. The northern boundary to the Botany Goods Railway Line is approximately 477.5m. To the east of the site sits 30 Lord Street, which is a battle-axe allotment with vehicular access from the eastern end of Lord Street, the subject site shares an irregular boundary with this allotment. The site is located within the B7 Business Park zone and is level across the lot.

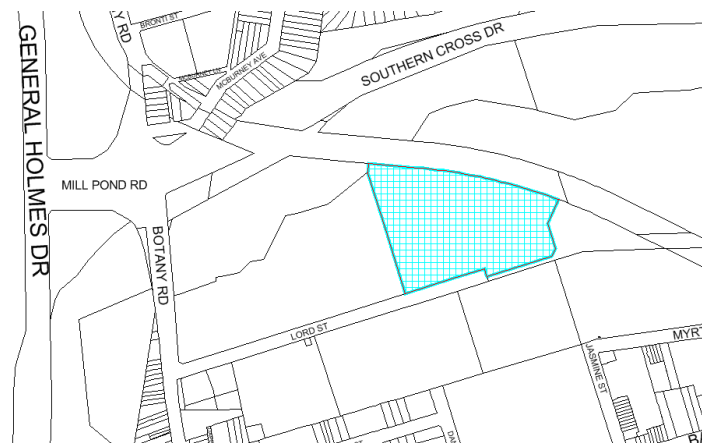


Figure 1. Locality Plan



Figure 2. Site Photo - Entrance from Lord Street (left) and Main Entrance to Building B and C (right).

The subject site is part of the business park known as the Sir Joseph Banks Corporate Park (SJBCP), which sits across both the subject site and the adjacent lot at 30 Lord Street. The subject allotment contains three building on the western side, being buildings A, A1 and B&C, that are constructed directly adjacent to one another. Building D sits on the eastern end of the subject allotment. Building E within SJBCP is located on 30 Lord Street, and is accessed by an access handle to Lord Street, running to the south of the subject site. The buildings within the SJBCP include both commercial and industrial uses and car parking for the buildings totals 576 spaces. To the west, 8 Lord Street contains a business park known as Lakes Business Park.



Figure 3. Site Plan of 28 Lord Street, Lot 2 DP 1001894, and includes location of Shuttle bus drop off/ pick up site proposed.

SITE HISTORY

The site has a complex history, with numerous Development Applications for the master plan of the business park, the construction of each building and the sites car parking and the individual uses for each building. The following are the approvals for the construction of the business park, in table 1.

Development Application	Description of development	Date
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DA1996/472	Development of the business park master plan for Buildings A, A1, B, C, D and E	4 June 1996
DA1997/230	Construction of Building A	19 November 1996
DA1998/402	Construction of Building A1	April 1998
DA-01/444	Construction of Buildings B and C	22 May 2001
DA 01/51	Construction of Building D	11 September 2000

Table 1. Development Application for the Construction of Lot 2 DP 1001894.

After construction there were numerous applications that involved change of use, reallocation of car parking and some changes to floor space ratio. The most recent for Building BC being DA2003/501 for use of the ground floor (office and warehouse) and portion of the first floor level for office administration, storage and distribution of pharmaceutical goods. Approved on 22 May 2003, the proposal included construction of a mezzanine of 416m within the warehouse area.

The most recent approval for areas subject to this proposal are DA15(213) for internal demolition and alterations to existing office areas on ground and first floor levels of Buildings B and C at 2/28 Lord Street, Botany. This was approved on 11 February 2016.

There are currently two other development applications under assessment for this building, DA 16/14 for internal modifications, installation of awning and fencing internal modifications, installation of awning and fencing, and DA 16/190, for alterations and additions to existing industrial/warehouse building for installation of a steel frame canopy roof to provide weather protection to the loading dock area, sliding vehicular access gate, pedestrian swing gate and associated chain link fence to secure the loading dock area and installation of timber screen. Both applications are currently under assessment and do not impact on the works proposed by this application.

DESCRIPTION OF DEVELOPMENT

The proposal seeks Council consent for the change of use of the site from vacant commercial/industrial use to an education establishment to include internal fitout and an increase in floor area for building B and C ground and first floor levels. The educational establishment for the University of Technology Sydney is to facilitate the Faculty of Engineering and Information Technology (FEIT), as a research and technology centre for research academics, technicians and post-graduates, for research purposes only, in addition to an innovation centre on the first floor. The following works will be carried out across the two levels:

Ground floor

The ground floor is to include construction of entry and lobby, workshops, toilet and showers, store, equipment room, meeting rooms, project rooms, desks, stairs and laboratory spaces including the following:

- Storage area
- Concrete laboratory

- Mortar and cement
- Hydraulic pump room
- Large components store
- Reaction floor
- Crane and mast
- Service life environmental climate chamber
- Service life shrinkage room
- Timber workshop
- TSG room
- Emissions test cell
- Control room
- Suspension lab
- Large engine test cell
- X-labs manufacturing workshop
- Project room
- X-labs manufacturing workshop
- Power train testing
- Small engine test cell
- Welding bay
- Vehicle workshop
- General store
- battery assembly
- measuring and soldering
- operating room
- mm chamber
- antenna chamber
- reverberation room
- semi anechoic room
- anechoic room
- battery store
- Geotechnology
- CIBC
- Security office
- Laboratory
- Laser room
- photonics
- gas store
- TSG room
- Kitchen
- DATA visualisation
- Thinking space and presentation

Proposed internal works also include the enlargement of an interior staircase leading from the ground floor area to the first floor

First floor

The first floor is to include an increase in floor space to the mezzanine area of 883m² and includes the construction of work stations, offices, project space and shared desk spaces,

games room, a large meeting room, storage and research and laboratory spaces including the following:

- Small components store
- Control room
- Mechanical plant
- Compression air
- Dust extraction
- Composites clean room
- X-labs manufacturing and composites workshop
- Crane drop off point
- Project space and brain storming
- Receiving room
- Sound source room
- Equip room
- Cass
- Collaboration work space
- Multimedia and video surveillance
- CEMPE
- X-Lab HV electronics
- Green communications
- Fuel cell

The first floor also includes a second story area for the acoustics and anechoic chamber, which extends into the first floor level, but does not include any floor space on this level.

SECTION 79C CONSIDERATIONS

In considering the Development Application, the matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 have been taken into consideration in the preparation of this report and are as follows:

(a) The provisions of any EPI and DCP and any other matters prescribed by the Regulations.

Environmental Planning and Assessment Act 1979

Section 89 of the Environmental Planning & Assessment Act 1979 applies to this application as it pertains to Crown land. Section 89 and Section 89A are reproduced below inter alia:

“89 Determination of Crown development applications

(1) A consent authority (other than the Minister) must not:

...

(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister”.

The applicant has agreed to the recommended conditions that are included within this report.

The proposal has been referred to the Sydney Central Planning Panel as the development proposed has a CIV over \$5 million which is lodged by or on behalf of the Crown.

State Environmental Planning Policy (Infrastructure) 2007

Educational Establishment

The proposal, being an educational establishment within the B7 Business Park zone, is development permitted with consent pursuant to Part 3, Division 3 of State Environmental Planning Policy (Infrastructure) 2007.

Traffic Generating Development

In accordance with the provisions of Clause 104 and Schedule 3 Traffic Generating Development, the proposal was referred to Roads and Maritime Services (RMS), as the proposal seeks consent for an educational establishment, including 50 or more students. The application was referred to the RMS on 8 December 2016. In email, dated 18 January 2017, RMS stated that no objection was raised to the use for an educational establishment, as there would be minimal impact on the classified road network.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of BBDCP Part 3K Contamination, relating to Contaminated Land.

The site has a history of commercial and industrial uses. The proposal was referred to Councils Environmental Scientist who stated that as the works proposed are entirely internal, and the site was remediated at the time the existing building was developed, there is no indication that the proposed works would have any impact with regard to contamination. The 2008 Preliminary Site Assessment concludes that the site is suitable for ongoing light industrial/commercial land use.

On this basis, the site is suitable in its present state for the proposed development. No further investigations of contamination are considered necessary.

Botany Bay Local Environmental Plan (LEP) 2013

The Botany Bay LEP 2013 has been considered in relation to the subject development application by which the proposal is considered satisfactory, as follows;

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Landuse Zone	Yes	The site is zoned B7 Business Park under the BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposed use is an innominate use within the B7 land use table, and is therefore permissible with Council's consent under the BBLEP 2013.

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Does the proposed use/works meet the objectives of the zone?	Yes	The proposed development is consistent with the objectives of the B7 Business Park zone which are as follows: <ul style="list-style-type: none"> • To provide a range of office and light industrial uses. • To encourage employment opportunities. • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. • To encourage uses in the arts, technology, production and design sectors.
Does Schedule 1 – Additional Permitted Uses apply to the site?	N/A	Schedule 1 does not apply to the site.
If so what additional uses are permitted on the site?		
Does the height of the building exceed the maximum building height?	Complies	A maximum building height of 25m applies to the subject site. The proposed works do not seek to increase the height of the existing building.
What is the proposed FSR?	Yes	The site is has a maximum Floor Space Ratio for the site is 1:1.
Does the FSR of the building exceed the maximum FSR?	Yes	The proposed works increase the existing FSR, 883m ² . Based on a review of the site and information provided by the applicant, it can be concluded that the FSR of the buildings do not exceed the maximum FSR, see Note 1 – Floor Space Ratio.
The following provisions in Part 6 of the LEP apply to the development: <ul style="list-style-type: none"> • 6.1 – Acid Sulfate Soils (ASS); 	Yes	The subject site is affected by Class 1 as per subclause (2). No works are proposed exterior to the building or on the ground level, and there will be no disturbance of soil, as a consequence of the proposed works. The proposal is satisfactory with regard to this clause.
<ul style="list-style-type: none"> • 6.2 – Earthworks 	N/A	Regarding excavation of the site, the proposal does not require excavation.
<ul style="list-style-type: none"> • 6.3 – Stormwater 	Yes	The proposal includes no external

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
management;		changes to impact stormwater management on site.
• 6.4 – Terrestrial biodiversity	Yes	The site includes terrestrial biodiversity on the site, through Bangalay Sand Forest. The proposal does not seek to remove or provide additional vegetation on the site. In addition, the majority of the works to the premise are internal, with external use being generally consistent with the existing hardstand area. Conditions have been recommended to ensure that during construction and operation, there is no impact to the terrestrial biodiversity on site.
• 6.6 – Wetlands	Yes	The site includes wetlands on the site. The proposal includes works to the interior of the existing building, and continued use of the hardstand area. Conditions have been recommended to ensure that during construction and operation that there is no impact to the Wetlands.
• 6.8 – Airspace operations;	Yes	A maximum building height of 15.42m applies to the site in accordance with the Obstacle Limitation Surface Map. The proposed works do not seek to increase the height of the existing building and the proposal is satisfactory with regard Clause 6.8.
• 6.9 – Development in areas subject to aircraft noise.	Yes	<p>The subject site is located within the 25-30 ANEF contour and Clause 6.9 requires to Council to consider if the development will</p> <p>Refer to assessment against Part 3J of the BBDCP 2013 Development Affecting Operations at Sydney Airport discussion.</p>

The development application has been considered against the BBLEP 2013 by which the proposal is considered satisfactory.

Note 1 – Floor Space Ratio

The maximum permissible floor space ratio at the site is 1:1 and the maximum permitted gross floor area is 3.899 Hectares (38,990sqm)

The proposal seeks to increase the Floor Space Ratio (FSR) on site by 883m², with the inclusion of an increased mezzanine level and additional rooms on the first floor of building BC. The proposal includes ground and first floor levels of building BC as part of a larger business park. A complete plan of the complex located on the subject allotment (Lot 2 DP 1001894) was not included as part of the application, and the total proposed floor space for the subject site was not provided with the application.

The subject allotment currently includes Building's A, 1A, BC and D, which were originally approved under the master plan DA1996/472. Subsequent applications for construction of each individual building and fit-out, and the associated increased in floor area were also approved by Council.

Given the number and complexity of the previous approvals since the approval of the master plan, and the relative minor increase in internal floor area proposed, it was considered by Council officers that floor space ratio could be determined without the submission of plans or surveys which showed the existing gross floor area across the site.

The most recent approved plans of the development existing on the site, which was able to be used to determine the overall gross floor space at the site, are contained within the approved documentation for the Construction Certificate associated with DA01/444.

Based on the Council's understanding that each building contains a single level warehouse, with three levels of office space, the calculated gross floor area from DA01/444, as shown in table 1 below provides an FSR of 0.66:1 on the site of 3.899 H.

Building on Lot 2 DP 1001894	Gross Floor Area
Building A	3,719m ²
Building A1	3,605.6 m ²
Building BC	10,546.9 m ²
Building D	7891.4 m ²
Total Gross Floor Area	25,762.9 m²

Table 2. Gross Floor Area of Lot 2 DP 1001894 at DA 01/444.

All additional floor area that has been provided at this site since the approval of the above development in 2004 has been provided internally, in the form of mezzanines, office levels, and the like. To approximate the additional floor area that has been provided on this site since the approval of this development in 2004, Council officers have obtained evacuation floor plans for Building D, which showed additional floor space. The total additional floor area that is shown within the evacuation floor plans, was confirmed in a site inspection undertaken by Council officers on 5 January 2017, and then compared with Council records of approvals relating to the increased floor area. Where the floor space of the later elements are shown within previous consents, the floor space that was calculated within the previous assessment reports, has been added.

Where Council was unable to verify the exact amount of additional floor area through reference to existing development consents, an assumption of the floor area was made. That is, if Council were not able to verify exact amount of the additional floor area, floor space was calculated on the basis that three levels of office space were provided. This is the maximum floor area that could be provided within office areas, and would have the effect of overestimating the floor area. Plant rooms and the like are also included, which may also have the effect of overestimating the floor area.

As shown in Table 2, the existing FSR at the site is calculated to be approximately 27,209.1sqm, and as a consequence of this proposal, the FSR at the site is calculated to be approximately, with an overall FSR at the site of 0.72:1. This is 11,780.9m² less than the maximum floor space that is permitted at the site.

Building on Lot 2 DP 1001894	Gross Floor Area
Building A	3,719m ²
Building A1	3,605.6 m ²
Building BC Additional GFA DA2003/501 Total estimated GFA for Building BC prior DA 16/100	416m ² 10962.9 m ²
Building D <i>Estimated Ground Floor</i> <i>Estimated First Floor</i> <i>Estimated Second Floor</i>	<i>5541.2m²</i> <i>1934m²</i> <i>1446.4m²</i>
Total estimated GFA for Building D	8921.6m ²
Total Estimated Gross Floor Area	27,209.1m²
Total proposed additional GFA for Building BC <i>(calculated based on whole of proposed mezzanine area, less mezzanine approved in DA16/100)</i>	883m ² <i>(1299m²-416m²)</i>
Total Proposed GFA for Lot 2 DP 1001894	28092.1m²

Table 3. Gross Floor Area estimate of Lot 2 DP 1001894 to date, with proposed increase to Building B/C.

Therefore, the proposal comfortably complies with the FSR requirement of 1:1. Further, the additional GFA proposed is internal only, and would not generate any impact to the bulk and scale of the building.

Given the increase to the gross floor area proposed as part of this application, it is considered that any subsequent application should provide a comprehensive plan of the site or alternatively survey plans, including internal layouts, as the GFA on site would be increasing further towards a potential non-compliance.

Botany Bay Comprehensive Development Control Plan 2013

The provisions of the Botany Bay Development Control Plan BBDPC 2013 have been considered in the assessment of this Development Application and the following information is provided:

Part 3A – Parking and Access

Part 3A identifies that educational establishments are to have a minimum 1 space/ 2 employees; plus 1 space / 5 students is required.

The proposal includes 150 spaces for the use of the educational establishment tenancy. The proposed use is to have a maximum capacity of between 180 to 200 people on site as part of this proposal, being made up of 40 academics, 14 professional and technical staff, 140 researchers and 6 undefined. Assuming the higher requirement of 1 space per 2 persons, the proposal would require the provision

of 100 spaces, which the proposal provides with a surplus of 50 spaces. This is compliant with Part 3A.2 control 2.

The proposal also referenced a sustainable transport plan, for the current UTS campuses in both the City Campus, including Broadway, Blackfriars, and Haymarket, and the Kuring-Gai campus. This addresses both the same facility, currently located in the City Campus and a tertiary educational establishment in an area with less access to public transport in the Kuring-Gai campus.

In addition to the car parking provision, a shuttle bus is to be provided for the proposal.

The proposed shuttle service is proposed to provide a set down and pick up passengers at Mascot Railway Station, Central Railway Station, UTS Broadway, the Estate (including as close as reasonably possible to the premises) and any Other Estates. It proposed to provide approximately once an hour from approximately 7am to 11am and 3pm to 7pm from Monday to Friday, excluding public holidays. This shuttle is to be provided free of charge and is to have an individual bus capacity of a minimum of 20 seats. A condition is recommended to require ongoing operations in accordance with this aforementioned service.

The proposal was referred to Council Traffic Engineer for comment. A traffic report was requested to assess the net traffic generation and net traffic impact on the Lord Street/Botany Road intersection as a result of the proposed change of use. On review of the traffic report, received 19 December 2016, Council's Traffic Engineer requested the following information:

- The implementation of the UTS Sustainable Travel Plan (STP) for the site at Lord Street;
- Provision of a Sidra analysis with updated traffic flow survey data for the Lord Street/Botany Road signalised intersection, to be included within the traffic report;
- Sources of reference and a brief methodology statement regarding the forecast arrival and departure profile for the staff and research students included within the traffic report.

The Traffic Report submitted with the application, concluded that the overall potential traffic generation of the proposal would be significantly less than the previous use of the site.

Based on the comments received from RMS addressed under State Environmental Planning Policy (Infrastructure) 2007 discussion in this report, it was concluded that a Sidra analysis would not be required as part of this assessment.

Part 3C – Access and Mobility

The proposed works include a change in building class from class 5 office and 8 warehouse to a class 9b teaching laboratories and classrooms and associated staff and student areas with a 8 laboratories/ workshops, as such the proposal subject to part 3C Access and mobility.

As an education establishment, a statement of consistency was provided to Council outlining how the proposal provides access for people with disability in line with Table 1, as stated in control 1.

Table 1 outlines, in regards to educational establishments, general access requirements is to provide access for all persons through the principal entrance and

access to appropriate sanitary facilities in accordance with the BCA and relevant Australian Standards. The proposal states that *"The existing first floor level of the building is not currently proposed to be fitted out and will be utilized as expansion space therefore, a detailed assessment was not possible at this stage. A class 9b classification will apply to this area and access to this level will be via the existing passenger lift which complies with the Disability (Access to Premises – Buildings) Standard, 2010"*. As this section of the development was not fully included within the proposal, at time of lodgement. With further detailed plans, further assessment of compliance with the BCA and Australian Standards can be sought, and this requirement is recommended as a condition of compliance.

In addition, the accessible parking is required for the proposal. In addition to the 150 spaces provided on site, there are disabled parking within the allotment that can be utilised for the proposal, with the proposal outlining that two are provided, meeting, exceeding the BCA minimum.

The proposal states that the internal fitout proposed will meet the minimum requirements of the BCA2016 & Disability (Access to Premises – Buildings) Standard, 2010 and relevant Australian Standards.

Part 3J Development Affecting Operations at Sydney Airport

The subject site is located within the 25-30 ANEF contour, and table 2.1 of AS2021 stats that universities are unacceptable in these circumstances.

Control 3 of Part 3J states that, in certain circumstances, and subject to Council discretion, Council may grant consent to development where the building site has been classified as "unacceptable" under Table 2.1 of AS2021-2000. For Council to be able to consider such applications for development, the following factors must be complied with:

- (i) Submission of specialist acoustic advice by an accredited acoustical consultant certifying full compliance with the requirements of Table 3.3 of AS2021-2000;
- (ii) Submission of plans and documentation indicating the subject premises will be fully air-conditioned or mechanically ventilated in accordance with Council guidelines; and
- (iii) Any additional information considered necessary by Council to enable it to make a decision.

In addition control 4 states that notwithstanding the above controls, no applications for new residential development, new educational establishments, new child care centres, new hospitals, new nursing homes, or any other use which, in the opinion of Council, is considered to be aircraft noise sensitive will be supported by Council where the property is located within the 30+ ANEF contour.

The proposal is classified as an Educational Establishment, under the standard instrument definitions, the applicant has stated in an email dated 23 August 2016 the following:

" . . . this facility is definitely not a standard school or university.

While this is an education establishment, this is a "Research and Technology Centre".

This facility is more akin to a light industrial use (light industry meaning a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood) It will be doing traditional industrial/engineering activities as well as high-tech industrial research). It will have cranes, reaction floors and walls, controlled environment rooms, avionics, etc.

We are also proposing to have industry partners who share our interest in research and collaboration join us on this site.

This facility does not involve regular teaching, but is for leading edge research activities involving relatively small numbers of research academics, technician's and post-graduates. "

This was also outlined within the Acoustic report by Resonate Acoustics provided to Council on 4 October 2016, which states that *"Whilst tenanted by UTS, the proposed use of the space is more akin to a combined commercial / light industrial space and the design sound level targets for the building have been proposed on this basis".*

The applicant provided an acoustic report addressing this issue, which was referred to Council's Environmental Health Officers for review. Council's Environmental Health Officers that the proposal is acceptable with respect to aircraft noise. A condition is recommended requiring a further report to be provided on completion to ensure that the recommendations of the acoustic report are incorporated in the development. The proposal is satisfactory with respect to Part 6.9 of the BBLEP 2013.

Part 3M – Natural Resources

The site includes native vegetation, Bangalay Sand Forest and wetlands, under the Botany Bay Local Environmental Plan 2013. Figure 4 shows the area affected by the native vegetation and wetlands bounded in red. This area is separated from the existing development on site by the end of the driveway. In addition the proposal includes only internal works and some external uses of the site consistent with the existing works on site. Conditions have been recommended to ensure that both native vegetation and wetlands are not impacted by the construction and ongoing use of the premises. This application is considered to be consistent with the objectives and relevant requirements of Part 3M.

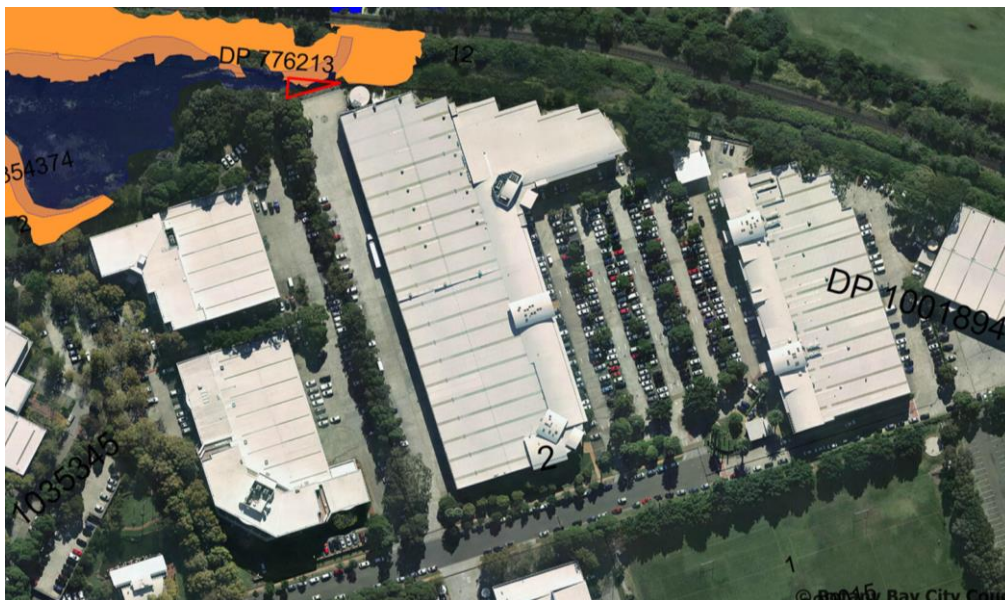


Figure 4. Location of Native Vegetation and Wetlands at 28 Lord Street, Botany.

Part 3N – Waste Minimisation and Management

The proposal states that the waste management will be as per existing on the site. The proposal will be conditioned to comply with the Part 3M – Waste Minimisation and Management, with a waste management plan for the construction and ongoing use of the site to be conditioned.

Part 6 Employment Zones

Part	Control	Proposed	Complies (Yes/No)
6.2.6 Lord Street Business Park Precinct (including 1024 Botany Road, Botany)	<p>C7 Development shall be designed and constructed in accordance with Australian Standard AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction).</p> <p>Note: Details to be included in the Development Application. For further details in relation to Aircraft Noise refer to Part 3J - Development Affecting Operations at Sydney Airport.</p>	The proposal has provided an acoustic report, outlining how the proposed development will be compliant with the Australian Standard AS 2021, regarding noise levels	Yes
	<p>C8 The introduction of noise abatement measure to achieve compliance with current AS 2021 must be done in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape.</p>	The development is proposed to include noise abatement measures to comply with AS2021, as per the Acoustic report provided to Council 4 October 2016, which are internal and do not impact of the existing streetscape.	Yes
6.3.4 Building Design and Appearance Kerb, Gutter & Footpaths	<p>C35 The kerb and gutter, concrete footpath (or paved footpath) and any associated works along all street(s) frontage of a site shall be constructed and/or reconstructed of at the full cost of the developer.</p>	The maintenance of the kerb and gutter, concrete footpath (or paved footpath) and any associated works along all street(s) frontage are to be maintained as per condition.	Yes
6.3.6 Parking and Vehicular Access	<p>C1 All vehicles (including deliveries) are to enter and leave the site in a forward direction with no vehicles permitted to reverse from or onto public road. A Swept Path Analysis may be required for the largest vehicle accessing the site.</p> <p>C2 A Traffic and Parking Impact Assessment Report shall be prepared. The Traffic and Parking Impact Assessment Report is required to be prepared by a suitably qualified and experienced civil engineer and in accordance with the current version of AUSROADS "Guide to Traffic Management, Part</p>	<p>All vehicles are to enter and exit the site in a forward direction.</p> <p>The proposal includes as traffic assessment report and was reviewed by the Road and Maritime Services, which noted that the proposal will be a minimal impact on the classified road network.</p>	N/A

Part	Control	Proposed	Complies (Yes/No)
	<p>12: Traffic Impacts of Development” and RMS “Guide to Traffic Generating Development”.</p> <p>C3 Car parking areas are to be suitably covered with canopy trees and are to be screened with landscaping and paved to reduce their impact (refer to Part 3L - Landscaping).</p> <p>C12 All servicing, including garbage collection, is to be carried out within the site with suitable collection points at convenient locations.</p> <p>C13 The following information is required:</p> <p>(i) Details of all traffic generation and possible impacts;</p> <p>(ii) The largest vehicle expected to access the site (including delivery);</p> <p>(iii) The frequency of deliveries to the site; and</p> <p>(iv) The maximum number of staff expected to be on-site at any one time.</p> <p>C14 Access routes for delivery vehicles are to be specified.</p> <p>C19 Provision must be made for all loading and unloading of goods and manoeuvring of vehicles to take place in an internal dock areas and adjoining goods handling area. These areas are to be physically line marked and are to be maintained free of obstruction, for the sole use of delivery vehicles.</p>	<p>Car parking on site is existing and includes canopy trees.</p> <p>The proposal is to provide a waste management plan, which has been conditioned.</p> <p>The proposal has provided the following:</p> <p>The traffic report provided adequately addresses traffic generation and possible impacts.</p> <p>The largest vehicles expected to access the site are 12m in length.</p> <p>A maximum of 1-2 deliveries per day maximum is proposed.</p> <p>The maximum number of persons on site is 200.</p> <p>The access route for delivery vehicles is provided in the swept path diagram showing entrance to the site from the existing driveway from the south-eastern corner of the site from Lord Street.</p> <p>The proposal loading and unloading is internal to the building and is conditioned to be physically line marked and are to be maintained free of obstruction, for the sole use of delivery vehicles</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Part	Control	Proposed	Complies (Yes/No)
6.3.8 Site Facilities	<p>C7 Development must not be carried out on the land until arrangements satisfactory to Sydney Water have been made for the provision to the land of water and sewerage services.</p> <p>Note: Developers of proposed developments in the City of Botany Bay that will affect Sydney Water's water and wastewater systems are required to obtain a Section 73 Compliance Certificate from Sydney Water before development can proceed. This will be a condition of consent for these developments. Issuing of the Certificate will confirm that the proponent of the development has met Sydney Water's detailed requirements, which include but are not limited to correctly sized water and wastewater mains; adjustments, extensions or amplifications; payment of Sydney Water charges; landscaping; and the completion of any other requirements. Adjustments to existing Sydney Water systems resulting from developer activity will be charged to the particular developer.</p> <p>Developers are encouraged to engage the services of a Water Servicing Coordinator (WSC) to obtain the Section 73 Certificate and manage the servicing aspects of their projects. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at www.sydneywater.com.au.</p>	<p>The proposal is conditioned to provide section 73 compliance.</p>	<p>Yes</p>
6.3.17 Change of Use of Existing Buildings	<p>C1 A change of use is must not result in a significant impact on adjoining or nearby properties or on traffic movements within the locality.</p>	<p>The proposed change of use does not result in a significant impact to adjoining or nearby properties, as it would utilise existing car parking, which provides a surplus of parking to</p>	<p>Yes</p>

Part	Control	Proposed	Complies (Yes/No)
		achieve compliance.	
	C2 All buildings on site are to be upgraded to comply with the Building Code of Australia relevant to the proposed use. Where this has an impact on the exterior of the building it is required to comply with the requirements in this DCP.	The proposal is conditioned to comply with the Building Code of Australia.	Yes
	C6 The new use shall not compromise the amenity of the locality in any greater, different or additional way than the existing use.	The new use shall not compromise the amenity of the locality in any greater, different or additional way than the existing use.	Yes
	C7 Any adjustments required to any Council infrastructure in conjunction with the change of use shall be at no cost to Council.	There is no infrastructure relocation required, which would incur any expenses for Council.	N/A

(b) The likely impacts of the development including environmental impacts on both the natural and built environments, social and economic impacts in the locality.

It is considered that, subject to recommended conditions the proposed development will have no significant adverse environmental, social or economic impacts on the locality. Any likely impacts of the proposed development are considered to have been adequately dealt with in the assessment of the Development Application.

(c) The suitability of the site for the development.

The site is located in the B7 Business Park zone and accommodates an existing commercial/industrial building. The subject site is affected by several site constraints which have been discussed within this report. The issue of site contamination, wetlands, native vegetation, aircraft noise and acid sulphate soils have been considered, however, given the nature of the development, and that only internal works are proposed, and the measures included to address the aircraft noise to an atypical educational establishment as a research centre, the site is considered to be suitable to accommodate the development.

(d) Any submission made in accordance with the Act or Regulations.

In accordance with the BBDCP 2013 Part 2 - Notification, the development application was notified to surrounding property owners for a fourteen (14) day period from 16 to 30 November 2016, and re-notified for a fourteen (14) day period from 25 January to 9 February 2017,. No submissions were received during either notification period.

(e) The public interest.

It is considered that granting approval to the proposed development will have no significant adverse impact on the public interest.

Other Matters

External Referrals

In accordance with the provisions of Clause 104 and Schedule 3 "Traffic Generating Development" of State Environmental Planning Policy (Infrastructure) 2007, the application was referred to the RMS for consideration. Roads and Maritime in reviewing the development application raises no objection as there will be a minimal impact to the classified road network.

Internal Referrals

The proposal was referred to Council's Environmental Scientist, Building Surveyor, Development Engineer and Traffic Engineer. Appropriate conditions have been imposed in the development consent to address the relevant issues raised.

Conclusion

Development Application No. 2016/100 for the fitout and change of use to an Education Establishment has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject to conditions of consent.

RECOMMENDATION

In view of the preceding comments, it is RECOMMENDED that Council, as the Consent Authority, resolve to approved fitout and change of use for an education establishment at 28 Lord Street, Botany.

Premises: 28 Lord Street, Botany

DA No: DA-16/100

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Drawing No.	Author	Date Received by Council
46608 - Lord Street Botany Precinct Consultant Feit Off-Site Proposed Ground Floor Furniture Plan	Burtenshaw scoufis architecture pty ltd	20 October 2016
46627 - Lord Street Botany Precinct Consultant Feit Off-Site Mezzanine And First Floor Furniture Plan		

Document(s)	Author	Date Received by Council
Statement of Environmental Effects	Urbanac	27 June 2016
Appendix 1 – Compliance Tables	Urbanac	27 June 2016
Appendix 2 – Extract from Draft Lease	Urbanac	27 June 2016
List of Category 1 Fire Safety Provisions	BCA Logic Pty Ltd	27 June 2016
Statement of Consistency – Botany Bay DCP 2013, Part 3C Access and Mobility	BCA Logic Pty Ltd	27 June 2016
Final report Phase 1 Environmental Site Assessment Sir Joseph Banks Corporate Park, Botany, NSW	URS Australia Pty Ltd	27 June 2016
Environmental Summary Report for 28 Lord Street and Reliance Letter	URS Australia Pty Ltd	27 June 2016
Bus Pick Up Plan	DEXUS Property Group	27 September 2016
Carparking Plan	DEXUS Property Group	30 September 2016
Equipment List for 28 Lord Street Botany	Burtenshaw Scoufis Architecture	30 September 2016
Aircraft Noise Assessment Revisions A	Resonate Acoustics	4 October 2016
Traffic Assessment Report	Positive Traffic Pty Ltd	19 December 2016
Cost of Works in accordance with Clause 25J of the Environmental Planning and Assessment Regulations	MBMpl Pty Ltd	20 February 2017
Cost of Works and Capital Investment Value	MBMpl Pty Ltd	20 February 2017

2. This consent relates to land in Lot 2 DP 1001894 and, as such, building works must not encroach on to adjoining lands or the adjoining public places.
3. The premises is to be used solely as one unit and is not to be sub-let or otherwise divided into separate sections and used for additional purposed.
4. No signage, other than signage permitted as exempt or complying development shall be installed or displayed at the premises without a development application being lodged with Council and consent thereto being given by Council in accordance with

Council's guidelines and SEPP 64.

5.

- a) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- b) In accordance with Clause 94 *Environment Planning & Assessment Regulation 2000*, an automatic smoke detection and alarm system for early warning of occupants must be installed in the building (dwelling). The installation must satisfy the following:-
 - i) smoke alarms must comply with Australian Standard AS3786 - 1993;
 - ii) smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building; and
 - iii) be located in a position as required by Volume 2. Building Code of Australia.

6. The consent given does not imply that works can commence until such time that:

- a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:-
 - i) the consent authority; or,
 - ii) an accredited certifier; and,
- b) the person having the benefit of the development consent:-
 - i) has appointed a principal certifying authority; and
 - ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
- c) the person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the works.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

7. The applicant must the following fees prior to the issue of the Construction Certificate:-

Development Control	\$2,940.00
Damage Deposit	\$267,420.00
Section 94A Contribution	\$187,163.96 (As outlined elsewhere)

8. Council being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with the Botany Bay Section 94A Contributions Plans, a contribution of 1% of the cost of works determined in accordance with Clause 25J of the Regulation, is required to be paid prior to the issue of the Construction Certificate.

Note: The proposed cost of carrying out the development determined by the consent authority will be indexed between the date that consent is issued and the date of

payment as indicated within the Botany Bay Section 94A Contributions Plans.

9. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
10. All works proposed are not to involve or require works below the current and natural ground level on site.
11. Prior to the issue of any Construction Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.
12. Prior to the issue of the Construction Certificate, the applicant is to provide to Council a waste management plan, for approval. The waste management plan is to include but not be limited to showing that all servicing, including garbage collection, is to be carried out within the site with suitable collection points at convenient locations, with an area to be nominated as a waste area.
13. Prior to the issue of the Construction Certificate, the applicant is to provide a plan of management, for approval, for the construction and ongoing operation of the site, and should address, but not be limited to the following:
 - a) Title;
 - b) Objectives;
 - c) Operational details;
 - d) Hours of operation;
 - e) Staffing details;
 - f) Guidelines for staff for using the site facilities and equipments;
 - g) Deliveries and loading/unloading;
 - h) Managing customers or patrons;
 - i) Security details;
 - j) Noise Impact Assessment;
 - k) Shadow Analysis;
 - l) Complaint recording and handling process; and
 - m) The review process to continuously improve the POM.
14. Prior to the issue of the Construction Certificate, the applicant is to demonstrate to Council and the Principle Certifying Authority that the development is compliant with the following:
 - a) The provisions of the Disability Discrimination Act-1992, BCA
 - b) Door hardware to all required exits compliant with Part D2.21 of the Building Code of Australia.

- c) Emergency lighting is required throughout the building in accordance with Part E4 of the Building Code of Australia & Australian Standard 2293.1-2005.
 - d) Illuminated exit & directional signs are required throughout the building in accordance with Part E4 of the Building Code of Australia & Australian Standard 2293.1-2005.
 - e) Portable fire extinguishers are required to the building in accordance with Part E1.6 of the Building Code of Australia & Australian Standard 2444-2001.
 - f) Suitable barriers are to be provided to prevent required exits being blocked at the point of discharge, in accordance with Part D1.10 of the Building Code of Australia.
 - g) Any proposed changes to the existing essential fire services must have the prior consent of strata management.
 - h) Travel distances to required exist are to comply with Part D1.4 of the Building Code of Australia.
 - i) Any service penetrations to comply with C3.15 of the BCA – Volume 1
 - j) Current and new measures installed to the building are to be maintained as part of the Annual Fire Safety Statement process.
 - k) The proposal for the change of use and fitout of the floor areas for use as an educational establishment by UTS are to comply with Category 1 Fire Safety Provisions.
 - i) EP1.3 – Fire Hydrants
 - ii) EP1.4 – Automatic Fire Suppression System (Sprinklers)
 - iii) EP2.2 – Smoke Hazard Management
15. Prior to the issue of any Construction Certificate, the applicant shall contact “Dial Before You Dig” to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction.
- Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant’s expense.
16. Prior to the issue of the Construction Certificate, the applicant shall submit to Council a full photographic survey of the existing conditions of the road reserve (including footpath, grass, kerb and gutter and roadway), and other Council properties which are adjacent to the property.
17. A Construction Management Plan shall be submitted to, and approved in writing by the Principal Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:
- a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public

reserves being allowed;

- b) The proposed phases of construction works on the site and the expected duration of each construction phase;
- c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent;
- i) Proposed protection for Council and adjoining properties, and
- j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.

The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.

- 18. The building shall be constructed in accordance with AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to Principal certifying authority prior to the release of the Construction Certificate and the building plans endorsed with the required acoustical measures.
- 19. The measures required shall be undertaken in accordance with the provisions of AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.

The work detailed in the report includes:

- a) Appropriate acoustic glazing to stated windows and doors,
- b) Detailed roof and ceiling construction,
- c) Wall and ceiling corner details and,

- d) External door specification,
- e) Acoustically treated mechanical ventilation.

Note: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner (advice concerning noise from air conditioners is attached below).

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

20. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993:

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips;
 - c) Permit to install temporary ground anchors in public land;
 - d) Permit to discharge ground water to Council's stormwater drainage system;
 - e) Permit for roads and footways occupancy (long term/ short term);
 - f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve;
 - g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services;
 - h) Permit to place skip/waste bin on footpath and/or nature strip, and
 - i) Permit to use any part of Council's road reserve or other Council lands.
21. Prior to the commencement of works, the applicant must inform Council, in writing, of:-
- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - b) The name and permit number of the owner-builder who intends to do the work.
 - c) The Council also must be informed if:-
 - d) A contract is entered into for the work to be done by a different licensee; or
 - e) Arrangements for the doing of the work are otherwise changed.
22. The works area on the site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying

Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.

23. Building plans must be lodged through Sydney Water Tap in Service for approval, and receive approval prior to commencement of works.

CONDITIONS WHICH MUST BE SATISFIED DURING CONSTRUCTION

24. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the Development Approval number;
 - d) the name of the Principal Certifying Authority including an after hours contact telephone number; and,
 - e) any such sign is to be removed when the work has been completed.
- 25.
- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council;
 - b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands;
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition; and
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
26. During 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 Council.
27. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
28. The development is to be constructed to meet the following construction noise

requirements:

a) Construction Noise

- i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.

b) Level Restrictions

- i) Construction period of 4 weeks and under:
 - 1 the L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).
- ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - 1 the L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

c) Time Restrictions

Construction/demolition work shall be limited to the following hours:

- i) Monday to Friday: 07:00 am to 05:00 pm
- ii) Saturday: 08:00 am to 01:00 pm
- iii) No Construction to take place on Sundays or Public Holidays.

d) Silencing

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

29. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with AS2601:1991 – 'Demolition of Structures', the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";

- a) Induction training for on-site personnel;
- b) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- c) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire

and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;

- d) Disconnection of Gas and Electrical Supply;
 - e) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
 - f) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
 - g) Waterproofing of any exposed surfaces of adjoining buildings;
 - h) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environment Operations Act 1997”;
 - i) Working hours, in accordance with this Development Consent;
 - j) Confinement of demolished materials in transit;
 - k) Proposed truck routes, in accordance with this Development Consent;
 - l) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
 - m) Sewer – common sewerage system ad08.
30. Vibration levels induced by the demolition/construction activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
31. Should the demolition and construction process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Councils road reserve must also have prior approval of Council.
32. 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 accredited certifier immediately.
33. Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
- a) WorkCover 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;
 - b) Protection of the Environment Operations Act 1997;
 - c) Protection of the Environment Operation (Waste) Regulation;
 - d) DECC Waste Classification Guidelines 2008.
34. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:

- a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
 - 1 to a public sewer; or
 - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
35. During construction, it is to be ensured that there is no impact to native vegetation and/or wetlands.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE

- 36. Prior to the issue of an Occupation Certificate, any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
- 37. A report prepared by a qualified air quality/mechanical engineer certifying that the mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997 shall be submitted to Council within 21 days of the installation of the system and prior to the occupation of the premises.
- 38. Prior to release of the Occupation Certificate the developer must submit to the Principal Certification Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
- 39. Prior to occupation of the building the operator shall enter into a commercial contract for the collection of trade waste and recyclables arising from the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request, during the ongoing use of the development.
- 40. At the completion of works, an Occupation Certificate must be obtained under Section 109(c) and 109 (b) of the Environmental Planning and Assessment Act 1979. Specific forms are obtainable from Council for this purpose.

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

41. The use and operation of the site is not to include undergraduate university students.
42. There are to be no less than 150 car parking spaces provided on site at all times for the sole use of parking for this development.
43. Car parking spaces are to be provided and assigned as per the flowing parking allocation:
 - a) 40 spaces – Academics,
 - b) 14 spaces – Technicians,
 - c) 96 spaces - Researchers and Visitors.
44. All parking areas, driveways and turning circles 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.
45. 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 (eg. 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).
46. 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.
47. The permitted hours of operation for the premises are as follows:
 - a) Monday – Friday 7.30am to 9.30pm only;
 - b) No deliveries or loading/unloading activities shall take place to the premises outside of the approved hours of operation.

- c) Large vehicle movements on site (for deliveries) are to take place outside of normal hours of operation (i.e. Monday to Friday 8am to 5pm and Saturdays 8am to 4pm). Any additional hours of operation to the premises shall be subject to a further application to Council.
48. A shuttle bus service is to be provided, during the operation of the site at a minimum level of service to include :
- a) Hours of operation – 7am (Pick up at Central Station) -6pm (Pick up at 28 Lord Street, Botany) Monday to Friday,
 - b) Individual bus capacity of 20 seats,
 - c) Two buses during peak periods of 7am-9am and 4pm-6pm,
 - d) Service loop between Central Station, Mascot Station and Lord Street.
49. The maximum number of persons on site, as part of this approval, is not to exceed 200.
50. No storage is to take place externally to Building BC on site, including car parking spaces.
51. During the ongoing use of the premises, it is to be ensured that there is no impact to native vegetation and/or wetlands.
52. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A of the Noise Control Act, 1975*, and *AS2201, Parts 1 and 2 - 1978 Intruder alarm systems*.
53. A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
- a) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - b) Before 7 am or after 10 pm on any other day.
54. The operations 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, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
55. All work shall be carried out inside the confines of the building and not in adjacent forecourts, yards, access ways, car parking areas, or on Council's footpath.
56. To ensure spill prevention and control, a ready and adequate supply of appropriate spill control and clean-up materials must be maintained and easily accessible at all times at the premise.
57. All liquids, including oils and chemicals must be stored in a covered and bunded area. The bund is to be made of an impervious material and be large enough to hold the contents of the largest container plus 10% i.e. 110% of the total stored volume. Where applicable the construction of bunds must comply with the requirements of:
- a) AS 1940:2004 – The Storage and Handling of Flammable and Combustible Liquids;

- b) AS4452:1997 – The Storage and Handling of Toxic Substances; and
- c) Occupational health and Safety Act.

58. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.

The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

59. The operation of the premises shall be conducted in a manner that does not pollute waters as defined by the Protection of the Environment Operations Act 1997.
60. 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.
61. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 16/100 dated 27 June 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.