

**MEMORANDUM TO AMEND CONDITIONS - SYDNEY CENTRAL PLANNING PANEL
(SCPP)**

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| SCPP No | 2017SCL014 DA |
| DA Number | DA 16/100 |
| Local Government Area | Bayside Council |
| Proposed Development | Fitout and change of use to an Educational Establishment |
| Street Address | 28 Lord Street, Botany |
| Applicant | University of Technology Sydney |
| Owner | Perpetual Trustee Company Limited |
| Number of Submissions | Nil |
| Regional Development Criteria (Schedule 4A of the 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"> • 46608 - Lord Street Botany Precinct Consultant Feit Off-Site Proposed Ground Floor Furniture Plan, Burtenshaw Scoufis architecture pty ltd • 46627 - Lord Street Botany Precinct Consultant Feit Off-Site Mezzanine And First Floor Furniture Plan, Burtenshaw Scoufis architecture pty ltd • Statement of Environmental Effects, Urbanac • Appendix 1 – Compliance Tables, Urbanac • Appendix 2 – Extract from Draft Lease, Urbanac • List of Category 1 Fire Safety Provisions, BCA Logic Pty Ltd • Statement of Consistency – Botany Bay DCP 2013, Part 3C Access and Mobility, BCA Logic Pty Ltd • Final report Phase 1 Environmental Site Assessment, Sir Joseph Banks Corporate Park, Botany, NSW, URS Australia Pty Ltd • Environmental Summary Report for 28 Lord Street and |

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| | <ul style="list-style-type: none"> Reliance Letter, URS Australia Pty Ltd Bus Pick Up Plan, DEXUS Property Group Carparking Plan, DEXUS Property Group Equipment List for 28 Lord Street Botany, Burtenshaw Scoufis Architecture Aircraft Noise Assessment Revisions A, Resonate Acoustics Traffic Assessment Report, Positive Traffic Pty Ltd 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 by | Courtney Coleman – Development Assessment Officer |

1.0 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 reported to the JRPP on the 21 February 2017 with a recommendation for approval.

Draft conditions provided in the report provided are in error. The revised conditions are provided, and the application remains recommended for approval.

2.0 Amendments Recommended Conditions of Consent

Following the publication of the original Assessment Report on the JRPP website, it was noted that the draft conditions provided were in error, shown within the Assessment Report.

Where appropriate, Council has made amendments to the draft conditions.

Condition 41 – Limiting operation of the site

The condition should read as follows:

41. *The operation of the site is approved for use as university educational establishment for research and is not to include regular university classes, lectures and/or tutorials for undergraduate and other students.*

Condition 43 – Car parking allocation

The condition should read as follows:

43. *Car parking spaces are to be provided and assigned as per the following parking allocation:*

a) *150 spaces for Academics, Technicians, Researchers and Visitors use only.*

Condition 48 – Shuttle bus operation

The condition should read as follows:

48. *A shuttle bus service associated with the facility is to be provided, during the operation of the site at a minimum level of service to include:*

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 Estate; and*

- b) *be provided approximately once an hour from approximately 7am to 11am and 3pm 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.*

3.0 Recommendation

That the Sydney Central Planning Panel (SCPP), as the Determining Authority, resolve to:

- (a) Approved fitout and change of use for an education establishment at 28 Lord Street, Botany, subject to the revised conditions below.

4.0 Revised Conditions of Consent

Premises: 28 Lord Street, Botany

DA No: DA-16/100

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

- 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 | URS Australia Pty Ltd | 27 June 2016 |

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| Sir Joseph Banks Corporate Park, Botany, NSW | | |
| 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 purposes.
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:-

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| 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 exits 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 Environmental 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 operation of the site is approved for use as university educational establishment for research and is not to include regular university classes, lectures and/or tutorials for

undergraduate and other 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 following parking allocation:
 - a) 150 spaces for Academics, Technicians, Researchers and Visitors use only.
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 associated with the facility is to be provided, during the operation of the site at a minimum level of service to include :
 - 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 Estate; and
 - b) be provided approximately once an hour from approximately 7am to 11am and 3pm 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.
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.