4.0 RECOMMENDATION

In view of the preceding comments, it is RECOMMENDED that the Joint Regional Planning Panel (JRPP) for the Sydney East Region, as the Consent Authority, resolve to:

(c) Grant consent to the objection submitted under the provisions of State Environmental Planning Policy No. 1 – Development Standards to vary the provisions of Clause 12(3) of Botany Local Environmental Plan 1995 relating to maximum floor space ratio of 4.74:1 applied under this clause on the basis that:

(i) Clause 12(3) of Botany Local Environmental Plan 1995 is a development standard; and

(ii) The objection lodged by the applicant is well founded; and

(d) Approve Development Application No. 11/121 for construction of a 12 storey (321 room), 4 star hotel with ancillary facilities plus basement level, a multi-storey carpark containing a total of 1622 parking spaces (comprising 80 spaces allocated to the hotel and 1542 spaces allocated as a long-term public parking associated with Sydney Airport), and associated landscaping and public domain works at 342 King Street Mascot, Mascot, subject to the Conditions imposed in the attached schedule.

5.0 CONDITIONS OF CONSENT

Premises: 342 King Street, Mascot **DA No: 11/121**

GENERAL CONDITIONS

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

Drawing N^0	**Author**	**Dated Received by Council**
Site Survey Reference 05/0505, dated 3 April 2007.	Watson Buchan Pty Ltd.	29 June 2011
Site Plan, Job No. 0243, Plan No. B-100 (Rev. 04), dated 21.11.12	Vanovac Associates Architects	28 November 2012
Site Analysis Plan, Job No. 0243, Plan No. B-110 (Rev. 04), dated 13.08.12	Vanovac Associates Architects	28 November 2012
Basement Plan, Job No.	Vanovac Associates	28 November 2012

Drawing N°	Author	Dated Received by Council
0243,Plan No. B-200 (Rev. 07), dated 22.11.12	Architects	
Ground Floor Plan Plan No. B-201 (Rev. 12), dated 22.11.12.	Vanovac Associates Architects	28 November 2012
Level 1 Plan, Job No. 0243, Plan No. B-202 (Rev.08), dated 22.11.12.	Vanovac Associates Architects	28 November 2012
Typical Carpark Plan, Job No. 0243, Plan No. B-203 (Rev.09), dated 22.11.12.	Vanovac Associates Architects	28 November 2012
Carpark Roof Plan, Job No. 0243, Plan No. B-204 (Rev.05), dated 22.11.12.	Vanovac Associates Architects	28 November 2012
Hotel Plans, Job No. 0243, Plan No. B-205 (Rev.03), dated 22.11.12.	Vanovac Associates Architects	28 November 2012
Roof Plan, Job No. 0243, Plan No. B-206 (Rev.02), dated 22.11.12.	Vanovac Associates Architects	28 November 2012
Elevations Sheet 1, Job No. 0243, Plan No. B-300 (Rev.03), dated 22.11.12.	Vanovac Associates Architects	28 November 2012
Elevations Sheet 2, Job No. 0243, Plan No. B-301 (Rev.03), dated 22.11.12.	Vanovac Associates Architects	28 November 2012
Elevations Sheet 3, Job No. 0243, Plan No. B-302 (Rev.01), dated 26.11.12.	Vanovac Associates Architects	28 November 2012
Sections, Job No. 0243, Plan No. B-310 (Rev.04), dated 04.09.12.	Vanovac Associates Architects	28 November 2012
Shadow Diagrams, Job No. 0243, Plan No. B-400 (Rev. 02), dated 22.11.12.	Vanovac Associates Architects	28 November 2012
Distant Views, Job No. 0243, Plan No. B-410 (Rev. 02), dated 22.11.12.	Vanovac Associates Architects	28 November 2012
Street Views, Job No. 0243, Plan No. B-411 (Rev. 02), dated 22.11.12.	Vanovac Associates Architects	28 November 2012

Drawing N°	Author	Dated Received by Council
Development Images Sheet 1, Job No. 0243.	Vanovac Associates Architects	28 November 2012
Development Images Sheet 2, Job No. 0243.	Vanovac Associates Architects	28 November 2012
Development Images Sheet 3, Job No. 0243.	Vanovac Associates Architects	28 November 2012
Development Images Sheet 4, Job No. 0243.	Vanovac Associates Architects	28 November 2012
Development Images Sheet 5, Job No. 0243.	Vanovac Associates Architects	28 November 2012
Development Images Sheet 6, Job No. 0243.	Vanovac Associates Architects	28 November 2012
Development Images Sheet 7, Job No. 0243.	Vanovac Associates Architects	28 November 2012
Development Images Sheet 8, Job No. 0243.	Vanovac Associates Architects	28 November 2012
Development Images Sheet 9, Job No. 0243.	Vanovac Associates Architects	28 November 2012
Landscape Plan with Drawing No. 1804 LP-01 (Issue 03, dated 22/11/12)	John Lock & Associates (JLA) Landscape Architects	28 November 2012
Landscape Plan with Drawing No. 1804 LP-02 (Issue C, dated 22/11/12)	John Lock & Associates (JLA) Landscape Architects	28 November 2012
Landscape Plan with Drawing No. 1804 LP-03 (Issue B, dated 08/08/12)	John Lock & Associates (JLA) Landscape Architects	28 November 2012

The following documents are referenced:

Documents	Author	Date Received by Council
Schedule of Materials & Finishes, with Job No. 0243, Drawing No. EF-00 (Rev 2).	VanovacTuon Architects	28 November 2012
Statement of Environmental Effects (Revision 3, Dated 23 November 2012)	Vanovac Tuon Architects	28 November 2012

Documents	Author	Date Received by Council
SEPP 1 Objection (dated 26 November 2012)	aSquare Planning	26 November 2012
Letter Response from Planning Consultant (Site Isolation, etc.)	aSquare Planning	26 November 2012
Waste Management Plan (dated 13 August 2012)	VanavocTuon Architects	13 August 2012
Noise Assessment (DA Phase) Letter Report (Dated 25 July 2012, Reference 110213-02L-DD)	Acoustic Consulting Engineers	13 August 2012
Traffic and Parking Assessment Report (dated 8 August 2012, Ref.11057)	John Coady Consulting Pty Ltd	10 August 2012
"Traffic and Parking Issues" Letter Report (dated 8 August 2012)	John Coady Consulting Pty Ltd	10 August 2012
Operational Management Plan (dated 28 November 2012).	John Coady Consulting Pty Ltd	28 November 2012
Letter response to Council dated 28 November 2012	John Coady Consulting Pty Ltd	28 November 2012
Letter Report on Security and Access Controls for proposed carparking facility (dated 14/11/2011)	Evenas Pty Ltd.	17 October 2011
Site Audit Report titled "Eastern Part of the Former Mascot Galvanising Site" (dated 19 July 2007)	HLA-Envirosciences Pty Ltd	18 November 2011
Site Audit Report titled "Western Half of Former Mascot Galvanising Site", dated 28 July 2008.	ENSR / AECOM	18 November 2011
Targeted Groundwater & Soil Contamination Assessment (dated 19th November 2012)	Pacific Environmental Services Pty Ltd	21 November 2012
NSW Police Safer by Design Report, dated 22 November 2011	NSW Police	29 November 2011
Acid Sulfate Soils Investigation Report, dated	Pacific Environmental Services Pty Ltd	23 November 2012

Documents	Author	Date Received by Council
20 November 2012.		
Certificate of Structural Adequacy (dated 2 September 2012)	S. TUT PL. Consulting Engineers	23 November 2012
Response to 20 August 2012 Design Review Panel Report	Vanovac Tuon Architects	
Energy Efficiency Report (dated 13 August 2012)	Vanovac Tuon Architects	16 August 2012
Legal Adivce (dated 23 November 2012)	Conomos Legal	26 November 2012

No construction works shall be undertaken prior to the issue of a Construction Certificate.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

2 This Consent relates to land in Lots 15, 16, & 17 in DP 9142, Lot M in DP 356032, Lot F in DP 396672, Lot A in DP 407002, Lot 1 & 2 in DP 387285, Lot B in DP 310256, Lot A in DP 341081, Lot C in DP 348169, and as such, building works must not encroach on to adjoining lands or the adjoining public place, other than public domain works required by this consent.

3 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

4 The finishes of the building are to be in accordance with the details shown on the approved plans with Job No. 0243, Drawing No. EF-00 (Revision 02) prepared by Vanovac Tuon Architects (undated) and approved under this Development Consent.

5 Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.

6 To protect both the health and safety of the community and the environment, the development shall not inhibit the ability to implement or meet any conditions that are outlined in the two (2) Site Audit Statements for the development site listed in Condition 1 and as outlined below.

SAS WRR168/1

(a) Preparation of a revised Environmental Management Plan following completion of the redevelopment works on the eastern part of the former Mascot Galvanising site and its review by a site auditor accredited under the Contaminated Land Management Act.

(b) Continuing operation of the groundwater remediation system on the western half of the former Mascot Galvanising site until approval is obtained from NSW EPA that remediation of groundwater is completed in satisfaction of the Remediation Order.

(c) Protection and on-going monitoring of all groundwater wells until the remediation works are completed on both the eastern and western parts of the former Mascot Galvanising site.

SAS WRR168/2.

(d) Continuing operation of the groundwater treatment system on the Site until groundwater remediation goals have been achieved to the satisfaction of NSW EPA;

(e) Protection of groundwater wells MW510S, MW510D, MW800S, MW800D, MW801S and MW810D, RW2-5, MW507S, MW507D, MW508S, MW508D, MW509S, MW509D and MW23 and ongoing monitoring in accordance with the current monitoring and analytical regime, until groundwater remediation goals have been achieved to the satisfaction of the EPA;

(f) Capping of the entire site with a permanent seal, such as concrete slabs, pavements or landscaping to minimise exposure to residual contaminants in the soil and groundwater;

(g) Provision of access along the western boundary of the Site sufficient to allow installation of groundwater recovery wells in the event that NSW EPA or some other government authority requires prevention of migration of contaminated groundwater from the site. The access should not be within a building but may be used for the purposes of a driveway, for parking of vehicles, for temporary storage of materials or for landscaping;

(h) Design of buildings and services to address groundwater beneath the Site being slightly to moderately acidic, which may be aggressive to sub-surface building structures and services;

(i) Identification and remediation of any significant contamination beneath the DAF water treatment system following relocation or removal of the system; and

(j) Preparation and implementation of a long-term Environmental Management Plan if contaminated soil or groundwater remains on the Site after completion of development works. The long-term Environmental Management Plan is required to be prepared to detail the conditions under which residual soil and/or groundwater containing contaminants should be managed if excavation or other works are undertaken.

7 The following landscape requirements shall be complied with:

(a) To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor. The system shall provide full coverage of all planted areas with no more than 300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.

(b) A raised concrete edge shall be installed around the landscape areas to contain soil and mulch finishes from washing onto adjoining pavements. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges are unsuitable.

(c) A rigid polyethylene sheet type tree root barrier shall be installed alongside the kerb edges adjoining the Ficus hillii trees at a minimum depth of 1200mm. Root deflectors/directors surrounding the rootball are not suitable. The Applicant is required to contact the Certifier for an inspection of root barriers prior to backfilling.

(d) Planter boxes constructed over slab shall be built in accordance with the following minimum details :

(i) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.

(ii) A concrete hob or haunch shall be constructed at the internal joint between the sides and base of the planter to contain drainage within the planter.

(iii) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining/spoiling of the external face or integrity of the planter. All internal sealed finishes are to be sound and edges overlapped and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.

(iv) Drainage cell must be applied to both the base and sides of the planter to minimize damage of the waterproofing membrane during backfilling and to facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation.

(v) Planter boxes shall be finished externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.

(e) All internal pedestrian walkways and paved areas shall be unit paved. Large areas of asphalt or concrete are not permitted. The driveway crossover shall be constructed of plain broom finished concrete.

8 Electrical kiosks and fire booster assemblies must be located in unobtrusive locations away from vehicle and pedestrian entrances to the property and are not to be located within the main street setbacks. The utilities shall be softened by a built screen and/or landscaping so as not to impact on the streetscape. The location of, and screening treatment surrounding these utilities is to be approved by Council's Landscape Architect prior to their installation. Fire booster assemblies are to be housed within the external face of the building structure. Sub-surface OSD tank or infiltration trench shall not be located in any deep soil landscaped areas on the site.

9 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,

(iii) 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 erection of the building.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

10 Sydney Airports - The proposed development is to comply with the Approval Letter dated 27 September 2011 issued by Sydney Airport Corporation Limited (SACL). The conditions are outlined as follows:

Height Restrictions

(a) The development is approved to a maximum height of 48.06 metres above Australian Height Datum. The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

(b) Should you wish to exceed 48.06 metres above Australian Height Datum (AHD), a new application must be submitted.

(c) The roof mounted solar panels are not included in this approval as their final RL is not confirmed and they will need to be referred to CASA for assessment as a hazard which may cause confusion, distraction or glare to pilots in the air.

(d) Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

(e) **Construction cranes** may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct. Information required by SACL prior to any approval is to include:

(i) the location of any temporary structure or equipment, i.e. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);

(ii) the swing circle of any temporary structure/equipment used during construction;

(iii) the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment i.e. construction cranes, intended to be used in the erection of the proposed structure/activity;

(iv) the period of the proposed operation (i.e. construction cranes) and desired operating hours for any temporary structures.

Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.

<u>Bird and Obstacle Hazard Management</u>

(f) The area in which the proposed development is located is in the vicinity of Sydney (KS) Airport.

To minimise the potential for bird habitation and roosting, the Proponent must ensure that non-bird attracting plant species are used in any landscaping design.

Any landscaping design must minimise the attractiveness for foraging birds, i.e. site is kept clean regularly, refuse bins are covered, and detention ponds are netted.

All trees to be planted shall not be capable of intruding into the Obstacle Limitation Surface when mature.

11 Sydney Water - The proposed development is to comply with the conditions provided by Sydney Water dated 15 October 2012. The conditions are outlined as follows:

(a) The 100mm drinking water main fronting the proposed development on King Street does not comply with the Water Supply Code of Australia (Sydney Water Edition – WSA 03-2002) requirement for minimum sized mains for the scope of development. The drinking water main in O'Riordan Street needs to be upsized to a 200mm main from point 'A' to point 'B' on the plan attached to the Sydney Water Letter dated 15 October 2012.

(b) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Sydney Water will further assess the impact of any subsequent development when the developer applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of future development and to assess if amplification and/or changes to the system are applicable. The developer must fund any adjustments needed to Sydney Water infrastructure as a result of the development.

(c) The developer should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. The Water Servicing Coordinator will ensure submitted infrastructure designs are sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

12 An existing Ausgrid substation is located within the proposed development site. Any proposal to move the existing substation must ensure that a new substation is established prior to the removal of the existing substation. The new substation must meet the Ausgrid network standards.

13 NSW Police Safer by Design Assessment - The proposed development is to comply with the recommendations provided by NSW Police Botany Bay Local Area Command, dated 22nd November 2011 and further advice provided on 23 November 2012, outlined in the notes at the end of the Schedule of conditions.

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

14 Prior to the release of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service payments Act 1986 must 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.

15 Prior to the issue of any Construction Certificate:

(a) The applicant must pay the following fees:

(i)	Builders Security Deposit	$51,000.00
(ii)	Development Control	$4,642.00
(iii)	Performance Bond (Public Civil Work)	$30,000.00
(iv)	Tree Preservation Bond	$25,000.00
(v)	Tree Preservation Bond Preparation Fee	$550.00
(vi)	Plan Checking Fee (Civil and Public Domain Work) (as required)	$500.00

(b) The payment of **$256,942.64** in accordance with Council's Section 94 Contributions Plan 2005-2010, such contribution to be paid to Council prior to the issue of the Construction Certificate as follows:

(i)	Community Facilities	$25,900.00
(ii)	Administration	$4,200.00
(iii)	Shopping Centre Improvements	$18,800.00
(iv)	Open Space & Recreation	$174,500.00
(v)	Transport Management	$33,542.64

The Section 94 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.

16

(a) Prior to the issue of Construction Certificate, the applicant shall lodge with the Council a performance bond of $30,000 against defective public civil works undertaken by the main contractor for a period of twelve (12) months from the date of the completion agreed by RMS and Council. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee, which will be refundable (with no interest) subject to the approval of Council at the end of the maintenance period. In this period, the Applicant is liable for any part of the work, which fails to achieve the design specifications. Council

shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

(b) The applicant is to submit payment for a Tree Preservation Bond of $25,000.00 to ensure protection of existing trees adjoining he western and eastern boundaries from damage during construction. The duration of the Bond shall be limited to a period of 24 months after issue of the Occupation Certificate. At the completion of the 24 month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council or a qualified consulting Arborist AQF5. If a tree was found to be in decline, damaged (including roots), dead or pruned without Council permission then Council will forfeit all, or part thereof, of the bond. The Tree Preservation Bond was calculated using the Thyer Tree Evaluation method

17 Prior to the issue of any Construction Certificate for above ground works, the architectural and landscape plans for construction purposes shall be revised to address the following:-

(a) The proposed green wall to the lower four (4) levels of the southern façade of the carpark building and the proposed green wall to the eastern elevation adjacent to No. 3 Ewan Street shall be replaced with perforated metal screening to match the screening proposed for the upper levels of the respective façade.

(b) In order to accommodate traffic movements for the proposed shuttle bus on parking level P2, the finished floor levels of P2 shall be designed to ensure that a minimum vertical clearance of 2.8m to the underside of the slab and services is achieved;

(c) Two (2) taxi set-down/pick-up bays and one (1) bus zone shall be provided within the porte-cochere area;

(d) A minimum 1.2m wide public footpath connecting King Street and Ewan Street shall be provided along the western boundary of the site. The footpath shall be unit paved only (not concrete);

(e) Raised concrete median shall be provided to the section of public footpath adjacent to shuttle bus entry driveway to ensure separation between pedestrian and vehicle access.

(f) All parking bays (including one (1) for car parking bay and three (3) for motorcycle parking) along the northern aisle of the basement level (i.e. Level P1) shall be deleted to ensure that the width of the aisle achieves a minimum of 5.5m as required by Australian Standard AS2890.1.

(g) The Black Bamboo specified for the eastern boundary is to be substituted for a clumping variety such as Bambusa textilis gracilis to minimise future impact on adjoining properties;

(h) The "service strip" in King Street is to be planted with shrubs rather than turf to screen the electrical pillars that will be erected in this location.

18 Prior to the issue of any Construction Certificate for above ground works the following shall be complied with:

(a) An Access Report shall be prepared for the premises demonstrating that access to and within the premises shall comply with all relevant legislative requirements (including but not limited to the Building Code of Australia);

(b) An Acoustic Report shall be prepared and submitted to the Principal Certifying Authority for approval. The report shall address noise emanating from the public carpark and shall provide detailed measures to ensure that the noise from the carpark will comply with Council's Standard noise requirements. The report shall consider ramp treatment(s), etc. and all details shall be included into the plans submitted with the Construction Certificate.

(c) A revised Environmental Management Plan shall be prepared prior to the issue of a construction certificate to manage any remaining groundwater remediation issues. A copy of this management plan shall be supplied to the Principal Certifying Authority and Council prior to the issue of a construction certificate;

(d) A Construction Noise and Vibration Management Plan shall be prepared to ensure construction noise is controlled and minimised as recommended in the report prepared by Acoustic Consulting Engineers dated 25th July 2012. Such report shall be complied with at all times during works;

(e) Approval shall be obtained from Sydney Airports Corporation Limited and/or the Civil Aviation Safety Authority (CASA) for the proposed solar panels located at roof level which are proposed to be used for water heating;

(f) Details to be submitted to the Principal Certifying Authority showing that the visible light reflectivity from building materials used on the facade of the building shall not exceed 20%. The aim of this condition is to ensure that the materials and finishes shall not to result in glare that causes discomfort to persons or threatens safety of pedestrians or drivers;

(g) Council's property shall be supported at all times. Where any shoring is to be supporting (or located on) Council's property, certified engineering drawings showing all details including the extent of encroachment, the type of shoring and the method of removal, shall be submitted prior to the issue of the Construction Certificate. If the shoring cannot be removed, it shall be cut to 150mm below footpath level and the gap between the shoring and any buildings shall be filled with a 5Mpa lean concrete mix;

(h) Submission of a Design Certificate from a suitably qualified practicing engineer shall be provided to the Principal Certifying Authority demonstrating that any required exhaust Ventilation system required for the carpark and the hotel kitchen will be ventilated at

least 1 metre above the top of the carpark structure, away from property boundaries and is in accordance with the BCA and any required Australian Standards;

(i) A wind impact assessment shall be submitted to, and approval by, the Principal Certifying Authority demonstrating that the proposed development incorporates mitigation measures which adequately minimise wind impacts to the public domain, pedestrian environment and adjoining properties. The measures identified in the report shall be shown on the plans submitted with the Construction Certificate and shall be implemented (and maintained) in the development.

19 Prior to issue of any Construction Certificate for above ground works the landscape plan shall be amended as follows:

(a) Landscaping shall be provided in the roof area located between the 2 buildings, as indicated on architectural plan B-203, to provide an attractive outlook for hotel guests on the southern side of the building and screen the northern façade of the carpark. A planter box will be required min. depth 500mm and appropriately designed and drained to enable the planting to be supported and achieve adequate growth. The planter is to be setback a min. of 1.5 metre of building facades and edges to allow for maintenance. This area may be gravel. Safety balustrading is required where necessary on edges.

A landscape plan/detail is to be submitted for this area indicating the planter box construction methods and planting design utilising appropriate species to withstand weather conditions and solar variances in this area. Plants species should be decorative and attain a variety of heights from groundcover to 1 metre.All internal pedestrian walkways are required to be unit paved. Asphalt or concrete are not permitted. Porous pavements shall be utilized wherever possible and pathways drained to garden beds.

20 Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.

21 Prior to issue of any Construction Certificate:

(a) A dilapidation report on public infrastructure (including Council and public utility infrastructure) adjoining the development site shall be prepared by a suitably qualified person and submitted to Council. The report shall include records and photographs of the following area that will be impacted by the development: -

(i) King Street

(ii) Ewan Street

(iii) All properties immediately adjoining the site

The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that been damaged during the course the construction. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense.

(b) A dilapidation report of shall be undertaken of all adjoining properties including a photographic survey prepared by a Practising Structural Engineer.

A copy of the dilapidation report together with the accompanying photographs shall be given to the above property owner/s, and a copy lodged with Principal Certifying Authority and Council prior to works commencing.

The extent of the Dilapidation Survey is to be prepared by a practising Geotechnical Engineer having regard to foundations/structures of the adjoining sites / locality.

22 Prior to the issue of any Construction Certificate, design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the loading area, taxi zone, bus zone, pick-up/drop-off zone, car parking areas (including queuing area, turning area and access ramps), driveways and vehicular access paths shown on the construction plans have been designed in accordance with AS 2890.1, AS2890.2, AS2890.3 and AS2890.6. All parking bays in the proposed public car parking area shall have minimum dimension 2.6m x 5.4m (Category 4 Access Facility).

23 The measures required in the acoustical assessment report prepared by Acoustic Consulting Engineers dated 25th July 2012 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, including all required acoustic seals – glazing must be of the thickness recommended in Table 6 of the report,

(b) A qualified acoustic consultant be engaged during the design phase (for mechanical plant and equipment), to ensure environmental noise impact from the hotel development satisfies the guidelines of the OEH Industrial Noise Policy,

(c) A qualified acoustic consultant be engaged during the design and construction phases to determine the required construction element/system acoustic performances,

24 Prior to the issue of any Construction Certificate, detailed construction plans in relation to the stormwater management and disposal system for the development (including inter-allotment drainage system, pump-out system and OSD system) shall be prepared by a suitably qualified civil engineer experienced in drainage design and submitted to the Principal Certifying Authority for approval.

The layout of the stormwater drainage system shall be generally in accordance with the following stormwater management plans, prepared by Glen Haig & Partners, Job No. 122205,

- Drawing No. H000, Issue A, dated 9 Aug 2012
- Drawing No. H101, Issue A, dated 9 Aug 2012
- Drawing No. H102, Issue A, dated 9 Aug 2012
- Drawing No. H103, Issue A, dated 9 Aug 2012
- Drawing No. H104, Issue A, dated 9 Aug 2012

However, the construction plans shall be revised to address the following issues:

(a) *For on-site infiltration system*

(i) In order to ensure the provision of an infiltration system is suitable to the site, geotechnical information about the groundwater level and the infiltration rate (L/m2/s) of the site shall be determined by a qualified geotechnical engineer based on field testing. The report shall include minimum of two (2) boreholes. Each borehole shall be minimum 4m from the existing ground level unless groundwater is encountered. The result shall be submitted to Council for review. It should be noted that the infiltration system is not permitted if: -

(1) The measured ground water level is within 2.5m of the existing surface levels or

(2) The base of the adsorption pit will be within 1m of the measured groundwater table or

(3) The site is contaminated

(Note: If the infiltration system is not permitted, an on-site detention (OSD) system to detain stormwater runoff generated from the site for all storm events up to and including 1 in 100 year ARI storm shall then be provided. The permissible site discharge of the system should not exceed the 1 in 5 year ARI peak flow under the "State of Nature" condition of the site (i.e. the site is totally grassed/turfed) and computer modeling, such as DRAINS can be used to design the OSD system.

Consideration shall be given to the submerged outlet and the area by-passing the OSD system.).

(ii) The on-site infiltration system shall be designed to **detain 1 in 100 year ARI peak flows** generated from all the roof and impervious area of the development for all storms duration. The outflow of the system shall be based on the infiltration rate of the soil. Detailed calculation of the required storage and storage in the on-site infiltration system shall be submitted to Council for assessment.

(**Note:** "Mass Curve Technique" shown in Australian Rainfall and Runoff (ARR) can be used to determine the required storage volume of the infiltration system.)

(iii) Based upon the ground water level lower than 2.5m from the existing surface level and assumed infiltration rate of the soil of 0.25 $L/m^2/s$, the size of the infiltration system shall be minimum **85**m (long) x **6**m (wide) with **four (4)** rows of StormTech RC-750 Chamber or equivalent.

(Note: Subject to the geotechnical information in the geotechnical report, the size of the system may vary).

(iv) The infiltration system shall have a minimum clearance of one (1) metre from the front boundary and two (2) metres from all other boundaries basement and building footings

(v) In order to provide access for cleaning to the infiltration units, two (2) grated pits (600mm x 600mm) shall be provided and located at the end of the on-site infiltration system and at every 10m interval

(vi) All pits shall be provided with a Lysaght Maximesh RH3030 litter screen and a 300mm silt sump at the pit(s) where the inlet pipes connected. The base of the infiltration system shall be 200 mm thickness of 14 mm crushed aggregate wrapped in a geotextile fabric.

(vii) Any infiltration system constructed under the driveway area shall be structurally adequate against vehicle loadings. Structural certificate shall be provided accordingly.

(viii) A grated boundary pit (minimum 900mm x 900mm) shall be provided to the stormwater drainage system prior to discharging stormwater into the public stormwater drainage system

(b) For stormwater drainage system in the road reserve

(i) Detailed drainage design (including hydraulic grade line (HGL) analysis) from the boundary pit of the site to the existing Council's grated kerb inlet pit on King Street shall be submitted to Council. The new grated kerb inlet pit shall have minimum 2.4m long opening lintel. All stormwater drainage pipes within the road reserve area shall be minimum 375mm

diameter Class 3 rubber ring jointed (RRJ) reinforced concrete pipe (RCP) / fibre reinforced concrete pipe (FRC), with minimum fall of 0.5%.

(c) For pump-out drainage system in the basement

(i) The storage volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area that draining into the tank for the 1 in 100 year ARI 2-hours duration storm event. Detailed calculation of the required storage and storage provided in the pump-out system shall be submitted to Council for assessment.

(ii) The pump-out drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.

(iii) Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1 in 100 year ARI 5-minutes duration storm event of the area draining into the system, whichever is greater.

(iv) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.

(d) For Stormwater Quality Control

(i) All stormwater runoff generated from the site shall pass through Stormwater Quality Improvement Devices (SQID) prior to discharge into public stormwater drainage system. Stormwater pollution reduction targets stated in Botany Bay & Catchment Water Quality Improvement Plan shall be complied with.

(ii) All drawings and specifications shall be prepared in accordance with Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', Australian Rainfall and Runoff (AR&R), AS 3500.3 and BCA. All drawings shall correspond with the approved architectural plans. Design certification from the engineer shall be submitted to Principal Certifying Authority.

25 Prior to issue of any Construction Certificate, the applicant shall lodge an application under Roads Act to Council for the public domain civil works associated with the development. Engineering construction drawings, including plan checking fee(s), shall be submitted to Council as part of the documentation for the application.

Documentary evidence of the lodgement of engineering plans shall be submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied prior to the issue of any Construction Certificate.

The engineering construction drawings shall include the following: -

(a) Design and reconstruct kerb and gutter along full King Street and Ewan Street frontage of the site. The works shall include removal of any redundant crossings.

(b) Design and reconstruct 1.2m wide footpath along King Street frontage of the site. The location of the new footpath shall have 600mm setback from the property boundary.

(c) Design and construct a new full-width footpath along the entire Ewan Street frontage of the site. The new footpath shall also extend west by additional 20m to connect the existing pedestrian access point of 350 King Street.

(d) Design and provide landscaping/street trees to the footpath area on all frontages of the site to Council's Landscape Architect's satisfaction

(e) Design and construct new vehicular crossings, including laybacks and minimum one (1) metre associated road restoration, at 90o to the kerb and gutter in plain concrete on King Street and Ewan Street. All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. The minimum width of each vehicular crossing at the property boundary shall be in accordance with the following: -

King Street

Vehicular Crossing Location	*Width Required*
Entrance of car parking area	six (6) metres
Exit of car parking area and loading/unloading area	eleven (11) metres
Entrance and exit of porte-cochere	seven (7) metres

Ewan Street

Vehicular Crossing Location	*Width Required*
Entrance of car parking area	five (5) metres

(f) Design and construct stormwater drainage system from the site to the existing Council's drainage pit on King Street. This work shall include provision of a new 2.4m long opening grated kerb inlet gully pit. All stormwater drainage pipes within the road reserve area shall be minimum 375mm diameter Class 3 rubber ring jointed (RRJ) reinforced concrete pipe (RCP) / fibre reinforced concrete pipe (FRC).

(g) Resurface six (6) metres wide road pavement on King Street (measuring from the lip of the gutter) with 50mm AC10 hotmix.

(h) Replace the existing above ground electricity and telecommunication cables along King Street frontage of the site with underground cables to relevant authority's requirements.

(i) Design and install appropriate street lighting on King Street frontage of the site in accordance with the relevant authorities' requirements. P2 lighting design category shall be provided.

(j) Design and install any new signage and line marking to RMS requirements on all frontages of the site and also include the following: -

(i) Signage and line marking to transform the existing kerbside lane (left turn only into O'Rirodan Street) in King Street (west) on the approach to O'Riordan Street to a left-turn/thru traffic lane

(ii) Signage and line marking to transform the existing thru/right-turn lane in King Street (west) on the approach to O'Riordan Street to a dedicated right-turn lane only

(iii) Install "No Parking" sign on the northern side of King Street (west) on the approach to the O'Riordan Street intersection for a distance of approximately 100m from the intersection

All the above works shall be designed and prepared by suitably qualified civil engineers and landscape architects with relevant qualification in civil engineering and landscape respectively. All costs associated with the design and construction shall be borne by the applicant.

26 Prior to the issue of any Construction Certificate, a detailed Construction Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the Principal Certifying Authority and Council. The plan shall: -

(a) be prepared by a RMS accredited qualified person;

(b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police;

(c) indicate the construction vehicle access points of the site be restricted to King Street only;

(d) indicate the frequency of truck movements;

(e) ensure pedestrian and vehicular access fronting King Street and Ewan Street to be maintained at all times. No closure of any road reserve will be permitted without Council's approval.

(f) ensure any vehicles accessing the site or carrying out construction activities associated with the development be restricted to 12.5 metres (defined as Heavy Rigid Vehicle in AS2890.2);

(g) ensure any vehicles associated with the demolition and construction activities to enter and leave the site via King Street; and

(h) ensure no vehicles associated with the demolition and construction activities of the site be permitted to travel on Ewan Street, Sarah Street, Duguid Street and the section of King Street, east of O'Riordan Street

27 Prior to the issue of any Construction Certificate, a detailed Construction Management Plan (CMP) shall be submitted to Principal Certifying Authority and Council for approval of the site works. The CMP shall address the following:

(a) All vehicles (including worker's vehicles) associated with site construction activities shall enter and leave the site in a forward direction ONLY;

(b) All vehicles (including worker's vehicles) associated with site construction activities shall only be allowed to park within the site. No parking of these vehicles shall be allowed on King Street, Sarah Street or Duguid Street;;

(c) Construction building materials shall be stored wholly within the site;

(d) Vehicle and pedestrian access on King Street shall be kept clear at all times;

(e) Under no circumstances (except in an emergency) shall any trucks be permitted to queue and wait on public places, public streets or any road related area (eg. footpath, nature strip, road shoulder, road reserve etc) prior to entering the site;

(f) Locations of site office, accommodation and the storage of major materials related to the project shall be within the site;

(g) Protection of adjoining properties, pedestrians, vehicles and public assets shall be implemented at all times;

(h) Location and extent of proposed builder's hoarding and Works Zones, if there is any, shall be shown on the plan. It should be noted that any Works Zones proposed requires approval from Council; and

(i) Tree protection management measures for all protected and retained trees shall be implemented at all times.

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

28 A Tree Preservation Order applies to all existing trees on adjoining properties in close proximity to the proposed development and/or property boundaries. In order to ensure that all trees adjoining the western boundary of the site and those near the eastern boundary of the site are protected during construction, and their health and structural stability ensured, the following is required :

(a) Prior to commencing any work on the site overhanging canopy is required to be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree

Protection Zone (TPZ). The fence shall remain in place until construction is complete.

(b) All detailed Construction Certificate plans shall show trees to be protected and the TPZ.

29 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and Roads and Maritime Services (RMS) in order to obtain the following approvals and permits on Council's lands /road reserve under Road Act 1993 and Local Government Act 1993: -

(It should be noted that no works or occupancy shall be carried out in road reserve until permits have been granted from Council's engineers. 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 for roads and footways occupancy (long term/ short term)

(d) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve

(e) 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.

(f) Permit to place skip/waste bin on footpath and/or nature strip

(g) Permit to use any part of Council's road reserve or other Council lands

(h) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area

(It should be noted that the issue of such permits may involve approval from RMS and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.)

(i) Permit to establish "Works Zone" on public roads adjacent to the development site, including use of footpath area.

(Application(s) shall be submitted minimum one (1) month prior to the planned commencement of works on the development site. The application will be referred to the Council's Traffic Engineer for approval, which may impose special conditions that shall be strictly adhered to by the applicant(s))

(j) Copy of the approved permits shall be submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.

30 Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

31 The Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work on Council's road reserve and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than $20,000,000 and to be endorsed with City of Botany Bay Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED.

32 Prior to commencement of any works in the road reserve area, the applicant shall obtain **written approval from Roads and Maritime Services (RMS) and Council,** together with a copy of approved engineering plans, construction management plan and construction traffic plans, under Section 138 of Roads Act 1993 for the civil works to be carried out in public domain. Documentary evidence shall be submitted to the Principal Certifying Authority attesting to this condition has been appropriately satisfied.

33 Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certifying Authority with the application for the Construction Certificate for any above ground building works. Storage of Waste and recycling shall meet the following requirements:

(a) Waste and recycling for commercial users shall be in a separate room from the storage of waste and recycling for residential users,

(b) The rooms for the storage of garbage and recyclable materials shall be fully enclosed,

(c) Adequately ventilated,

(d) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor,

(e) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation, and

(f) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.

CONDITIONS WHICH MUST BE SATISFIED DURING WORKS

34 The proposed development shall comply with the following:

(a) 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:

(i) Stating that unauthorised entry to the work site is prohibited;

(ii) 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;

(iii) The Development Approval number; and

(iv) The name of the Principal Certifying Authority including an after hours contact telephone number.

(b) Any such sign is to be removed when the work has been completed.

35 Excavation associated with this development shall cease immediately should groundwater be encountered, with

(a) Groundwater then being tested by a laboratory accredited by the National Association of Testing Laboratories (NATA) to NSW Office of Water suite of analytes; and

(b) No de-watering from the site will occur until (a) above has taken place.

A separate development application and approval from the NSW Office of Water is required for dewatering works.

36 During Works:

(a) The applicant shall conduct all demolition, excavation, 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 public roadways or footways or in any other locations, which could lead to

the discharge of materials into the stormwater drainage system or onto Council's lands.

(c) 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

(d) Shaker pads shall to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.

(e) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times.

(f) During Demolition, Excavation, Construction and any associated deliveries activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.

(g) 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.

37 During Excavation and Construction and any associated deliveries activities, 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 make 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.

38 During construction, the applicant is responsible for the installation and protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.

39 During excavation, construction and any associated delivery activities, the applicant shall ensure that all works and measures have been implemented in accordance with following approved plans at all times: -

(a) Approved Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan);

(b) Approved Construction Traffic Management Plan;

(c) Approved Construction Management Plan; and

(d) Approved Waste Management Plan;

All controls in the plans shall be maintained at all times and made available to council officers on request, and the principal contractor must install and maintain water pollution, erosion and sedimentation controls in accordance with the Protection of the Environment Operations Act 1997.

40 All works carried out on the public roads shall be inspected and approved by Council's engineer. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of constriction, encompassing not less than the following key stages: -

(a) Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/ constraints prior to commencement of the construction of the civil works associated with the road widening

(b) Prior to placement of concrete (kerb and gutter and footpath) and road pavement materials

(c) Prior to backfilling of proposed stormwater drainage system in the road reserve

(d) Council's inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for additional inspections required to be undertaken by Council.

41 Site Contamination and Remediation matters:

(a) To prevent contaminated soil being used onsite, any imported fill shall be certified VENM material and shall be validated in accordance with the Department of Environment, Climate Change and Water (DECCW) approved guidelines to ensure that it is suitable for the proposed development. Imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.

(b) 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.

(c) All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Department of Environment and Climate Change (DECC) Waste Classification Guidelines (2008) prior to being disposed of to a NSW approved landfill or to a recipient site.

42 Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.

43 The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW EPA Environmental Noise Control Manual.

44 All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.

45

(a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards, and all excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;

(b) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piering, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.

(c) As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

(i) Protect and support the adjoining premises from possible damage from the excavation, and

(ii) Where necessary, underpin the adjoining premises to prevent any such damage.

46 The following shall be complied with during construction and demolition:

(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:

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 20dB(A).

(ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

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

(i) Monday to Friday 07:00am to 06:00pm

(ii) Saturday 07:00am to 04:00pm

(iii) No Construction to take place on Sundays or Public Holidays.

(d) Silencing

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

47 The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW EPA Environmental Noise Control Manual.

48

(a) Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:

(i) Erection of public infrastructure 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,

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 clause must be completed before any other work is commenced.

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

49 Prior to the issue of any Interim or Final Occupation Certificate for the carpark:

(a) A maximum of one thousand six hundred and twenty-two (1622) car parking off-street parking bays shall be provided to the development in accordance with the approved plans.

(b) An amended landscape plan for the King Street setback shall be provided to, and approved by, Council if construction of the proposed hotel building has not commenced. The amended landscape plan is to provide species that are suitable to subdue and screen the carpark building when viewed from King Street.

(c) A Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority to the effect that the Floor Space Ratio (FSR) of the proposed carpark is a maximum of 2.74:1 (when calculated in accordance with the provisions of draft Botany LEP 2012) as approved under this Development Application, has been strictly adhered to and any departures are to be rectified in order to issue the Occupation Certificate.

50 Prior to the issue of any Interim or Final Occupation Certificate for the Hotel:

(a) A minimum of eighty (80) parking bays shall be allocated to the hotel component of the development, and an additional forty-eight (48) parking bays shall be available for use by the hotel in order to accommodate any required overflow parking demand from the hotel component of the development;

(b) A Plan of Management is required to be prepared demonstrating how the overflow parking will be managed.

(c) The applicant must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in Condition 23 have been carried out and certify that the construction meets the above requirements and the indoor sound levels of AS2021-2000. 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 Australia Acoustical Consultants).

(d) A Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority to the effect that the Floor Space Ratio (FSR) of the proposed hotel is a maximum of 1:1 (when calculated in accordance with the provisions of draft Botany LEP 2012) as approved under this Development Application, has been strictly adhered to and any departures are to be rectified in order to issue the Occupation Certificate.

(e) A report shall be submitted to Council confirming that the measures incorporated agreed in the Energy Efficiency Report listed in Condition 1 have been complied with. Amongst other matters, the report shall confirm that the development achieves a minimum 4.5 star NABERS rating (www.nabers.com.au).

51 Prior to the issue of any Occupation Certificate, documentation from suitably qualified engineer shall be submitted to the Principal Certifying Authority certifying that the loading area, taxi zone, bus zone, pick-up/drop-off zone, car parking areas (including queuing area, turning area and access ramps), driveways and vehicular access paths have been constructed generally in accordance with the approved construction plan(s) and comply with AS2890.1, AS2890.2, AS2890.3 and AS2890.6 requirements. The internal road network and parking area shall be clearly designated, sign posted and line marked. Signage and line marking shall comply with the current version of Australian Standards. All car parking bays in the proposed car parkig area shall have minimum dimension 2.6m x 5.4m (Category 4 Access Facility).

52 Prior to the issue of any Occupation Certificate, construction of the stormwater drainage system (including on-site infiltration/detention system and pump-out system) of the proposed development shall be completed generally in accordance with the approved stormwater management construction plan(s), Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', Australian Rainfall & Runoff (AR&R), AS 3500 and BCA.

Documentation from a qualified civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system (including on-site infiltration systems and pump-out system) has been constructed generally in accordance with the approved stormwater drainage construction plan(s) and accepted practice.

53 Prior to the issue of Final Occupation Certificate, maintenance schedule of the stormwater drainage system (including on-site infiltration/detention system and pump-out system) shall be prepared by a qualified engineer and submitted to Principal Certifying Authority. A copy of maintenance schedule shall also be submitted to Council for record purpose.

54 In order to ensure that the constructed on-site infiltration system and pump-out system will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. The relative location of the systems, in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/ forms. Proof of

registration shall be submitted to the Principal Certifying Authority prior to the issue of Final Occupation Certificate.

55 Prior to the issue of any Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.

56 Prior to the issue of any Occupation Certificate, the public domain civil works required by Condition No. 25 shall be completed to the satisfaction of Council.

57 Prior to the issue of any Occupation Certificate, the following documentation shall be submitted to Council and Principal Certifying Authority attesting this condition has been appropriately satisfied.

(a) Written confirmation / completion certificate obtained from RMS and Council's engineers

(b) Inspection reports (formwork and final) for the works on public domain and road reserve area obtained from Council's engineer

(c) A copy of the approved engineering construction plans showing Work-as-Executed details (together with an electronic copy (DWG format)) for all the civil works on public domain and road reserve area. The plan shall be prepared by a registered surveyor.

58 Prior to the issue of any Occupation Certificate, a Certificate of Survey from a registered surveyor shall be submitted to the Principal Certifying Authority to the effect that all reduced levels shown upon the approved plans, with relation to drainage, boundary and road reserve levels, have been strictly adhered to. The report shall also confirm that all works have been undertaken wholly within the subject site (with the exception of the public domain works required by conditions of consent).

59 Prior to issue of any Occupation Certificate:

(a) A Right of Way shall be created over the footpath and landscaped area located along the western boundary of the site connecting Ewan Street and King Street. The Right of Way shall be in the benefit of Botany Bay City Council. The area between the building structures and the sites western boundary shall be provided with high quality fences and lockable gates approved by Council in the position shown on the approved plans to ensure that the area can be secured by Council during the night time hours. Proof of registration of the Right of Way shall be submitted to the Principal Certifying Authority and a copy to Council

(b) The western setback area shall be provided with new paving, furniture and tree planting as shown in the approved landscape plan(s), to be installed by the applicant and at the applicant's expense.

60 Prior to the issue of any Occupation Certificate for the hotel building or the carpark building, a Workplace Travel Plan shall be developed, and submitted to Council in order to encourage staff to make good use of public transport, cycling, walking and car sharing for commuting work related journeys and reduce car based travel demand by staff. The plan shall generally include but not limited to the following: -

(a) Prepare Transport Access Guides (TAGs) for staff, visitors and hotel guests about information on how to reach the site via public transport, walking or cycling

(b) Encourage staff to cycle and/or walk to the workplace

(c) Encourage staff to use public transport to travel to workplace by providing financial incentive

(d) Adopt car sharing and /or car pool scheme

(e) Provide priority parking for staff with car pool

(f) Establish measurable targets on the number of staff trave to work by public transport, cycling and walking

61 Prior to the release of any occupation certificate 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.

62

Landscaping shall be installed in accordance with the approved amended landscape plan, 1804 LP-01 Issue 03, LP-02 Issue C and LP-03 Issue B, by John Lock & Assoc. prior to the issue of an Occupation Certificate. Amendments include substitution of 2 green walls with decorative architectural façade/fenestration treatment, planting to the service strip area in King Street and substitution of Black Bamboo with a clumping variety such as Bambusa textilis gracilis. The landscaped areas on the property shall be installed and maintained in accordance with the approved landscape documentation, the conditions of consent and Council's Landscape DCP at all times.

63 New street trees (Waterhousia floribunda Sweeper) shall be installed in the King Street nature strip in accordance with the approved landscape plan LP-01, Issue 03. Trees shall be sourced from a reputable supplier that grows to NATSPEC and a service enquiry is required prior to planting. The trees shall be planted in the minimum area required for the rootball, backfilled with imported soil/compost, water holding additive and fertiliser, Rootrain ag. pipe

watering system installed and mulched with leaf mulch to a depth of 100mm and at 1 metre diameter. The trees are to be double staked and tied. The Applicant is required to obtain a Council inspection of the new street trees prior to issue of the Occupation Certificate.

64 The Council nature strip shall be replaced in accordance with Council Specification at the completion of construction work and at the Applicant's expense. The service strip located between the public footway and the property boundary shall be landscaped with shrubs that attain a height of 500mm to adequately above ground screen electrical service pillars.

65

(a) All existing aboveground service cables, including power lines, telecommunications cables and other similar services ("overhead service cables") in the streets adjacent to and within the confines of the development site shall be placed underground at no cost to the Council in the following manner:

(i) Overhead service cables on the King Street frontage to be undergrounded, starting from the existing pole "A" to the existing pole "D" as shown on Plan No. 1.

(ii) Overhead service cables on the Ewan Street to be undergrounded, starting from the existing pole "A" to the existing pole "C" as shown on Plan No. 1.

(iii) Existing street lights located within the footpath reserve along the King Street frontages of the development site, being street lights identified as being located on poles "B" and "C" as shown on Plan No. 1 shall be replaced with new street lights in accordance with the requirements of Australian/New Zealand Standard AS/NZS 1158-1997 "Public Lighting Code" and the requirements of the Roads and Traffic Authority.

All of the works required by this condition must be completed prior to the issue of any Occupation Certificate.

(b) Prior to issue of any Occupation Certificate, approval shall be obtained from Council and the responsible utility authority for street lighting. Detailed street lighting design and construction plans, prepared by a suitably qualified person, shall be submitted to Council for approval. The design shall be in accordance with AS 1158 and to Energy Australia's requirements. Alterations/additions to street lighting shall be carried out by the responsible utility authority for lighting, or to the satisfaction of that authority, and all capital contributions associated with the installation of the lighting shall be borne by the applicant. The proposal shall include details of all fixtures being proposed and underground power reticulation shall be allowed for in the design. P2 lighting design category shall be provided to all street frontages of the site.

66 Prior to issue of a Final Occupation Certificate:

(a) A second Dilapidation Report, including a photographic survey shall be submitted at least one month after the completion of construction works. A copy of the second dilapidation report together with the accompanying photographs shall be given to Council, public utilities authorities and all immediate adjoining properties owners, and a copy lodged with Principal Certifying Authority.

(b) Any damage shown in the second dilapidation report that was not present in the first dilapidation report submitted to Council before site works have commenced in accordance with Condition No. 21, will be assumed to have been caused by the site works undertaken (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,

67

(a) Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.

(b) Condition No.'s 49 – 66 are pre-conditions to the issue of the Occupation Certificate.

CONDITIONS WHICH MUST BE SATISFIED WHEN THE PREMISES ARE OPERATIONAL

68

(a) The hotel and carpark uses shall be permitted to operate on a 24 hour basis, seven days per week.

(b)

(i) Within 18 months of the issue of an Occupation Certificate, either interim or final, the Applicant or Operator of the carpark shall engage a suitably qualified Traffic Engineer to prepare a report to be submitted to Council confirming that the forecasts contained in the Traffic Report prepared by John Coady Consulting (dated 8 August 2012) and listed under Condition 1 have been met in all respects.

(ii) Should the report in (b)(i) above demonstrate that the traffic impacts exceed the forecasts provided in the Traffic Report prepared by John Coady Consulting (dated 8 August 2012), the applicant is to engage a suitably qualified Traffic Engineer to give advice to the Council on what additional measures are required to enable the forecast of the traffic report to be met and a time period in which these measures shall be implemented.

(iii) Any additional measures required shall be implemented within 6 months of the date of the report (i.e. within 2 years of the date of approval of the development).

69 The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired in accordance with the maintenance schedule submitted to Council to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.

70 Prior to commencement of operations a maintenance schedule shall be submitted to the Principal Certifying Authority for approval as to the ongoing maintenance and upkeep of the finishes and materials to the building(s). This shall include, but not be limited to the following:

(a) The exterior of the buildings being painted at least once in every ten year period;

(b) The metal screens and any fencing to the building and site being protected against fading/discolouration and warping.

The maintenance schedule shall be complied with during ongoing use of the premises.

71 The ongoing operation of the hotel shall comply with the following additional requirements:

(a) The ancillary meeting rooms, bar and restaurant facilities located within the hotel shall be restricted for hotel guest / residents use only;

(b) Annual monitoring shall be undertaken to confirm that the hotel retains a minimum 4.5 STAR sustainability target in accordance with the National Australian Built Environment Rating System (NABERS);

(c) Two (2) taxi set-down/pick-up bays and one (1) bus zone shall be provided in the porte-cochere area and shall be set aside for pick-up/ set-down purpose only and shall not be used for other purposes. No vehicles shall be permitted to park in these areas.

72 The ongoing operation of the long-term public carpark shall comply with the security measures agreed by the applicant (Evenas Pty Ltd) in their letter dated 14 November 2011, the measures agreed in the letter response to the 20 August 2012 Design Review Panel (prepared by Vanovac Tuon Architects), and the relevant measure required by the NSW Police (Refer to Condition No. 13). The measures shall include, but not be limited to the following:

(a) Installation and operation of fixed CCTV cameras throughout the facility;

(b) Provision / Employment of a 24 hour security guard and a monitoring control room;

(c) Random security patrols (including external to the carpark) at all times of the day;

(d) Address the security guard access to security camera monitors at all hours of the day

(e) Parking levels will be numbered and / or identified with distinctive and bright colours; and,

(f) Integrated control system will be installed to record available parking on each floor level.

(g) Procedures for locking of the carpark after hours (which can be completely shut and secured), including provision to customers of an 'after hours' programmable electronic card.

73 The car parking bays shall be allocated as follow at all times during the ongoing use of the premises: -

(a) A minimum of eighty (80) parking bays shall be allocated to hotel component of the development;

Note: Forty-eight (48) parking bays of the proposed public car parking area shall be made available as required to accommodate any overflow parking demand from the hotel component of the development as agreed in the letter from John Coady Consulting dated 13 November 2012

(b) Forty (40) parking bays shall be dedicated as accessible parking bays.

(c) Secure bicycle parking shall be provided as shown in the approved plans.

74 The operation of the development and movements of vehicles for both the hotel and carpark uses shall comply with the following requirements: -

(a) The maximum size of vehicle accessing the porte-cochere area on King Street shall be limited to 8.8m long Medium Rigid Vehicle (MRV) (as denoted in AS2890.2), except the 10.5m long garbage collection vehicle. Use of any larger vehicle will be subject to further development application(s) and approval from Council;

(b) A maximum 10.5 m length garbage collection vehicle shall only be permitted to access the site. Such access shall be restricted to times outside of peak traffic periods only;

(c) All vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction;

(d) All vehicles shall leave the site via the King Street exits only;

(e) Garbage collection and loading and unloading activities associated with the delivery shall take place wholly within the dedicated loading area;

(f) For the Ewan Street vehicle, the following requirements shall be complied with: -

(i) The Ewan Street vehicle entrance shall be restricted to be used for ingress only;

(ii) Except for shuttle bus, authorised hire cars, tradesman's vehicles and vehicles/cars to transport flight crews to hotel, no public access shall be allowed to enter the car parking area via Ewan Street vehicle entrance. Suitably signage shall be installed accordingly;

(iii) The shuttle gate of Ewan Street vehicle entrance shall be closed at all times and shall only be operated by the hotel reception or carpark (security) office via intercom system only;

(iv) The maximum size of vehicle accessing the car parking area via Ewan Street vehicle entrance shall be restricted to 7m long and 2.6m high vehicles;

(v) The vehicular usage of Ewan Street (e.g. shuttle bus, car hire, tradesman's vehicles) shall not exceed 150 vehicles/ day;

(g) 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. Vehicle manoeuvring area shall be kept clear at all times;

(h) No deliveries to the premises shall be made direct from a public places, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve etc);

(i) Under no circumstance shall vehicles to queue on public places, public streets or any road related area (e.g. footpath, nature strip, road shoulder, road reserve etc) prior to entering the site;

(j) The occupier of the development shall make it a condition of the employment of any person employed on the premises that they shall park their vehicles, if any, in the employee parking area provided only. No employee shall be permitted to park on a common driveway, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve etc);

(k) The maximum number of delivery vehicle on-site at any one time shall be limited to one (1);

(l) The Operation Management Plan (for public car park) stated in the letter, by John Coady Consulting Pty Ltd, dated 28 Nov 2012 shall be implemented at all times; and

(m) The approved Workplace Travel Plan shall be implemented at all times.

75

(a) The use of the carpark shall comply with all requirements contained within the acoustic report submitted in accordance with Condition 18(b) of the consent at all times; and

(b) The use of the carpark and hotel shall not give rise to any of the following when measured or assessed at "sensitive" positions within any other property. These "sensitive" positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

(i) 'Offensive noise' as defined in the Protection of the Environment Operations Act 1997.

(ii) Transmission of vibration to any place of different occupancy above the requirements of AS2670.

(iii) The following additional criteria:

(1) 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).

(2) 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.

(3) 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.

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

77 Waste Management:

(a) The hotel shall activcly encourage recycling of materials within hotel rooms;

(b) The Waste Management Plan for the site prepared by VanavocTuon Architects dated 13 August 2012 shall be complied with at all times during ongoing use of the premises;

(c) All waste and recycling containers shall be stored in the designated waste storage area. The waste containers shall not be over filled and the lids kept closed at all times except when material is being put in them;

(d) No waste or waste containers shall be placed on the public way (including:footpaths, roadways, and reserves) at any time.

78 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. 11/121 dated as 29 June 2011 and that any alteration, variation, or extension to the building or use for which approval has been given, would require further Approval from Council.

Advisory Notes:

(1) Prior to the Occupation a sign shall be erected within or adjacent to the garbage room / bins and within each hotel room encouraging hotel staff, hotel guests and carpark patrons to recycle and not place recyclables into waste bins. The sign shall be clearly legible and A3 minimum within garage room areas. Details of an acceptable wording for the sign are available from Council's Internet site at http://www.botanybay.nsw.gov.au.

(2) Should this development generate trade wastewater, this correspondence does not guarantee the applicant that Sydney Water will accept the trade wastewater to its sewerage system. In the event trade wastewater is generated, the property owner is required to submit an application for permission to discharge trade wastewater to the sewerage system before business activities commence. A boundary trap will be required where arrestors and special units are installed for trade waste pre-treatment.

(3) The following notes are to be read in conjunction with Condition 10 and the letter from Sydney Airports Corporation Limited (SACL) dated 27 September 2011 which grants approval to the maximum height of the building to 48.06m:

(a) The DEVELOPMENT at 342 King Street, Mascot, lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations, which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

(b) In this instance, Peter Bleasdale as an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, and in his capacity as Airfield Design Manager, advised that

he has no objections to the erection of this structure to a height of 48.06 metres above Australian Height Datum.

(c) For further information on Height Restrictions please call Michael Turner on (02) 9667 9218.

(d) Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by up to 50 penalty units.

(e) The height of the prescribed airspace at the site is 49.0 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, "a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved".

(4) In order to maximise visibility, improve safety and reduce energy consumption in the basement car park, the ceiling should be painted white prior to operation.

(5) Ongoing maintenance of the nature strip shall be undertaken by the occupier or owner. Maintenance includes mowing, watering, removal of weeds and rubbish and maintaining an even coverage of grass at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees located on the nature strip under any circumstances at any time. Pruning work etc is undertaken by Council only.

(6) Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.

(7) The proposed development is to comply with the recommendations provided by NSW Police Botany Bay Local Area Command, dated 22nd November 2011 and 23 November 2012. The conditions are outlined as follows, and relevant details shall be included in the plans and documentation submitted with the Construction Certificate:

Surveillance

(a) As the proposed development may be exposed to Break Enter and Steals, Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, a closed circuit television system (CCTV) which complies with the Australian Standard — Closed Circuit Television System (CCTV) AS:4806:2006 needs to be implemented to receive, hold or process data for the identification of people involved in anti social or criminal behaviour. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation.

(b) This system should consist of surveillance cameras strategically located in and around the development to provide maximum

surveillance coverage of the area, particularly in areas which are difficult to supervise.

- Cameras should be strategically mounted outside the development buildings and within the car parking areas to monitor activity within these areas.

- One or more cameras should be positioned at the entry and exit points to monitor these areas (car park, foyer entrance)

(c) Digital technology should be used to receive, store and process data. Recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. This equipment needs to be checked and maintained on a regular basis.

(d) It is crucial even in the development stage that these cameras are installed as soon as power is available to the site.

(e) A monitored intruder alarm system which complies with the Australian Standard — Systems Installed within Clients Premises, AS:2201:1998 should be installed within the premises to enhance the physical security and assist in the detection of unauthorised entry to the premises. This standard specifies the minimum requirements for intruder alarm equipment and installed systems. It shall apply to intruder alarm systems in private premises, commercial premises and special installations. The system should be checked and tested on a regular (at least monthly) basis to ensure that it is operating effectively. Staff should be trained in the correct use of the system.

(f) The light emitting diodes (LED red light) within the detectors should be deactivated, to avoid offenders being able to test the range of the system.

(g) Consideration should also be given to incorporating duress facility into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery NB Duress devices should only be used when it is safe to do so

(h) By angling fire egress inlet walls 45 degrees or more, opportunities for entrapment, loitering and vandalism can be reduced.

(i) Care should be taken when using glazing in entry foyers. At night the vision of departing occupants can be affected by reflections on the interior of the glass (can't see outside). Mirroring can be reduced by using appropriate external lighting.

(j) The configuration of car parking spaces can impact the risk to car thieves. Grid rows increase natural surveillance. Avoid dark spots, corners and isolated car spaces.

(k) Public laundries, garbage disposal areas and other communal spaces should not be located in a buildings 'leftover space'. Poor supervision of communal facilities can greatly increase the risk of predatory crime, theft and vandalism. Areas that are unused or sporadically used after hours and unsupervised should not be accessible to the public.

(l) Uneven building alignments, insert doorways and hidden entrances should be avoided. They can facilitate predatory crimes, thefts, malicious damage and other offences.

(m) Bicycle parking areas should be located within view of capable guardians. The provision of covered lockable racks to secure bicycles increases the effort required to commit crime.

(n) Where views from the counter are restricted, the installation of convex mirrors to improve visibility from the console. Ensure the location of advertising does not impede the view from the console operator or surveillance cameras. Consideration should be given to the width, height and location of the counter areas. The counter should be designed to reduce the opportunity for assaults upon staff and unauthorised public access behind counters. It is advised that the minimum console width should be 900mm and height minimum 1000mm. Partitions fitted with doors should be installed to restrict access behind the counter areas.

Lighting

(a) Lighting (lux) levels for this development must be commensurate with a MEDIUM crime risk identified in this evaluation. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158.

(b) Lighting sources should be compatible with requirements of any surveillance system installed within the development. (Poor positioning choices in relation to light can cause glare on the surveillance screens).

(c) The luminaries (light covers) should be designed to reduce opportunities for malicious damage. Lighting within the development needs to be checked and maintained on a regular basis.

(d) A limited amount of internal lighting should be left on at night to enable patrolling police, security guards and passing people to monitor activities within the business.

(e) The floors should be finished with a suitable non slip glossy texture which will provide maximum light reflection.

Territorial Reinforcement

(a) Clear street number signs should be displayed and appropriately positioned at the front of the business to comply with Local Government Act, 1993 Section 124 (8). Failure to comply with any such order is an offence under Section 628 of the Act. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently $5500) for an individual and 100 penalty units (currently $11000) for the corporation. The numbers should be in contrasting colours to the building materials and be larger than 120mm.

(b) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime.

- Warning, trespasser will be prosecuted
- Warning, these premises are under electronic surveillance

Car park signage:

- Don't leave valuables in the car
- Warning, these premises are under electronic surveillance

(c) Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to the uses of the development. This can also assist in access control and reduce excuse making opportunities by intruders.

(d) A Fire Safety Statement must be prominently displayed within the development to comply with the Environmental Planning & Assessment Regulations (1994) Clause 80GB. The annual fire safety statement is a statement issued by the owner of a building.

(e) Signage needs to be provided at fire exits to assist customers to identify exits in emergency situations.

(f) Signage needs to be provided to assist staff and customers to identify fire suppression equipment, eg extinguishers, fire hoses etc.

(g) A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within 24 hours.

(h) Graffiti resistant materials and anti-graffiti coating should be utilised throughout the development.

Space Management

(a) An Emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organisation and Procedures for Buildings, Structures and Workplace, AS:3745:2002 should be prepared and maintained by your development to assist management

and staff in the event of an emergency. This standard sets out the requirements for the development of procedures for the controlled evacuation of the building, structures and workplaces during emergencies. Further information in relation to planning for emergencies can be obtained from Emergency NSW http://www.ememency.nsw.qov.au or Emergency Management Australia http://www.ema.qov.au.

(b) Maintenance policies need to be developed and implemented for the proposed development to deal with rubbish collection and disposal, damage and repairs to property, eg. Lighting and structures as quickly as possible.

Access Control

(a) The door and door frames to these premises should be of solid construction.

(b) Doors should be fitted with locks that comply with the Australian Standard – Mechanical Locksets for doors in buildings, AS:4145:1993, to restrict unauthorised access and the Building Code of Australia (fire regulations). This standard specifies the general design criteria, performance requirements and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical doorways, such as wooden, glass or metal hinged swinging doors or sliding doors in residential premises. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard (eg. Locking bars, electronic locking devices and detection devices) Dead locks are recommended for residential units.

(c) There are some doors within the premises which are designated as fire exits and must comply with the Building Code of Australia. This means that they provide egress to a road or open space, an internal or external stairway, a ramp, a fire isolated passageway, a doorway opening to a road or open space. The doors in the required exits must be readily open-able without a key from the side that face the person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2m from the floor.

(d) The windows and window-frames to these premises should be of solid construction. These windows should be fitted with locks with comply with the Australian Standard – Mechanical Locksets for windows in buildings, AS:4145 http://www.standards.orq.au to restrict unauthorised access. This standard specifies the general design criteria, performance requirements, and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical windows, such a wooden, glass or metal hinged swinging windows or sliding windows in residential and business premises, including public

buildings, warehouses and factories. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard. (e.g. locking bars, electronic locking devices, detection devices, alarms).

(e) The windows to the business need to be secured to restrict access and increase surveillance opportunities to and from the business. Shops and businesses should avoid obstructed windows and doors as these environments are considered attractive by many armed robbers and thieves. Display windows should be covered by no more than 15% of promotional materials to increase surveillance opportunities to and from the business. Glass within windows can be reinforced by either having a shatter-resistant film adhered internally to the existing glass, or by replacing the existing glass with laminated glass.

(f) As your business may deal in cash a robbery prevention program needs to be established to ensure that management and staff are aware of their responsibilities in the event of such an event taking place. Establish clear cash-handling procedures within your business to reduce opportunities for crime. Staff should be trained in cash handling procedures to reduce opportunities for crime. Limit the amount of money carried in the cash drawer at any time ($200.00 float). Lock cash drawers when not in use and clear money from the cash drawer on a regular basis, e.g. to a safe. Avoid counting cash in view of public. Use a minimum of two staff, or security services, when transferring money to financial institutions, or consider using a reputable security company especially when transferring large amounts of money. Avoid wearing uniform or identification when transferring money. Don't use conspicuous bank-bags when transferring money, as this can be a clear indication to the thief.

(g) Entrance doors to commercial premises should include an electronically operated lock, which can be locked after hours to control access to the development. Staff could release this lock electronically from the safety of the counter area once the customer has been identified. This locking mechanism should be activated during the hours of darkness.

(h) Any cash safe should be secured to the floor and placed away from view of the public. Staff should be trained in safe cash handling practices to minimise the loss of monies in the event of a robbery.

(i) Due to the high volume of vehicles expected and proposal to be in operation 24 hours a day it is HIGHLY recommended that 24 hour security is on site. This includes a gatehouse/security office at the main entrance or more appropriate location, guard access to security camera monitors and random guard patrols all hours of the day. An appropriate security management plan needs to be implemented and shown to Botany Council for viewing and approval.

<u>Ongoing Conditions</u>

(a) After the car park is in operation I would like to attend the site and complete a crime risk assessment to ensure the security measures put in place are effective in reducing crime. Please ask the operator of the car park to contact Senior Constable Martin Karajayli at Mascot Police Station on 8338 7475 at a convenient time.