

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

SUPPLEMENTARY REPORT

JRPP No	2014SYE068
DA Number	14/095/01
Local Government Area	Botany Bay City Council
Proposed Development	<p>Integrated Development comprising:</p> <ul style="list-style-type: none"> • Demolition of the remaining of the building structures on site; • Site preparation and site remediation works; • Construction of two new buildings comprising: <ul style="list-style-type: none"> - a thirteen storey (43.05m) hotel to O’Riordan Street including:- <ul style="list-style-type: none"> ○ 231 hotel rooms; ○ meeting and conference rooms; ○ gymnasium; ○ bar and restaurant; - nine storey (33.35m) commercial tower attached to the rear of the hotel including:- <ul style="list-style-type: none"> ○ five levels of car parking for 244 vehicles; ○ five levels (6,087m2) of commercial office space; and • Associated landscaping works and signage.
Street Address	185-191 O’Riordan Street, Mascot
Applicant/Owner	Goodman Property Services (Aust) Pty Ltd / Trust Company Limited
Number of Submissions	<p>First Round – 28 May to 27 June 2014 – No Submissions</p> <p>Second Round – 16 July to 16 August 2014 – No Submissions</p>
Regional Development Criteria (Schedule 4A of the Act)	The development application is referred to the JRPP pursuant to Clause 3 of Schedule 4A of the Act as the Capital Investment Value (CIV) of the proposal is over \$20 million. The CIV of this development \$57,249,462.00.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s79C(1)(a)(i) • List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) • List any relevant development control plan: s79C(1)(a)(iii) • List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) • List any coastal zone management plan: s79C(1)(a)(v) • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288

List All Documents Submitted With This Report For The Panel's Consideration	<ul style="list-style-type: none"> • Statement of Environmental Effects • Architectural Plans • Contamination Assessment • Traffic Impact Assessment • Geotechnical Assessment • Relevance of Previous Geotechnical Report • Arboricultural Impact Appraisal and Method Statement • Stormwater Management Report • Acoustic Assessment • Access Review • BCA Assessment Report • Site Establishment Plan • Waste Management Plan • ESD DA Report • Building Services DA Report • Wind Impact Assessment • Additional Information Response with amended plans
Recommendation	Consent, subject to condition
Report By	Elizabeth Chan, Senior Development Assessment Planner

Assessment Report and Recommendation Cover Sheet

EXECUTIVE SUMMARY

Development Application No. 14/095 (JRPP ref. 2014SYE0068) was received on the 3 May 2014. The application seeks consent for a hotel and commercial development at 185-191 O'Connell Street Mascot.

The report for this hotel and commercial development at 185-191 O'Connell Street Mascot was submitted to the Panel on 13 October 2014 and will be considered by the Panel at its meeting scheduled for the 22 October 2014.

Following the submission to the report to the Panel, a discussion was held between the applicant and the assessing officer regarding the content of the report and the proposed conditions of consent.

Subsequent to the review of the report, it is agreed by Council that the report shall be amended and reworded to clarify the development and conditions of the consent.

Proposed Minor Amendments / Clarifications

The following provides an assessment against relevant part of the report and conditions of consent:

Condition	Issues	Actions
Proposed Development (Cover page), Executive Summary , Description of Development and Recommendation	The report refers to a proposed 229 hotel rooms within the proposed thirteen storey hotel to O'Connell Street.	<p>The description of the proposal conflicts with the content of the report.</p> <p>Review of the architectural plans identified a total of 231 hotel rooms are proposed over thirteen storeys.</p> <p>It is noted that the assessment of the application and the content of the report, including the car parking assessment, are based on 231 hotel rooms. The proposed correction solely related to the misdescription to the proposed development only.</p> <p>Accordingly, all reference in the Proposed Development (Cover page), Executive Summary, Description of Development and Recommendation of the report regarding to the number of hotel rooms shall be amended to 231 hotel rooms to reflect the actual development.</p>

Condition	Issues	Actions
Condition No. 10 - Paving	The condition required all internal area to be unit paved and the driveway crossover to be constructed of plain broom finished concrete.	It is agreed by Council the condition could be deleted. However, details of the finishes for driveway, parking and pedestrian walkways should be provided to Council for approval prior to issue of the Construction Certificate.
Condition No. 38 & Acoustic Report Condition No. 89 & Acoustic Validation Report	The condition made reference to the Acoustic Report dated 12 December 2013.	Following the review of Council records confirmed the relevant acoustic report was prepared by Acoustic Logic Consultancy dated 15 April 2014 and received by Council on 2 May 2014. This is consistent with Condition No. 1 of the conditions of the consent. Accordingly, the date of the acoustic report made reference in Condition Nos. 38 and 89 shall be amended to show the correct date of the report.
Condition No. 40 - Landscape	Council request a detailed landscape plan to be submitted for Council's approval showing additional tree planting in the setback.	It is clarified by Council's Landscape Architect that the additional trees shall be provided within the front setback area. As such, the condition shall be reworded accordingly.
Condition No. 49 & Waste Management Plan (WMP)	The condition made reference to the WMP prepared by McKenzie Group for construction and demolition waste during demolition works and construction works.	The WMP prepared by McKenzie Group did provided details for waste management for ongoing operations of the development only. Therefore, waste management details for the demolition and construction works of the development shall be submitted for Council's approval prior to the issue of the Construction Certificate. As such, Condition No. 49 shall be reworded to make reference this future WMP. This is consistent with the assessment report and the conditions of consent.
Condition No. 111 & Staff located on ground floor lobby	The condition request at least one staff to be located on the ground floor lobby of the hotel at all times.	Whilst there will be at least one staff located in the lobby of the hotel at any time, it is agreed by Council that the requirement shall be included as part of the operation practice for the hotel in the future. As such, the condition shall be deleted from the consent. However, Condition No. 94 in relation to the provision of the Plan of Management for the hotel and restaurant/bar will be reworded to include this matter.

Condition	Issues	Actions
Condition No. 112 ó Waste Collection	Council requested that all waste and recycling containers to be collected during daylight hours.	<p>It is advised by the applicant that the waste collection service will be provided by a private contractor. Details regarding the waste collection service can be provided as part of the Plan of Management of the hotel.</p> <p>Accordingly, it is agreed by Council that the condition to be removed from the conditions of the consent. However, similar to the staff attendance condition, Condition No. 94 in relation to the provision of the Plan of Management for the hotel and restaurant/bar will be reworded to include details of waste collection service.</p>

Conclusion

Council recommends that the minor changes to the conditions following discussions with the applicant be noted. In addition, it is clarified that there are 231 rooms not 229 rooms in the hotel. A revised set of conditions is attached to reflect these changes.

RECOMMENDATION

That the Joint Regional Planning Panel (JRPP) for the Sydney East Region, as the Consent Authority, resolves to:

approve Development Application No. 14/095 for the Demolition of the remaining of the building structures on site; undertake site preparation and site remediation works; construction of two new buildings comprising a thirteen storey hotel with 231 hotel rooms, meeting and conference rooms, gymnasium, bar and restaurant; and a nine storey commercial tower with five levels of multi-level car parking for 244 vehicles and five levels (6,087m²) of commercial office space; and undertake associated landscaping works at 185-191 O'Riordan Street, Mascot, subject to the following conditions.

CONDITIONS OF CONSENT (Amended)

GENERAL CONDITIONS

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

Drawing No.	Plan Description	Issue	Author	Dated Received by Council
DA-000	Locality Plan / Drawing List	A	WMK Architecture	Dated Mar 2014 and received by Council on 2 May 2014
DA-050	Demolition Plan	A		
DA-100	Site Plan	A		
DA-C099	Commercial Lower Ground Floor Plan	C		Dated 8 Aug 2014 and received by Council on 12 Aug 2014
DA-C100	Commercial Ground Floor Plan	C		
DA-C101	Commercial Floor Plan Level 1	C		
DA-C102	Commercial Floor Plan Level 2	C	WMK Architecture	Dated 8 Aug 2014 and received by Council on 12 Aug 2014
DA-C103	Commercial Floor Plan Level 3	C		
DA-C104	Commercial Floor Plan Level 4	C		
DA-C105	Commercial Floor Plan Level 5, 6 & 7	A		
DA-C106	Commercial Floor Plan Level 8	A		
DA-C107	Commercial Roof Plan	A		
DA-H100	Commercial Floor Plan Level 1	A		
DA-H100	Hotel Ground Level	A		
DA-H101	Hotel Level 1 Plan	A		
DA-H102	Hotel Level 2 Plan	A		
DA-H103	Hotel Levels 3 - 10 Plan	A		
DA-H104	Hotel Level 11 Plan	A		
DA-H105	Hotel Level 12 Plan	A		
DA-H106	Hotel Roof Plan	A		
DA-500	East Elevation	A		
DA-501	North Elevation	A		
DA-502	West Elevation	A		
DA-503	South Elevation	A		
DA-504	Internal Elevations	A		
DA-505	Internal Elevations	A		
DA-550	Streetscape Elevations	A		
DA-600	Section 01	A		
DA-601	Section 02	A		
DA-602	Section 03	A		
DA-800	Area Plans	A		
DA-801	Area Plans	A		
DA-900	Shadow Diagrams	A		
DA-910	External Finishes	A		
DA-920	Perspective - Hotel	A		
DA-921	Perspective - Commercial	A		
DA-922	Perspective - Podium	A		
000	Coversheet	A	Site Image	Dated 30 Apr 2014

Drawing No.	Plan Description	Issue	Author	Dated Received by Council
101	Landscape Plan Level 1	A	Landscape Architect	and received by Council on 2 May 2014
102	Landscape Plan Level 2	A		
102	Landscape Plan Commercial Roof	A		
501	Landscape Details	A		
C100	Landscape Colour Composite Plan	A		
601	Landscape Elevations Ground Floor	A		Received by Council on 2 May 2014
602	Landscape Sections Podium Level	A		Dated 29 Apr 2014 and received by Council on 2 May 2014
002	Site Plan	C		Dated 30 Apr 2014 and received by Council on 2 May 2014
003	Pedestrian Circulation	C		
004	Presentational Street Frontage	C		
005	Hotel Ground Floor Sections	C	Site Image Landscape Architect	Dated 30 Apr 2014 and received by Council on 2 May 2014
006	Inaccessible Hotel Podium Landscape (Level 2)	C		
007	Podium Level Sections	C		
008	Commercial Rooftop	C		
009	Planting Palette	C	Aurecon Australia Pty Ltd	Dated 28 Apr 2014 and received by Council on 2 May 2014
SK-001	Existing Services Layout	A		
SK-002	Proposed Stormwater Layout	B		
SK-003	Erosion and Sediment Control Plan	B		
SK-004	Erosion and Sediment Control Details	A		

Document(s)	Author	Date received by Council
Statement of Environmental Effects	Mckenzie Group	Dated Apr 2014 and received by Council on 2 May 2014
Contamination Assessment	HLA-Envirosciences Pty Ltd (HLA ENSR)	Dated 9 Nov 2007 and received by Council on 2 May 2014
Traffic Impact Assessment	Traffix	Dated 1 May 2014 and received by Council on 2 May 2014
Geotechnical Assessment	Douglas Partners Pty Ltd	Dated May 2008 and received by Council on 2 May 2014
Amende	Douglas Partners Pty Ltd	Dated 29 Apr 2014 and received by Council on 2 May 2014
Arboricultural Impact Appraisal and Method Statement	Naturally Trees	Dated 4 Apr 2014 and received by Council on 2 May 2014
Stormwater Management Report	Aurecon Australia Pty Ltd	Dated 30 Apr 2014 and received by Council on 2 May 2014
Acoustic Assessment	Acoustic Logic Consultancy	Dated 15 Apr 2014 and received by

Document(s)	Author	Date received by Council
	Pty Ltd	Council on 2 May 2014
Access Review	Morris-Goding Accessibility Consulting	Dated 1 May 2014 and received by Council on 2 May 2014
BCA Assessment Report	Blackett Maguire + Goldsmith	Dated 1 May 2014 and received by Council on 2 May 2014
Site Establishment Plan	WMK Architecture	Dated 17 Apr 2015
Waste Management Plan	Mckenzie Group	Dated Apr 2014 and received by Council on 2 May 2014
ESD DA Report	Aurecon Australia Pty Ltd	Dated 28 Apr 2014 and received by Council on 2 May 2014
Building Services DA Report	Aurecon Australia Pty Ltd	Dated 30 Apr 2014 and received by Council on 2 May 2014
Fire Safety Strategy	RAW Fire Safety Engineering	Dated 1 May 2014 and received by Council on 2 May 2014
Wind Impact Assessment	Cermak Peterka Petersen	Dated Apr 2014 and received by Council on 2 May 2014
Additional Information Response	Mckenzie Group	Dated 11 Aug 2014 and received by Council on 12 Aug 2014

No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.

2. The applicant must Prior to the issue of the stamped plans, pay the following fees:
 - a) Development Control \$1,350.00
3. This Consent relates to land in Lot 1 DP804703 and as such, building works must not encroach on to adjoining lands or the adjoining public place, other than public works required by this consent.
4. 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.
- 5.

- a) All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA); and
- b)
 - i) The basement car park must be designed and built as a "fully tanked" structure; and
 - ii) The limitations of the BCA Performance Provision FP1.5 do not apply to the Class 7 part of the building.
- 6. No signage, other than signage permitted as exempt or complying development, shall be installed or displayed at the premises without a development application being lodged with Council and consent thereto being given by Council in accordance with Council's guidelines and *State Environmental Planning Policy No. 64*.
- 7. Any electrical kiosk/substation, fire booster assembly or similar utilities must be located within the building structure only and not within the landscaped street setback so as not to reduce the visual amenity of the development or the streetscape and public domain. The location of these utilities is to be approved by Council's Landscape Architect. Any sub-surface OSD tank or infiltration trench is required to be located underneath paved areas so as not to reduce deep soil landscaped areas on the property or limit the planting of new trees. Similarly, these utilities shall not be located within the dripline of existing trees or within an area extending 6m of the dripline of existing trees. Excavation proximate to trees shall be carried out manually using hand tools, or with small machinery to minimise tree root damage, disturbance or soil compaction.
- 8. The Applicant has permission to remove street trees No. 4, 9-15 as shown on the approved Landscape Plan prepared by Site Image Landscape Architects (dated 30 April 2014) at their own expense. The tree may only be removed after a Construction Certificate has been issued. A qualified Arborist with their own public liability insurance must be engaged. All work is to take place on the Council road reserve with the appropriate safety and directional signage implemented to ensure public safety and access otherwise road and footpath closures require a Council Road Occupancy Permit. A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities. Council will take no responsibility for any damage incurred to persons, property or services during the tree removal works.
- 9. 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, where provided. 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.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

10. The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) and must be complied with:
- a) The property development at 185-191 O'Riordan Street Mascot lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations, which limit the height of structures to 50ft (15.24m) above existing ground height (AEGH) without prior approval of this Corporation;
 - b) The Civil Aviation Safety Authority (CASA) have no objection to the proposed development to a maximum height of 51m above Australian Height Datum (AHD);
 - c) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc;
 - d) Should you wish to exceed the above height, a new application must be submitted. 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. SACL advises that 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 AHD, of any temporary structure or equipment i.e. construction cranes, intended to be used in the erection of the proposed structure/activity; and
 - iv) the period of the proposed operation (i.e. construction cranes) and desired operating hours for any temporary structures.
 - e) 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;
 - f) For further information on Height Restrictions please contact Mr Peter Bleasdale on 02 9667 9246;
 - g) 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 a fine of up to 50 penalty point;
 - h) The height of the prescribed airspace at the site is 51m 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, protrude into PANS OPS airspace for the Airport, cannot be approved;

Bird and Obstacle Hazard Management

- i) 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 landscape design;
- j) 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; and
- k) All trees to be planted shall not be capable of intruding into the Obstacle Limitation Surface when mature.

Planning for Aircraft Noise and Public Safety Zones

Current planning provisions Section 117 Direction 3.5 NSW *Environmental Planning and Assessment Act 1979* for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use the land planning tool for Sydney Airport was endorsed by Airservices on 13 March 2009 (Sydney Airport 2029 ANEF).

Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

- 11. The following conditions are imposed by the Ausgrid:
 - a) The Applicant shall make provision of accommodation for an electricity substation within the premises.
- 12. The following conditions are imposed by NSW Office of Water:

General

- a) An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorization;
- b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation;

- c) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater;

Prior to excavation

- d) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report;
- e) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence;
- f) A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water;
- g) Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria;
- h) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes referred to as 'tailwater') must comply with the provisions of the *Protection of the Environment Operations Act 1997* (POEO Act) and any requirements of the relevant controlling authority; and
- i) Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the POEO Act 1997. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- j) Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows;
- k) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge;
- l) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased;
- m) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with;
- n) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remedial action plan) shall not be compromised by the dewatering activity;
- o) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation;
- p) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures; and

Following excavation

- q) All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

13. The following conditions are imposed by NSW Roads and Maritime Service (RMS):

- a) Roads and Maritime has previously acquired a strip of land for road along O'Riordan Street frontage of the subject property, as shown by blue colour on the attached aerial.

A strip of land has previously been dedicated as Public Road by private subdivision, along the O'Riordan Street frontage of the subject property, as shown by yellow colour on the attached aerial.

Roads and Maritime has no other approved proposal that requires any part of the subject property for road purposes;

- b) The development site is within an area currently being investigation for road improvement works along O'Riordan Street.

There are currently no plans that require acquisition from this property beyond the land that was previously dedicated as public road;

- c) The comments provided in the former Roads and Traffic Authority's letter dated 5 February 2010 are applicable (with exception of Point 1 and Point 3) to the subject development application;
- d) The ingress and egress for the proposed development should be made available as a right of way for the future Stage 1 and 2 development;
- e) The proposed development should be designed such that road traffic noise from O'Riordan Street and Bourke Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of *State Environmental Planning Policy (Infrastructure) 2007*;
- f) Council should ensure that post development storm water discharge from the subject site into the Roads and Maritime drainage system does not exceed the pre-development discharge;

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works. Details should be forwarded to:

The Sydney Asset Management
PO Box 973
Parramatta CBD NSW 2134

A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirement, please contact the RMS Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766;

- g) The layout of the proposed car parking areas and access driveway associated with the subject development (including, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS2890.1-2004;
- h) Off street parking shall be designed and constructed in accordance with AS2890.1-2004; and
- i) All works regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

14. The following conditions are imposed by the NSW Police Service:

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 surveillance system (CCTV) which complies with the Australian Standard - Closed Circuit Television System (CCTV) AS4806-2006 needs to be implemented to receive, hold or process data for the identification of people involved in anti-social behaviour. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation;
- (b) The system needs to 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.
 - i) Cameras should be strategically mounted outside the development buildings and within the car parking areas to monitor activity within these areas.
 - ii) 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 need 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 monitor intruder alarm system which complies with the Australian Standard 6 Systems installed within Clients Premises, AS2001-1998 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 system. It shall apply to intruder alarms 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 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 reduces;

- (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 (cannot 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 used or sporadically used after house and unsupervised should not be accessible to the public;
- (l) Uneven building alignments, inset 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; and
- (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.

Lighting

- (o) 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;
- (p) 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);
- (q) 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;
- (r) 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; and
- (s) The floors should be finished with a suitable non slip glossy texture which will provide maximum light reflection.

Territorial Reinforcement

- (t) 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 *Local Government Act 1993*. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5,500.00) for an individual and 100 penalty units (currently \$11,000.00) for the corporation. The numbers should be in contrasting colours to the building materials and be larger than 120mm;
- (u) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime. These signs included:
 - i) Warning, trespasser will be prosecuted;
 - ii) Warning, these premises are under electronic surveillance;
 - iii) Don't leave valuables in the car;
 - iv) Warning, these premises are under electronic surveillance;
- (v) Directional signage should be posted at decision making points (e.g. 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;
- (w) 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;
- (x) Signage needs to be provided at fire exits to assist customers to identify exits in emergency situations;
- (y) Signage needs to be provided to assist staff and customers to identify fire suppression equipment, e.g. extinguishers, fire hoses etc.;
- (z) 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;
- (aa) Graffiti resistant materials and anti-graffiti coating should be utilised throughout the development;
- (bb) The exterior walls of the car park and commercial building must be constructed of materials that do not encourage graffiti. Solid concrete walls are an easy target as a canvass for graffiti offenders. Consider other materials and designs or even the use of vegetation to restrict the opportunities for graffiti. (Vegetation that covers solid plain walls).

Space/Activity Management

- (cc) An Emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organisation and Procedures for Buildings, Structures and Workplace AS3745:2002 should be prepared and maintained by the 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.emergency.nsw.gov.au> or Emergency Management Australia <http://wwwvwww.ema.gov.au>; and
- (dd) Maintenance policies need to be developed and implemented for the proposed development to deal with rubbish collection and disposal, damage and repairs to property, e.g. Lighting and structures as quickly as possible.

Access Control

- (ee) The door and door frames to these premises should be of solid construction;
- (ff) Doors should be fitted with locks that comply with the Australian Standard 6 Mechanical Locksets for doors in buildings, AS4145-1993, to restrict unauthorised access and the BCA (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 (e.g. Locking bars, electronic locking devices and detection devices) Dead locks are recommended for residential units;
- (gg) 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;
- (hh) 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 6 Mechanical Locksets for windows in buildings, AS4145 <http://www.standards.org.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);

- (ii) 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;
 - (jj) 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;
 - (kk) 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;
 - (ll) There needs to be a limit to how many exit and entry points are available to the car park; and
 - (mm) Vertical fencing/barriers are required around the car park to restrict access and reduce the opportunity for offenders to climb the exterior.
15. The following conditions are imposed by Sydney Water:
- (a) The applicant is required to identify the exact location of the stormwater channel prior to commencement of work at the site and need to ensure all proposed structures are 1m away from the actual location of the stormwater channel. Depend on the actual location of the channel some changes may require. For the construction purpose, location of the easement position cannot be considered as location of the actual position of the channel;
 - (b) Details of the access arrangement across the stormwater channel is to be provided. Proponent should ensure that the access arrangement across the stormwater channel should not impede the overland flow through the site.
 - (c) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.

Note: Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other

services and buildings, driveways or landscape designs. Applications must be made through an authorised Water Servicing Coordinator. For help either visit wwwv.sydneywatercom.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

16. The following conditions are imposed by Sydney Trains:

- a) All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
 - Geotechnical Investigation Report prepared by Douglas Partners dated 2 May 2008 (Ref 45466)
 - Correspondence from Douglas Partners titled "Relevance of Previous Geotechnical Report" dated 29 April 2014 (Ref 45466.02)
 - Correspondence from Douglas Partners titled "Impact of Proposed Development on Airport Line Tunnel" dated 29 April 2014 (Ref 45466.02)
 - Correspondence from McKenzie Group detailing Construction Methodology dated 18 August 2014
 - Correspondence from Aurecon dated 18 August 2014 Drawing No. SK-140730 - Issue P4 - March 2014 prepared by WMK Architecture.

Shall subject to the following modifications:

- i) Prior to piling works being undertaken the Applicant shall advise Sydney Trains of the preferred footing/piling system to be utilised. These footing/piles shall not be installed until endorsement from Sydney Trains has been obtained.
- b) All excavation/ground penetration works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects. This notation is to be added to all the structural drawings.
- c) No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- d) The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.
- e) If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure (including tunnels) and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- f) The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- Machinery to be used during demolition, excavation/ground penetration and construction
- g) It should be noted that excavations undertaken in rock are to maintain and limit vibration levels to levels that will not adversely impact Sydney Trains assets.
 - h) An acoustic assessment is to be submitted to Council and RailCorp prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines" The Applicant must incorporate in the development all the measures recommended in the report to control that risk, A copy of the report is to be provided to the Principle Certifying Authority with the application for a Construction Certificate.
 - i) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
 - j) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
 - k) Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor. The Applicant is to contact the Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principle Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
 - l) Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
 - m) Prior to the issuing of an Occupancy Certificate the Applicant shall provide Sydney Trains and Council as-built drawings and survey locating the development with respect to any rail boundary, Sydney Trains easement and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative. The as-built survey is to confirm that there has been no encroachment into any Sydney Trains land or easement area.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION OR BUILDING WORKS

17. Prior to any excavation works an acid sulfate soil (ASS) assessment shall be undertaken to determine the presence and extent of any ASS at the site.

Should any potential acid sulfate soil (PASS) or actual acid sulfate soil (AASS) be identified then the an Acid Sulfate Soils Management Plan shall be prepared which shall include any site specific procedures and mitigation measures required and a site analysis from a NATA registered laboratory. All recommendations of the report shall be implemented prior to the commencement of excavation and building works.

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

18. The City of Botany Bay being satisfied that the proposed development will increase demand for services and facilities within the area. Therefore, the Section 94 Contributions are required to be paid in accordance with Council's *Section 94 Contribution Plans 2005-2010* a sum of **\$900,430.14** listed below towards the provision of services is to be paid to Council prior to the issuing of an Construction Certificate.

i)	Community Facilities	\$99,197.00
ii)	Administration	\$16,086.00
i)	Shopping Centre Improvements	\$72,004.00
ii)	Open Space & Recreation	\$668,335.00
iii)	Transport Management	\$44,080.14

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 fees applicable at that time.

19. Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of **\$186,000.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
20. The Applicant is to submit payment for a Tree Preservation Bond of **\$45,000.00** to ensure protection of all trees required to be retained/transplanted 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 a qualified Arborist. If a tree was found to be in decline, damaged (including roots), dead or pruned without Council permission or, if tree protection measures were not satisfied at any time,

then Council will forfeit all, or part thereof, of the bond. The Tree Preservation Bond was calculated using the Thyer Tree Evaluation method.

21. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
22. Details of all internal access driveways, parking areas and pedestrian walkways shall be submitted for Council's approval prior to the issue of the Construction Certificate.
23. A Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced contaminated land consultant and in accordance with:
 - a) NSW Office of Environment and Heritage (OEH) *Contaminated Sites & Guidelines for Consultants Reporting on Contaminated Sites*;
 - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
 - c) *State Environmental Planning Policy 55 (SEPP55) – Remediation of Land*.

The RAP shall incorporate all findings and recommendations in the Phase 1 Preliminary Site Assessment and Phase 2 Detailed Site Assessment for the site, shall include the decommissioning and removal of all underground storage tanks, it shall clearly state proposed clean-up objectives, and demonstrate how the site will be made suitable for the proposed hotel use.

The RAP shall be submitted to Council for review and concurrence prior to the commencement of any remedial action and prior to the issue of a Construction Certificate.

24. A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004) and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.

25. A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or reuse on site. Details of this area shall be provided in the Soil and Water Management Plan (SWMP) prior to the release of the construction certificate.
26. This plan shall incorporate and reference the construction environmental management plan and address site limitations.

27. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and Roads and Maritime Service (RMS) infrastructure shall be submitted to Council and Principal Certifying Authority.

The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

28. A Construction Management Program shall be submitted to, and approved in writing by the Council prior to the issue of a Construction Certificate. The program shall detail:
- a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed;
 - b) The proposed phases of construction works on the site and the expected duration of each construction phase;
 - c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
 - d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
 - e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
 - f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
 - g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
 - h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent;
 - i) Proposed protection for Council and adjoining properties, and
 - j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.

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

29. A detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Service) for approval. The plan shall:
- a) be prepared by a RMS accredited consultant;
 - 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) during construction, if access from O'Riordan St is required, the applicant is to submit documentary evidence to the Principle Certifying Authority that the required Section 138 Consent under the *Roads Act 1993* has been issued by the RMS; and
 - d) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

30. Prior to the issue of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:
- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS2890.1 and Council requirements.; and
 - b) For commercial developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure.
31. Prior to the issue of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:
- a) All service vehicles shall enter the property front in front out;
 - b) Demonstrate safe headroom clearance of 4.5m is achieved in the driveway entrance and along the travel path, parking and manoeuvring areas of a Medium Rigid Vehicle (MRV), including Council's Garbage Truck;
 - c) Swept path analysis shall be provided for manoeuvring of commercial vehicles; and

- d) A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.
32. Prior to the issue of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:
- a) A minimum six (6) disabled car parking spaces shall be provided and clearly marked as per the Traffic Impact Assessment Report by Traffix, dated 1 May 2014, Australian Standards AS2890.6 and Council requirements, and
 - b) All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS2890.6 and Council requirements.
33. Planter boxes constructed over a concrete slab/podium shall be built in accordance with the following requirements :
- a) Ensure soil depths in accordance with Council's *Landscape Technical Guidelines for Development Site*. 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.
 - b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - c) 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 of the external face of the planter. All internal sealed finishes are to be sound 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.
 - d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with the current Australian Standards AS4419 and AS3743. Install drip irrigation including to lawns.
 - e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
34. Prior to the issue of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Engineering and Regulatory Services Department, showing the method of access of building materials and plant to the property, and storage location on the property during construction and shall include all existing structures.
35. Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction.

Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

36. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval.

The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's *Stormwater Management Technical Guidelines* (STMG), AS/NSZ 3500 6 Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.

The plans shall incorporate but not be limited to the following:

- (a) Provision of an On-site Infiltration system in accordance with but not limited to Part 5 of the STMG. A part infiltration, part OSD system may be considered in exceptional circumstances when it can be demonstrated to Council that all other options to regulate the discharge from the site have been exhausted;
- (b) Infiltration rates shall be determined by a suitably qualified geotechnical engineer and shall be part of the geotechnical report submitted to Council or alternatively the rate of $0.25\text{L/m}^2/\text{s}$ shall be used;
- (c) Provision of a minimum 10kL rainwater tank collection system for internal reuse in accordance with Section 4 of Botany Bay's SMTG;
- (d) The rainwater tank size shall be designed based on a supply/demand management approach. In addition, please note that in order to contribute to environmental sustainability and apply Water Sensitive Urban Design (WSUD) principles, consideration can be given to offset the storage requirements of the onsite infiltration system provided that the rainwater tank for reuse and all downpipes are connected to the rainwater tank. The volume to be offset from the onsite infiltration system is equivalent to 50% of the size of the rainwater tanks;
- (e) No pump-out shall be used to drain seepage from the basement due to the elevated water table level. That is the basement shall be designed as a 'fully tanked' structure;
- (f) The pump-out can only be utilized to dispose runoff that may enter the basement carpark from driveway access to the basement;
- (g) The pump out system from the basement carpark proposed shall discharge to the on-site stormwater infiltration system;
- (h) If an OSD system is proposed, incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG;
- (i) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site;

- (j) Any stormwater discharge to Council's Kerb and Gutter is limited to 10L/s. If higher discharge is proposed, provision must be made to connect to Council's pit and pipe system.

Note: Maximum permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the 'State of Nature' condition (i.e. the site is totally grassed/turfed), rather than pre-development condition. This condition only applies in the event that an OSD system has been approved by Council. This approval must be given in writing; and

- (k) The submission of detailed calculations including computer modelling where required to support the proposal.

- 37. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and Principal Certifying Authority.

The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

- 38. The measures in the acoustical report prepared by Acoustic Logic Consultancy Pty Ltd and received by Council 2 May 2014, shall be undertaken in accordance with the provisions of Australian Standards AS2021-2000: 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 Australian Standards AS2021-2000 shall be incorporated into the construction of the building.

The work detailed in the report includes:

- a) Appropriate acoustic glazing as per Table 6 and Table 7 of the report to all stated windows and doors. Acoustic seals should be provided to all windows. Greater glazing thicknesses may be required for structural and wind loading;
- b) External walls shall have a sound isolation rating of at 15dB higher acoustic performance than that of the acoustic glazing specified;
- c) Roof/ceiling constructions shall have a sound isolation rating R_w of at least 10dB higher than that of the acoustic glazing on the façade walls; and
- d) Acoustically treated mechanical ventilation.

- 39. A Waste Management Plan prepared in accordance with Council's Waste Management and Minimisation Guidelines Development Control Plan shall be submitted to the Council for approval prior to the release of the Construction Certificate. The Waste Management Plan shall include the size and storage of bins, the collection point for the waste contractor recycling contractor, maintenance of the bins and the provision of recycling and composting facilities.

40. The landscape plan by Site Image Issue C is a concept plan only and shall be the subject of detailed landscape documentation to be submitted to and approved by the City of Botany Bay's Landscape Architect. The plan shall be developed to include additional tree planting within the front setback to ameliorate the development to Council's satisfaction. Following approval of the detailed landscape documentation by Council, landscaping shall be installed and maintained in accordance with the approved documentation and the landscape requirements of BBDCP 2013.
41. The public domain and Council footpath area shall be upgraded with new paving, street furniture, street tree planting and landscaping installed by the Applicant at their expense. A comprehensive and detailed public domain plan is required to be submitted for approval by City of Botany Bay's Landscape Architect. All improvements shall be in accordance with Council Landscaping and Engineering specifications and requirements, and shall be constructed and complete prior to the issue of an Occupation Certificate.
42. The Applicant shall submit to Council details of the construction and fit out of the food premises. Such details must demonstrate compliance with the following requirements:
- a) the *Food Act 2003*,
 - b) *Food Regulations 2004*;
 - c) the Food Standards Code as published by Food Standards Australia and New Zealand; and
 - d) the Australian Standards AS4674-2004: Construction and fit out of food premises.

Details to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

43. To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
 - b) Negotiate with the utility authorities (e.g. Ausgrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - i) The additional load on the system, and
 - ii) The relocation and/or adjustment of the services affected by the construction.
 - c) As part of this development, the Ausgrid lighting poles along O'Riordan St, will need to be decommissioned and new lighting poles shall be constructed satisfying V2 lighting requirements and any other requirements as specified by Council, RMS and any other service provider;
 - d) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and

- e) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate.

Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.

- 44. Should any excavation occur at a level equivalent to 5m below existing ground level at the lowest point of the site an Acid Sulfate Soils Management Plan (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. This plan shall include any site specific procedures and mitigation measures required and shall include a site analysis from a NATA registered laboratory. The plan shall provide details of the following:

- (a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
- (b) Management of acid sulfate soil affected excavated material;
- (c) Measures taken to neutralise the acidity of any acid sulfate soil affected material; and
- (d) Run-off control measures for the acid sulfate affected soil.

This report shall be provided prior to the issue of a construction certificate and all recommendations of the report shall be implemented during works on site.

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

- 45. In order to ensure that the trees numbered in the Arborist report dated April 2014 as No. 1, 2 & 3 (Figs), Brush Box, No. 6 & 7 (Council street trees), the Council Plane Tree at the northern end of the site located adjacent Fig Tree No. 5 and No. 5 Fig (to be transplanted) are retained and protected during construction, and their health and structural stability ensured, the following is required:

- a) Engage the a Project Arborist for the duration of the project for the establishment of TPZs, protective materials and all tree root and canopy work to trees. Comply with recommendations and requirements and the Method Statement within the Arboricultural Impact Appraisal by Naturally Trees dated April 2014.
- b) Trees to be retained are to be tagged with clearly visible marking tape at a height of approximately 2m from ground and numbered with the corresponding number in the Tree Report.
- c) Prior to commencing demolition the trees are 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 all construction is complete. The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction.

- d) If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian or carpet underlay to a height of 2.5m or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).
- e) Before any works commence on site, the Applicant is required to contact Council for an inspection of the fenced TPZ's. Council approval is required prior commencement of any work.
- f) All detailed Construction Certificate plans shall show trees to be protected and the TPZ.
- g) Tree No. 5 shall be transplanted on site to the west of Tree No. 1 as required under DA 08/287. Tree to be transplanted in accordance with the Project Arborist requirements only.
- h) All TPZ's as well as the entire Council nature strip are a "No-Go" zone. There shall be no access, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers etc., no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of the Project Arborist.
- i) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.
- j) Comply with AS4970-2009 Protection of Trees on Development Sites for the duration of the project.
- k) Excavation within the canopy dripline or within an area extending 5m outward of the canopy dripline, or as nominated by the Project Arborist, shall be carried out manually using hand tools to minimise root damage or disturbance.
- l) Tree roots 40mm in diameter or greater that require pruning shall be done only under the direction of Project Arborist after a site inspection so as not to unduly impact or stress the tree.
- m) There is to be no damage to the canopy, trunk or root system (including the surrounding soil) of any tree. Canopy pruning shall only be undertaken with the approval of the project Arborist and shall be the minimum required to permit construction without impact to the tree's habit, form or health. Pruning must be undertaken by a qualified Arborist AQF Level 5 in accordance with AS4373.
- n) Any sub-surface OSD tank or infiltration trench is to be located a minimum of 6 metres beyond the canopy dripline of any existing tree and not located where it will

limit the planting of trees on the property. Excavation near trees shall be carried out manually using hand tools, or with small machinery to minimise tree root damage, disturbance or soil compaction. If tree roots cannot be cut without compromising the tree then the OSD will be required to be re-configured or relocated.

- o) Masonry boundary fencing/walls shall be of pierced or bridged construction to minimise damage to major or structural tree roots. Trench or strip footings are not permitted. All walls must have a structural engineer certified reinforced concrete footing.
- p) There shall be no retaining walls, pavements, change in levels, trenching for new subsurface utilities or the location of new overhead services within the primary root zone or canopy of any tree. Any such structures in close proximity to trees must accommodate tree roots without damage or pruning.
- q) The Applicant shall undertake any tree maintenance/remedial pruning as required by Project Arborist at the completion of construction. Fertiliser and tonic as required for recovery to be applied to all retained trees on the site.

If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as require remedial pruning work. Epicormic growth is evidence of root damage.

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

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

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,
- b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
- c) Permit 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, and
- G) Permit to use any part of Council's road reserve or other Council lands.

47. 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.
48. The Development is to be constructed to meet the requirements detailed in the approved acoustic report (Acoustic Logic, Council Dated 15 April 2014), and the following construction noise requirements:
 - (a) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual ó Chapter 171 and the *Protection of the Environment Operations Act 1997*.
 - (b) 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 20 dB(A).
 - (c) 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 operation must not exceed the background level by more than 10 dB(A).
 - (d) Time Restrictions
 - i) Monday to Friday 07:00 am to 06:00 pm
 - ii) Saturday 07:00 am to 01:00 pm
 - iii) No Construction to take place on Sundays or Public Holidays.
 - (e) Silencing

All possible steps should be taken to silence construction site equipment.
49. The approved Waste Management Plan for the site prepared in accordance with Condition No. 39 of the consent shall be complied with at all times during demolition works and construction works.
50. 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 free copy of the sign is available from Council's Customer Service Counter.
51. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

52. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principle Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.
53. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) Erection of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
 - 1 to a public sewer; or
 - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.
54. A sign must be erected in a prominent position on any work site on which work involved in the erection of a building is being carried out;
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the Development Approval number;
 - d) the name of the Principal Certifying Authority including an after hours contact telephone number; and
 - e) any such sign is to be removed when the work has been completed.
55. All management measures recommended and contained within the approved erosion and sediment Control Plan prepared by Aurecon Australia Pty Ltd (Dated 28 Apr 2014) shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004)*. This plan shall be implemented prior to commencement

of any site works or activities. All controls in the plan shall be maintained at all times and made available to council officers on request.

56. 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 construction, 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);
 - c) Prior to construction and placement of road pavement materials; and
 - d) Final inspection.

Note: Council's standard 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.

57. For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.

All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure the water is suitable for discharge is to be provided in this report.

Reports shall be provided to council prior to discharge of groundwater to the stormwater system.

58. All management measures recommended and contained within the Soil and Water Management Plan (SWMP) submitted as part of the construction certificate shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times and made available to council officers on request.

DURING WORKS

59.

- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.

- b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (e.g. wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
59. 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.
60. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.
61. To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:
- a) Office of Environment and Heritage (OEH) approved guidelines;
 - b) *Protection of the Environment Operations Act 1997*; and
 - c) *Protection of the Environment Operations (Waste) Regulation 2005*.
- All 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.
62. All remediation work must be carried out in accordance with:
- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites & Guidelines for Consultants Reporting on Contaminated Sites' and
 - b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997; and
 - c) State Environmental Planning Policy 55 (SEPP55) & Remediation of Land.
63. The following shall be complied with at all times:

- a) The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department;
 - 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) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (e.g. wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition;
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer; and
 - e) 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.
64. 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.
65. 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.
66. All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Office of Environment and Heritage (OEH) Waste Classification Guidelines (2008) prior to being disposed of to a NSW approved landfill or to a recipient site.
67. The principal contractor must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Soil and Water Management Plan;
 - b) *Managing Urban Stormwater & Soils and Construction* (2004) Landcom (*The Blue Book*); and
 - c) *Protection of the Environment Operations Act 1997*.
68. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
- a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;

- c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;
 - d) Any retained 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, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
 - e) If the soil conditions required it:
 - i) Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided, and
 - ii) Adequate provision must be made for drainage.
69. 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.
70. The operation shall not give rise to offensive odour or other air impurities in contravention of the *Protection of the Environment Operations Act 1997*. The Principal contractor shall ensure that all practical means are applied to minimise dust and odour from the site. This includes:
- a) Covering excavated areas and stockpiles;
 - b) The use of fine mists of hydrocarbon mitigating agents on impacted stockpiles or excavation areas;
 - c) Maintenance of equipment and plant to minimise vehicle exhaust emissions;
 - d) Erection of dust screens on the boundary of the property and/or closer to potential dust sources;
 - e) All loads entering or leaving the site are to be covered;
 - f) The use of water sprays to maintain dust suppression;
 - g) Keeping excavated surfaces moist.
71. Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.
- 72.
- a) All imported fill shall be validated in accordance with Department of Environment and Conservation approved guidelines to ensure that it is suitable for the proposed development from a contamination perspective. Imported fill shall be accompanied

by documentation from the supplier, which certifies that the material is suitable for the proposed residential/recreational land use and not contaminated based upon analyses of the material;

- b) Any soil disposed of offsite shall be classified in accordance with the procedures in the DECC *Waste Classification Guidelines (2008)*, prior to being disposed of to a NSW approved landfill or to a recipient site;
 - c) Any material containing asbestos found on site during excavation shall be removed and disposed of in accordance with:
 - i) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10sqm of bonded asbestos and/or any friable asbestos;
 - ii) *Protection of the Environment Operations Act 1997*;
 - iii) *Protection of the Environment Operations (Waste) Regulation*; and
 - iv) *DECC Waste Classification Guidelines 2008*.
73. The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the Acid Sulfate Soil Management Plan required to be submitted prior to the construction certificate including:
- a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil; and
 - b) Management of acid sulfate affected excavated material;
 - c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
 - d) Run-off control measures for the acid sulfate affected soil.
74. For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system.

If the groundwater does not meet these guideline levels a Trade Waste permit from Sydney Water must be sought to put the groundwater to sewer.

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

75. An experienced Landscape Contractor shall be engaged to undertake the landscaping. The contractor shall be engaged weekly for a minimum period of 26 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the

event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.

76. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
77. Prior to the issue of the Occupation Certificates, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
78. Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works:
 - a) On Oriordan Street, adjacent to development, reconstruct existing Kerb and Gutter for the full length of the property in accordance with Council and RMS Infrastructure Specifications, and
 - b) On Oriordan Street, adjacent to development, demolish existing concrete footpath and construct new paved footpath as per Council's Infrastructure and Landscape Architect specifications.
79. Prior to the issue of the Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
80. Prior to the issue of the Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the *Conveyancing Act 1919* and lodged with the NSW Land and Property Information:
 - a) Restriction on Use of Land for On-Site Infiltration System. Refer to Appendix A of the *Stormwater Management Technical Guidelines* (SMTG) for suggested wording,
 - b) If applicable, Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
 - c) Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording

The terms of the Section 88(E) instruments are to be submitted to Council for review and approval and Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Council prior to occupation.

81. At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Project Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan.

The Certificate is to be submitted to the City of Botany Bay Council prior to the Issue of an Occupation Certificate.

82. The Applicant is to enter into an agreement with Council, to be prepared by Council's solicitors, at the applicant's expense, providing for the lodgement of a bond in the sum of \$25,000.00, for a period of five (5) years after practical completion of landscape works, to ensure establishment and maintenance of the landscaping in accordance with the plan. The lodgement of the bond shall not preclude the Council from initiating legal proceedings, should the landscaping not be established and maintained in accordance with this Consent, and is not intended to limit the period of compliance with the landscaping requirements to five (5) years.

The bond may be applied by Council to the establishment and maintenance of the landscaping in accordance with the plan and Council should be entitled to recover any monies expended in excess of the bond in establishing, re-establishing, or maintaining the landscape in accordance with the plan.

The Applicant is to note that the bond specified under this condition must be remitted to Council, either in the form of monies held in trust, or as a certified banker's guarantee, together with a sum of \$550.00 (cash or cheque) for disbursements associated with the preparation of the agreement, prior to the issue of an Occupation Certificate by the Principal Certifying Authority.

83. Prior to the issue of the Occupation Certificate, documentation from a suitably qualified engineer shall be submitted to the Principal Certifying Authority certifying that the loading dock, pick-up/drop-off zone, car parking areas (including queuing area, turning area and disabled parking area), driveways and vehicular access paths have been constructed generally in accordance with the approved construction plan(s) and comply with AS2890.1, AS2890.2 and AS2890.6 requirements. The internal parking facilities shall be clearly designated, sign posted and line marked. Signage and line marking shall comply with the current Australian Standards.
84. Prior to the issue of the Occupation Certificate, minimum of ***two hundred and forty-four (244)*** off-street car parking bays shall be provided to the development in accordance with the approved architectural plans.
85. Prior to the issue of the Occupation Certificates, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
86. All services (Utility, Council, etc.) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.
87. Prior to the issue of the Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.

88. Prior to commencing trading the occupier of the premises must register the food premises with Council (application form attached), and register with the New South Wales Food Authority (contact details for registration for the Food Authority NSW are <http://www.foodnotify.nsw.gov.au/nafsis> or by telephone 1300 650 124.
89. Prior to the issue of the Occupation Certificate the applicant must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the acoustical assessment report prepared by Acoustic Logic Consultancy Pty Ltd, updated and received by Council 2 May 2014 have been carried out and certify that the construction meets AS2021-2000 and AS3671-1989 and specified indoor sound levels. 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).
90. Prior to the issue of the Occupation Certificate:
- a) Lighting (lux) levels for this development must include the installation of low glare/high uniformity lighting levels in line with Australian Standard AS1158. 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). 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.
 - b) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill; and,
 - c) All lighting shall comply with AS4282-1997 Control of the obtrusive effects
 - d) The porte cochere to the building shall be lit in accordance with Condition 84(a), (b) and (c).
91. Prior to the issue of the 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.
92. Prior to the issue of the 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.
93. Prior to the issue of the Occupation Certificate 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.
94. Prior to the issue of the Occupation Certificate, a Plan of Management (POM) for the hotel and the ancillary restaurant/bar shall be provided to Council for endorsement. Details provided in the POM shall state, but not limited to, the followings:

- a) Frequency and time of regular service vehicles attending the site. These include food and beverage delivery, waste collection and linen delivery;
 - b) Maximum stays for the hotel visitors;
 - c) Details of staff on ground floor lobby;
 - d) Procedures of complaint management;
 - e) Operational details of the shuttle bus service; and
 - f) Security on site.
95. A Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:
- a) NSW Office of Environment and Heritage (OEH) *Contaminated Sites 6 Guidelines for Consultants Reporting on Contaminated Sites*;
 - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the *Contaminated Land Management Act 1997*; and
 - c) *State Environmental Planning Policy 55 – Remediation of Land*.

The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report shall be submitted to the Principal Certifying Authority and the Council (if the Council is not the Principal Certifying Authority) for review and concurrence. The report is to be submitted after completion of remediation works.

96. To ensure that the site is suitable for the proposed hotel use, a Site Audit Statement (SAS) completed by an accredited site auditor under the *Contaminated Land Management Act 1997* shall be submitted to Council clearly demonstrating that the site is suitable for the proposed development. This shall be provided prior to the release of the Occupation Certificate.

Any conditions imposed on the SAS shall form part of this consent. The accredited site auditor shall provide Council with a copy of the Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the issuing of the Occupation Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a Section 96 application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.

97. The public footpaths shall be re-constructed in accordance with Council specification. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications only. Pavers shall be ordered accounting for adequate lead time for manufacture. Construction hold points and council inspections are required at the following points :

- i) after formwork installation and to prior pouring the concrete blinding slab,

- ii) at the commencement of paving works, and
 - iii) at final completion.
98. The applicant is to submit payment for a public works defects liability bond of \$10,000.00. The duration of the bond shall be limited to a period of 12 months after council approval of public domain works. At the completion of the 12 month period the bond shall be refunded pending a satisfactory inspection of the new public domain work by council. If rectification or maintenance work is required in this period then council will forfeit all or part of the bond to undertake the required work, unless the applicant undertakes this work.
- 99.
- a) Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the *Environmental Planning and Assessment Act 1979*;
 - b) Condition Nos. 75 to 98 (inclusive) of this consent are pre-conditions to the issue of the Occupation Certificate.

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

100. The Plan of Management approved as Condition No. 94 with respect to the operation of the hotel shall be regularly reviewed, to address changing circumstances or new issues that may arise with respect of the ongoing operation and use of the premises.
- The Plan of Management for the site shall be complied with at all times during the use and operation of the premises.
- The occupant(s) and staff of the premises shall be provided with at least one copy of the Plan of Management. An additional copy of the plan shall be displayed in a secure, publicly visible and accessible position within the premises.
101. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and 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.
102. Ongoing maintenance of the nature strip shall be undertaken by the occupier, owner or strata. Maintenance includes mowing, watering 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 is undertaken by Council only.
103. A shuttle bus required to service the Hotel must be provided to transport occupants to and from the development site to the Sydney Airport and to Sydney City. Should the shuttle

bus no longer be provided, for whatever reason a separate development application shall be submitted to Council to provide an alternative travel and parking arrangement for the use.

104. The bus zone and pick-up/drop-off zone shown on the approved architectural plans shall be set aside for bus and pick-up/drop-off purpose only and shall not be used for other purposes. No vehicles shall be permitted to park in these areas.
105. The operations of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
106. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

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

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

For assessment purposes, the above L_{Aeq} 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.

107. The sub-leasing of car parking spaces is strictly prohibited.
108. The operation of the development and movements of vehicles shall comply with the following requirements:
 - a) The largest size of vehicle accessing the development shall be restricted to MRV;
 - b) Garbage collection and loading and unloading activities associated with the delivery shall take place wholly within the loading dock;
 - c) Qualified traffic controllers shall be present when the delivery/service vehicle reverses to the loading dock;
 - d) 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);
 - e) Vehicular manoeuvring area shall be kept clear at all times. All vehicles shall be parked in the marked parking bays;
 - f) Maximum number of delivery vehicles on-site shall be limited to one (1).

- g) The loading dock must be clear of delivery or any other vehicles when the shuttle bus is manoeuvring on site.
- 109. Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or similar 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.
- 110. The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of this Act.
- 111. All waste and recycling containers shall be stored in the designated waste storage area. The waste containers are not to be over filled and the lids kept closed at all times except when material is being put in them. The occupier shall be responsible for cleaning the waste storage area, equipment, and waste collection containers.
- 112. The Food Business must appoint at least one trained Food Safety Supervisor. The person nominated must obtain a Food Safety Supervisor Certificate that is current (by completing Food Safety Supervisor training with a registered training organisation (RTO) approved by the NSW Food Authority or by submitting an FSS certificate request form). The certificate must be kept on the premises at all times.

In the event that the person appointed as Food Safety Supervisor leaves the business another person within the organisation must be appointed as a Food Safety Supervisor and must undertake all required training to gain certification.

- 113. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and 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.
- 114.
 - a) The approved Waste Management Plan for the ongoing use of the site prepared by (Mckenzie Group dated April 2014) shall be complied with at all times during demolition works, construction works, and use of the premises; and
 - b) The building owner shall be provided with at least one copy of the waste management plan. The approved Waste Management Plan shall be complied with at all times.
- 115. For the purpose of inhibiting or preventing the growth of micro organisms that are liable to cause Legionnairesø Disease, all cooling towers, evaporative condensers, evaporative coolers, and warm water systems shall be designed, installed and maintained in accordance with the requirements of *Public Health (Microbial Control) Regulation 2000* and the *Public Health (Microbial Control) Amendment (Miscellaneous) Regulation 2003*, under the *Public Health Act 1991*. All waste water from the cooling

tower/humidifier/evaporative cooler/warm water system shall be discharged to sewer under a Trade Waste Agreement from Sydney Water.

116. 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. 14/095 dated as 3 May 2014 and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council.
