

SYDNEY EASTERN CITY PLANNING PANEL PANEL DETERMINATION MEETING

SECPP No	2018SCL063
DA Number	DA-14/45/03
Local Government Area	Bayside Council
Proposed Development	Section 4.55(2) Application to modify Development Consent No. 14/45 to modify an approved hotel including internal reconfiguration, increase number of rooms to 178, external façade changes, increase in floor space, new signage, car parking, landscaping and relocation of the substation, and modification of conditions including timing of fee payment.
Street Address	2-8 Sarah Street, Mascot
Applicant	Pro-Invest Australian Hospitality Opportunity (St) Pty Ltd
Owner	Pro-Invest Australian Hospitality Opportunity (St) Pty Ltd
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	Section 4.55(2) Application to modify consent determined by the Panel
List of All Relevant s4.15(1)(a) Matters (previously Section 79C)	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s4.15(1)(a)(i) <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007; ○ State Environmental Planning Policy No. 64- Advertising and Signage; ○ Botany Bay Local Environmental Plan 2013. • 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: s4.15(1)(a)(ii); <ul style="list-style-type: none"> ○ Nil • List any relevant development control plan: s4.15(1)(a)(iii); <ul style="list-style-type: none"> ○ Botany Bay Development Control Plan 2013. • List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iiia); <ul style="list-style-type: none"> ○ Nil • List any coastal zone management plan: s4.15(1)(a)(v)

	<ul style="list-style-type: none"> ○ Nil • List any relevant regulations: s4.15(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 ○ Nil
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Architectural Plans – SJB Architects
Report by	Angela Lazaridis – Senior Development Assessment Officer

RECOMMENDATION

It is RECOMMENDED that the Sydney Eastern City Planning Panel resolve pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, to modify Development Consent No. 14/45 at 2-8 Sarah Street, Mascot, as indicated within the updated Schedule of Conditions and for the following reasons:

- a) The proposed modifications is substantially the same development as that originally approved.
- b) The proposed modification is consistent with the approved bulk and scale of the approved development.
- c) The additional FSR has no discernible visual or amenity impacts beyond that already approved.

EXECUTIVE SUMMARY

Development Application No. 14/45 was issued a deferred commencement by the former Joint Regional Planning Panel on 22 July 2014 for the integrated development application for the demolition of existing structures and construction of part 8 and 9 storey hotel containing 169 rooms and 69 car parking spaces, landscaping and basement car parking. An operational consent was issued by Council on 12 August 2015.

On 15 June 2018, the applicant lodged the subject Section 4.55(2) Application to modify Development Consent No. 14/45 to modify an approved hotel including internal reconfiguration, increase number of rooms to 178, external façade changes, increase in floor space, new signage, car parking, landscaping and relocation of the substation, and modification of conditions including timing of fee payment.

The application was placed on public exhibition and was advertised under the Environmental Planning and Assessment Regulation for a fourteen (14) day period from 25 June to 9 July 2018. No objections were received as part of the notification period.

Key points that are discussed relate to FSR and car parking. In regards to the FSR, the proposed modification seeks to increase the overall FSR from approved 3.19:1 to 3.38:1. This will increase the overall GFA from approved 4,836sqm to 5,079sqm (increase of 243sqm) and 573sqm over the maximum requirement of 4,506sqm (3:1). The bulk and scale of the amended proposal does not significantly change from the approved built form as the proposal seeks to reconfigure all floors to allow for better integration of services as well as allow for more rooms. The proposed increase in FSR is considered acceptable.

In regards to car parking, the proposal seeks to increase the number of car parking spaces by two from approved 69 spaces to 71 spaces. This results in a shortfall of one car parking spaces that are assessed only from the number of rooms proposed on the site. Discussion relating to car parkin departure in provided in the assessment of modification no. 2 as well as Note 2 below in the report. The approved development did not include spaces for staff car parking therefore there is an overall shortage of car spaces to accommodate staff. While it is onerous to require car parking compliance for both staff and patrons as this will result in substantial changes to the design of the development, a condition of consent has been included to allocate a number of the approved car parking spaces to staff to comply with the remaining spaces dedicated to patrons. This is acceptable as the original proposal did include provision of a shuttle bus to take and receive patrons to the development.

The application does not significantly alter the approved building. The modification is considered to be substantially the same development is not considered to create any likely impacts to the surrounding development.

The Section 4.55(2) Application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for approval.

SITE DESCRIPTION

The site is identified as 2-8 Sarah Street Mascot and comprises of six lots which are legally known as Lot 1 in DP 1232424, Lot 1 in DP 262142 and Lots 1-4 in DP 236339. The site is located on the junction of two roads and is located with three street frontages, being Sarah Street, O'Riordan Street and Robey Street. The site was previously subject to RMS road widening (Lot 7 in DP 1232424) and is therefore no longer included in the site. The site currently is vacant as the previous building on the site that was used as a car/truck rental premises and associated parking, has been demolished to enact the approved consent.

The site has a total area of 1,502sqm and is primarily rectangular with a curved edge on the corner of O'Riordan Street and Robey Street. The site has a primary northern street frontage width along Sarah Street of 67.84 metres and a southern frontage of 18.3 metres along Robey Street with the remaining curve along the eastern boundary, and a western boundary of 29.82 metres. The site is affected by the 25-30 ANEF contour.

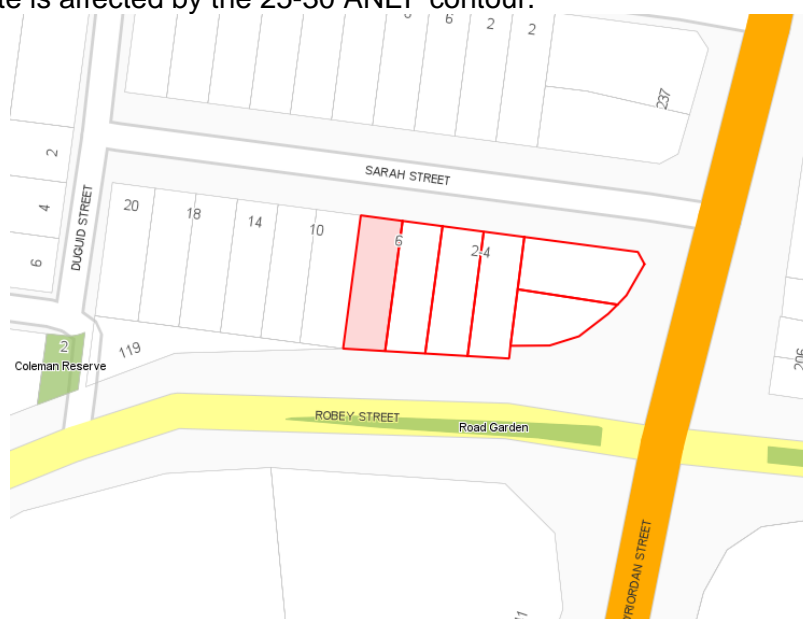


Figure 1. Locality Plan

Development surrounding the site is predominantly light industrial and commercial land uses. To the north of the site is a car wash café with Patchett's Pies (a food production and sales) premises adjoining that site, to the south across on Robey Street is the Stamford Plaza hotel which is a 13 storey hotel development, to the west of the site is vacant land which previously comprised of a 2 storey building used for commercial purposes and to the east of the site across on O'Riordan Street is a car hire premises and the 9 storey Quest Serviced Apartment hotel development.



Figure 2. Aerial map (circa 2016)

APPROVED DEVELOPMENT

Development Application No. 14/45 was submitted to Council on 11 March 2014 seeking consent for a hotel development comprising of the following:

- Demolition of the existing car/truck rental and associated car park;
- Construction of a part 8 and 9 storey hotel comprising of 169 rooms (including 8 accessible rooms), a business centre and gym, dining room and sky/bar lounge on Level 8, car parking for a total of 69 vehicles comprising a basement car park and two levels of above ground car parking, on-site drop off/pick up zone for a 52 seater bus with vehicle entry and exit points along Sarah Street, a shuttle bus and all vehicular access obtained from Sarah Street.
- The approved FSR is 3.19:1 which is a GFA of 4,836sqm and an approved height of 29.97 metres (RL 36.37)- based on a site area of 1,516sqm (includes area that had been earmarked for road widening).

The proposal was determined on 22 July 2014 as a deferred commencement by the former Joint Regional Planning Panel based on the recommendation by Council. The reason for the

deferred commencement was to allow the applicant to provide additional information to Railcorp for approval which included geotechnical and structural reports, final construction methodology, cross sectional drawings, survey plan and a fee analysis. The applicant provided the information and an operational consent was issued on 12 August 2015. The approved elevations and site plans is as follows:

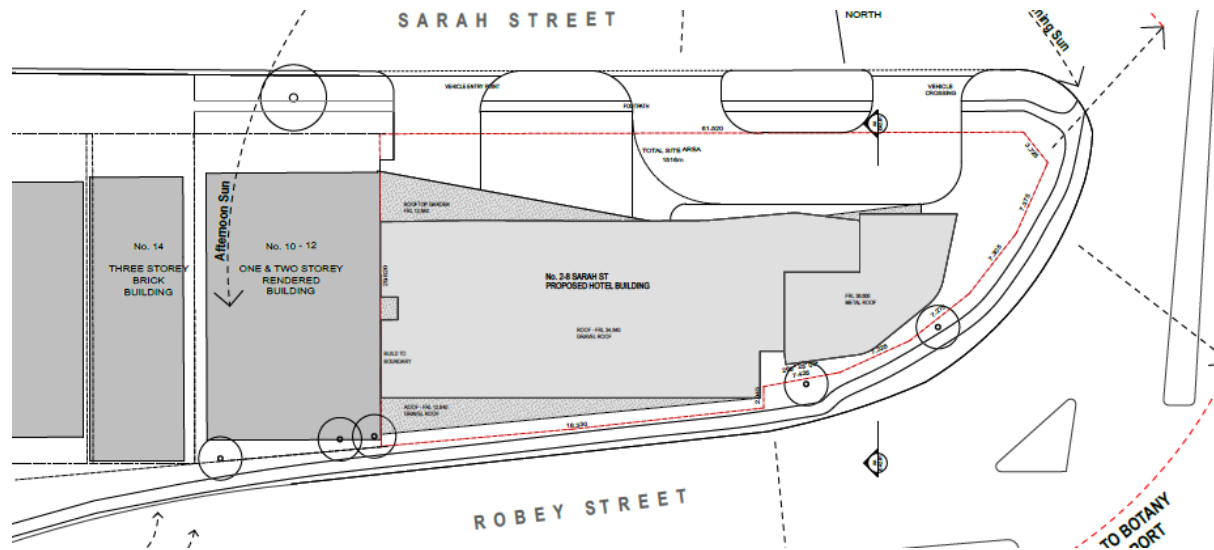


Figure 3. Approved Site Plan

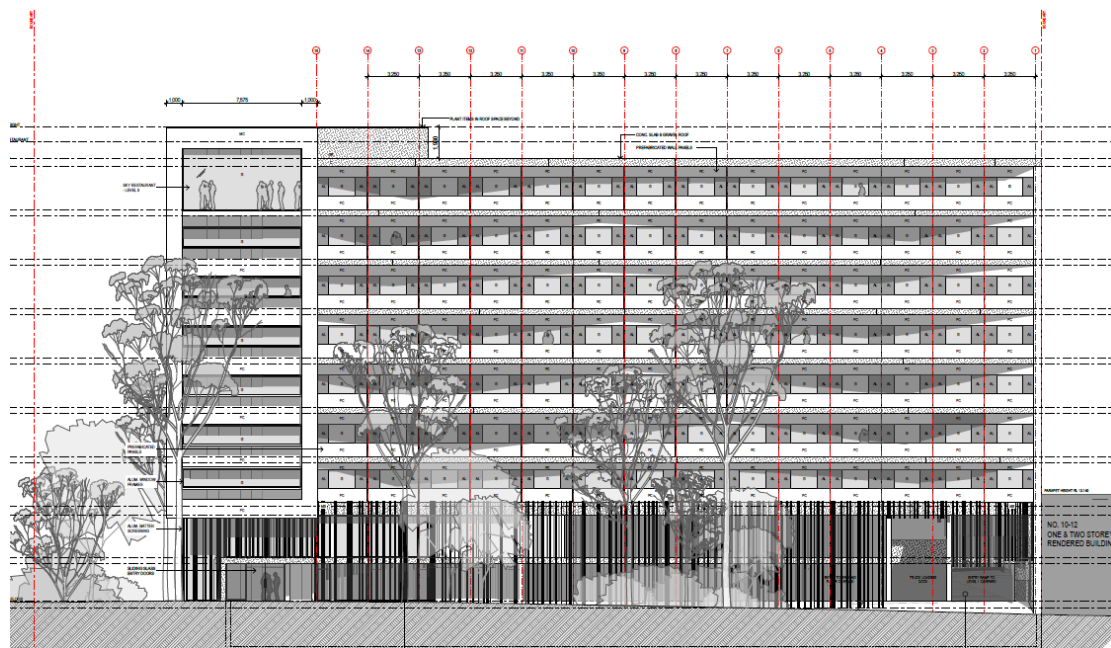


Figure 4. Approved Northern Elevation

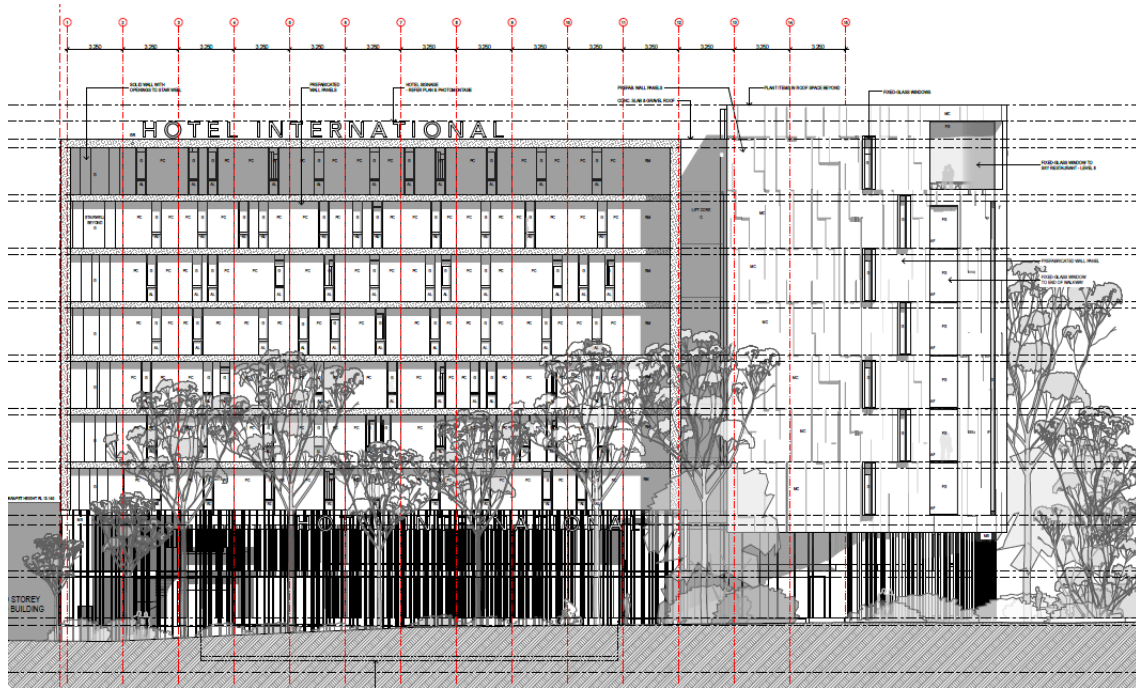


Figure 5. Approved Southern Elevation

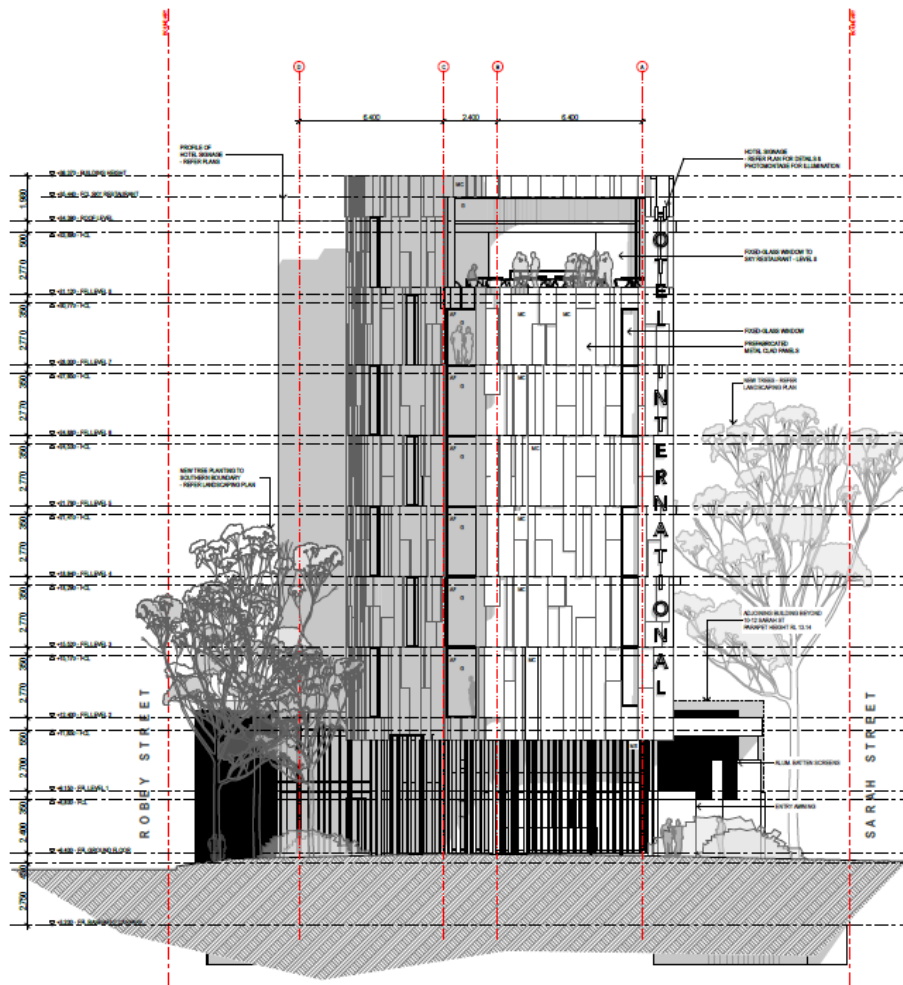


Figure 6. Approved Eastern Elevation

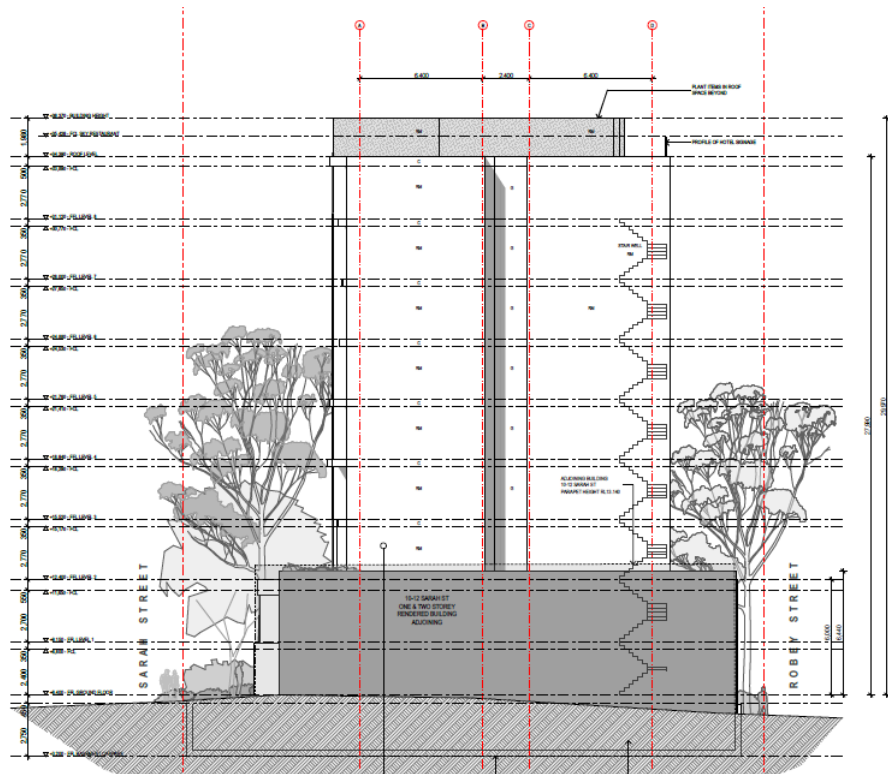


Figure 7. Approved Western Elevation

RELATED MODIFICATIONS

One previous Section 4.55(2) Application to modify Development Application DA-14/45/02 was originally assessed by Council. The application proposed the following modifications:

- Increase in the number of bedrooms from 169 to 192 (additional 23 rooms)
- Removal of the ground level car park and relocation of the car parking spaces to the basement level to provide car stackers in the basement;
- Increase in the FSR from 3.19:1 (as approved) to 4.23:1;
- The provision of 75 car parking spaces across the ground level and basement;
- Additional storey proposed by lowering the floor to floor heights from 3.12m to 2.8m;
- Relocation of roof level bar/restaurant to ground level and provision of increased staff, administration and service areas at ground level;
- Provision of separate staff only lift at south-western end of the typical floor plates;
- Increase in ceiling height of uppermost storey by 1.01 metres from RL 35.44 to RL 36.45;
- Additional architectural roof feature to conceal rooftop services;
- An on-site drop off/pick up zone for a 52 seater bus with vehicle entry and exit points along Sarah Street (as approve);
- A shuttle bus service (as approved);
- All vehicular access will be obtained from Sarah Street (as approved).

The Panel, in principle was not in support of the proposed modifications. The application was withdrawn on 8 May 2018.

DESCRIPTION OF PROPOSED MODIFICATIONS

The proposed modification, in its amended form, will modify the approved hotel development as follows:

- The provision of two (2) additional car parking spaces- increase from 69 to 71 spaces;
- The provision of nine (9) additional hotel rooms- increase from 169 to 178 rooms;
- Increase in the FSR from 3.19:1 (as approved) to 3.38:1 (5,079sqm- additional GFA of 243sqm above the approved GFA of 4,836sqm);
- Relocation of the substation externally to the building, located along Sarah Street frontage;
- Five (5) business identification signs are proposed on the site with three of them being internally illuminated;
- Addition of two mechanical car lifts to access basement car park;
- External façade changes to the building to include perforated metal cladding, concrete look finish and satin sandstone aluminium finish;
- Size of the plant area on the rooftop has slightly increased.

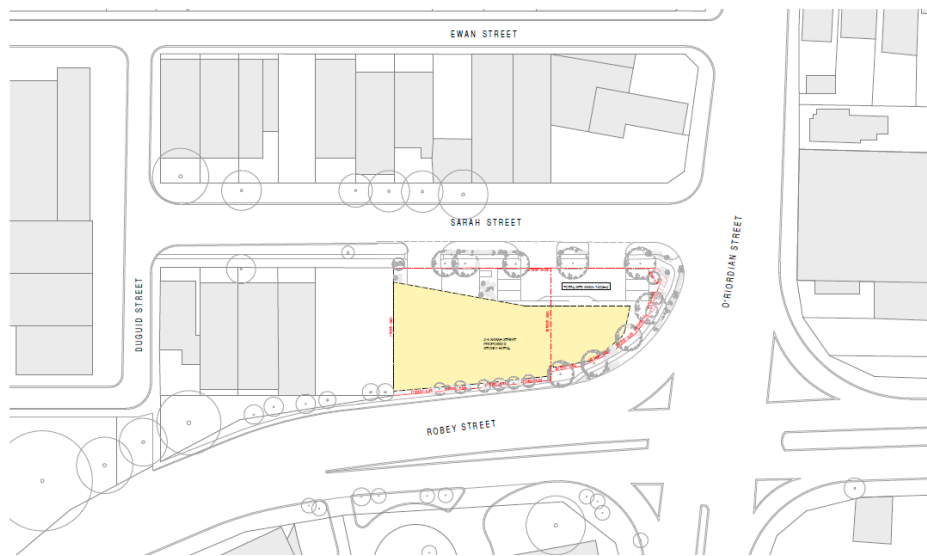


Figure 8. Proposed Site Plan

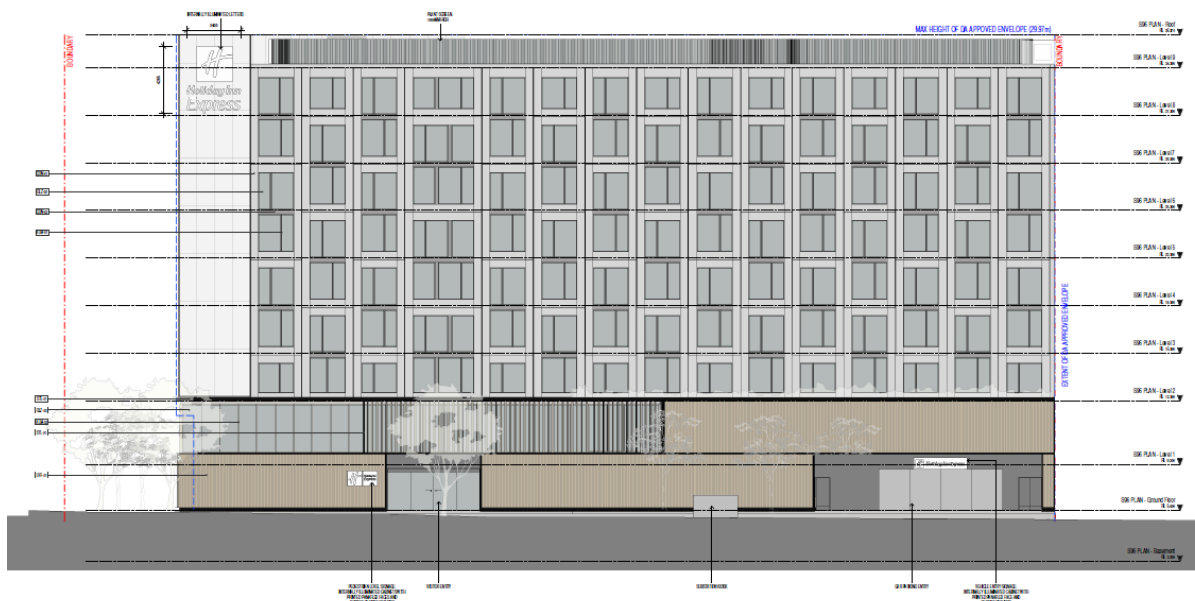


Figure 9. Proposed Northern Elevation

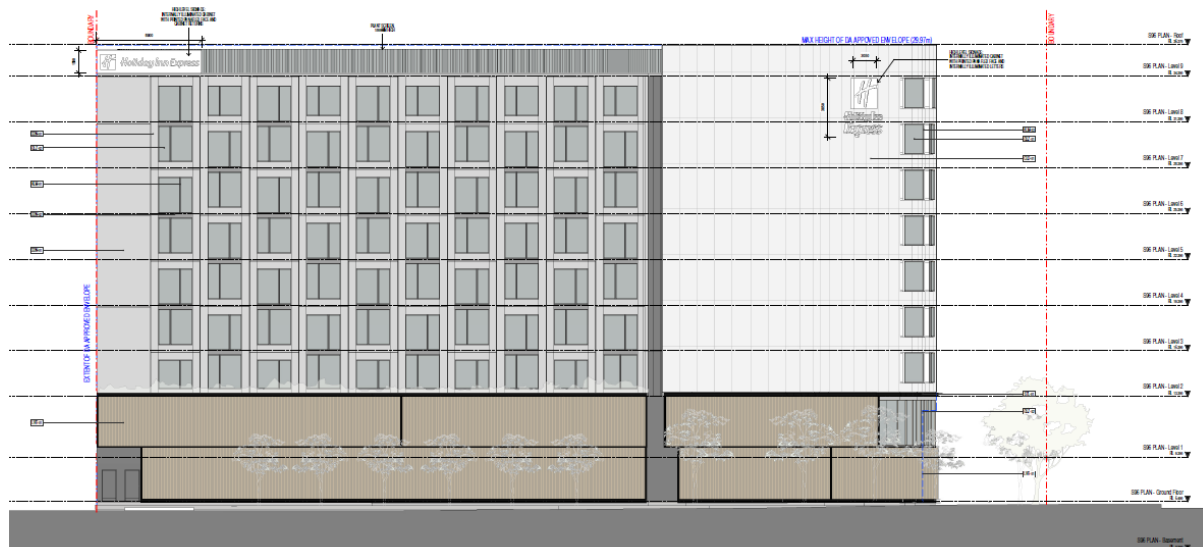


Figure 10. Proposed Southern Elevation

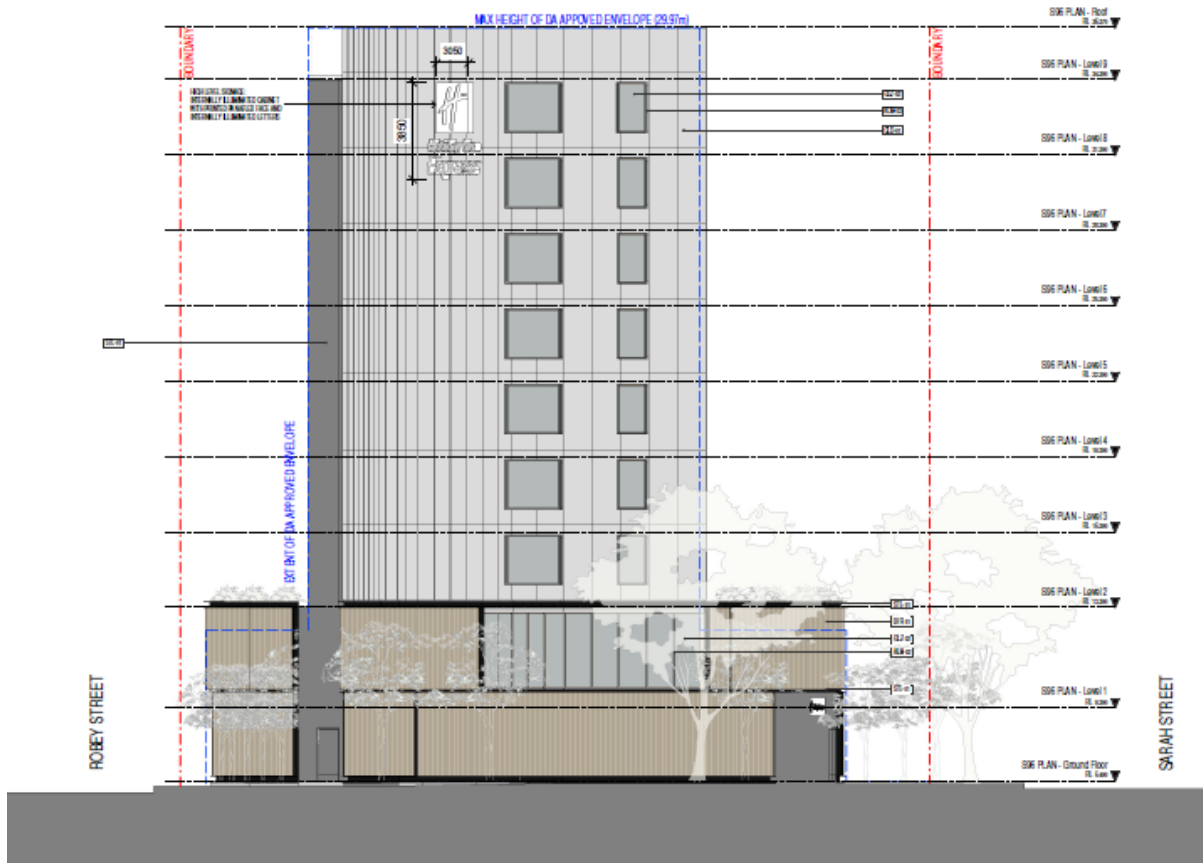


Figure 11. Proposed Eastern Elevation

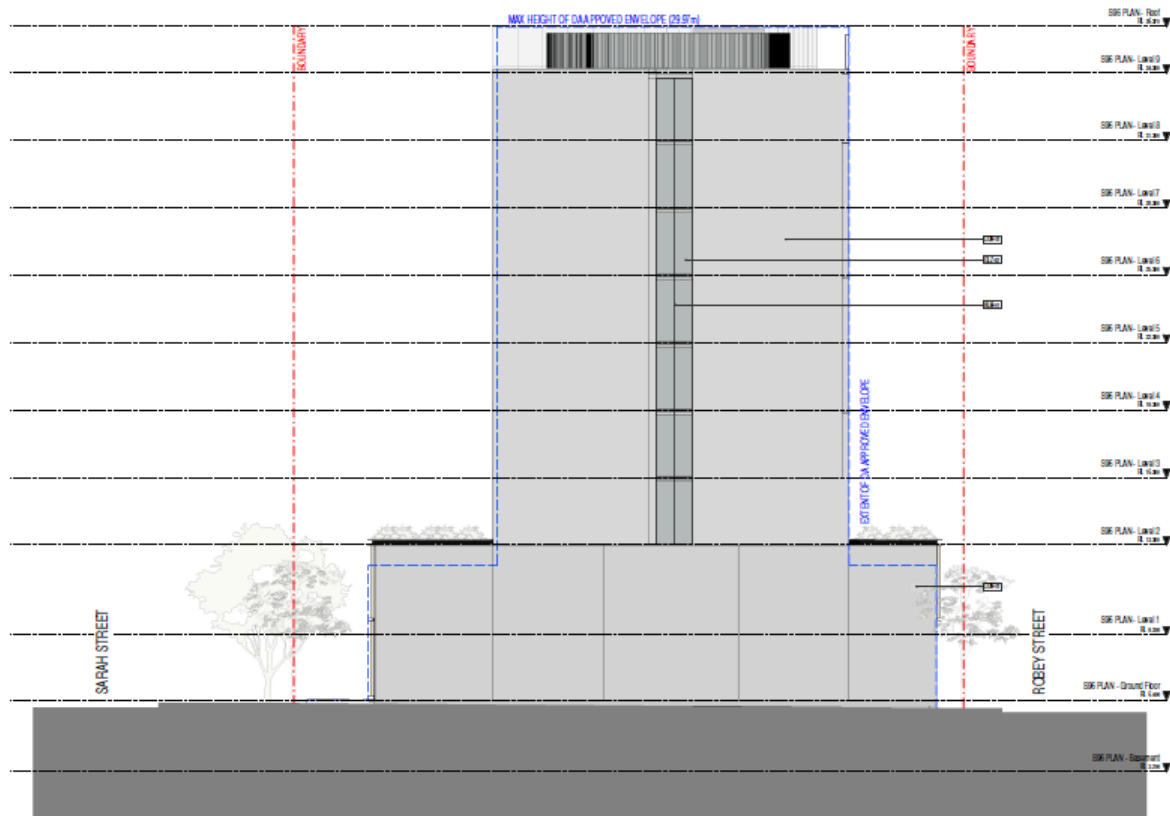


Figure 12. Proposed Western Elevation



Figure 13. Photomontage looking south-west from O'riordan Street to the site



Figure 14. Photomontage when viewed from the south-eastern side along O'Riordan Street

ASSESSMENT OF PROPOSED MODIFICATIONS

Modification No. 1 – Increase in the approved FSR, additional gross floor area and internal reconfiguration to accommodate an additional nine hotel rooms

The hotel development was approved with a total of 169 hotel rooms, a gross floor area of 4,836sqm and an FSR of 3.19:1. This was approved greater than the maximum FSR requirement of 3:1 required under the BBLEP 2013.

The current proposal comprises an addition nine (9) hotel rooms, increasing the number of rooms to 178. The reconfiguration of the basement, ground and first floors and the additional rooms on each floor above have raised the overall GFA by 243sqm above the approved rate to 5,079sqm GFA which results in an overall FSR of 3.38:1. The proposal has an additional 573sqm over the maximum requirement of 4,506sqm (3:1). Additionally the original approval was based on a site area of 1,516sqm which included a strip that would have been set aside for road widening. This area has now been incorporated within the road widening of O'Riordan Street by RMS.

The additional FSR is broken up as follows:

Basement Level:

- New staff dining/change rooms and office space measuring approximately 80sqm.

Ground Floor Level:

- Re-orientation of the ground floor which includes car parking, garbage, accessible store, lobby, toilets and administration. There is a slight extension of the building along its eastern side to allow for linen store and bin room which attributes to additional GFA of 13.9sqm.

Level 1:

- The approved development had a void area over the ground floor. This has now been reconfigured and filled in with additional 119sqm floor area and will be used as a kitchen, reception/bar, lounge, great room and buffet area. A maintenance store has also been provided in Level 1 car park which has increased GFA.

Levels 2 to 7:

- The approved development had a total of 25 rooms per floor. The proposed modification retains the 25 rooms on Level 2 however proposes 26 rooms between Levels 3 and 7. The approved linen rooms have been proposed as an additional room and slight modifications to the room sizes have been proposed increasing hotel rooms from 19sqm to 20sqm and the accessible rooms being reduced from 30sqm to 28sqm. This results in an additional five hotel rooms. The total increase in GFA per level is 38.8sqm due to the building footprint extending south by approximately 100mm and north by approximately 150mm.

Level 8:

- The approved dining room has been relocated to Level 1 therefore this floor allows for an additional four hotel rooms. The gym has also been located on this level. An additional GFA of 30.3sqm is provided due to the building footprint extending south by approximately 100mm and north by approximately 150mm.

As demonstrated in the modified plans, the approved building envelope has not been significantly modified as part of this proposal with most of the changes included within the car parking/ground level. The application did not require a Clause 4.6 variation to be provided as part of the assessment as the proposal is part of a modification application. Nevertheless, the applicant notes that the modified proposal adopts a similar building footprint, setback and landscaped area to the approved DA-14/45. The slight increase to the approved FSR will have no adverse impacts to the surrounding streetscape or to the amenity of the adjoining developments. Overshadowing, privacy and view loss will be maintained as per existing.

The proposed modifications have been proposed to allow for an increase and consolidation of guest areas and expanding guest facilities. The redesign will all hotel operations to be improved by streamlining the back of house and service areas as well as improved the hotel room floor plates. For this reason, the proposed increase in FSR is supported.

Modification No. 2 – Additional car parking space, reconfiguration of car parking levels and at grade car parking

The development was approved with a total of 69 car parking spaces. The proposed modification seeks to add an additional 2 car parking spaces to the development which will raise the total number of car parking spaces to 71 spaces.

Car parking has been orientated as follows:

- Six spaces located at grade adjacent to the Porte Cochere on the Sarah Street frontage;
- Basement level parking is to contain 34 spaces including two accessible spaces and six small car spaces;
- Ground level parking is to contain 23 spaces including three small car spaces;
- Level 1 parking area is to contain 14 spaces including three small car spaces.

The approved development was calculated based on the controls and Table 1 within Part 3A of the BBDCP 2013. For hotel developments, the car parking rate is as follows:

- 1 space/manager; plus
- 1 space/2 employees; plus
- 1 space/2.5 rooms (as shuttle bus has been provided); plus
- 1 taxi pick-up and set-down space/100 rooms; plus
- 2 coach pick up and set down spaces.

The applicant received feedback from Council from the briefing with the Panel relating to the allocation of car parking spaces and whether valet car parking would be proposed. The applicant provided the following justification through a car parking statement:

“1. Previous DA Approved Car Parking

Contrary to that implied by Council's email, the original Development Application (DA) did NOT result in a car parking shortfall.

Part 3A.2 of the Botany Bay Development Control Plan 2013 (refer Table 1 – Car Parking Provisions by Land Use) provides a special concession to the nominal Hotel car parking rates, as follows:

“If the development is within 400m from Mascot Train Station or an efficient shuttle bus service is provided between the hotel, Sydney Airport and the City, the parking requirement can be reduced to 1 per 2.5 bedrooms”

A shuttle bus was proposed and, having regard for the above, the approved DA provided a compliant level of car parking, in accordance with the DCP controls. This provision includes parking for both guests and staff.

2. Parking Space Allocation / Breakdown a. A total of 71 spaces are proposed.

a. Of these, 16 are provided as part of a tandem pair (8 x tandem pairs) which would be expected to be used by staff only. Council may impose a condition of consent to that effect, if required.

b. Other spaces can be allocated to either staff or guest, as necessary. The total number of parking spaces is proposed to satisfy Council requirements (rounding to the nearest whole number, rather than “rounded up” in strict accordance with the DCP - this minor concession is discuss in Section 3.1 of the submitted traffic report). NOTE: Based on feedback from the future operator, the full quantum of parking is NOT expected to be needed to satisfy day-to-day staff OR guest demands. For example, similar Hotels in Auckland and Adelaide provide zero on-site parking.

3. Valet parking

a. No, a valet arrangement is NOT currently proposed.”

In response to the justification provided above, the clause relating to the 1 space/2.5 hotel rooms only replaces that of the 1 space/1.5 hotel rooms and not the additional car parking spaces required for staff and taxi drop off/pick up. Additionally, the original consent did not include additional car parking for other licensed parts of the use such as the restaurant. In regards to the valet services, it is acknowledged that the hotel is more inclined as a three star hotel therefore valet services is not currently proposed or required.

The approved development was compliant with the number of car parking spaces generated based on the rooms however did not consider car parking for staff. As the proposal is a modification and not a new development application, requirement to comply with the required car parking spaces will result in a significant change in the bulk and excavation approved of the building. While there were conditions imposed in the consent requiring a workplace travel management plan, the current application will have a condition imposed that the car parking spaces are to be allocated to staff use and any leftover spaces are to be allocated for patronage of the site. This is considered acceptable particularly as the majority of patrons will arrive to the site by other means. This is evident as a shuttle bus has been approved to allow easy access to and from the site from the nearby airport.

The result of providing an additional nine rooms to the development requires a total of 72 car parking spaces to be provided therefore there is a shortfall in one space for patronage. As discussed above, the departure in patronage car parking is more acceptable than a departure in the number of car parking spaces for staff. This has been addressed as part of a new condition.

The proposal has orientated the basement and car parking levels (Level 1 and 2) to allow for an improved circulation of the car parking. It was also designed to utilize the narrow floor plate to reduce mechanical ventilation requirements. The proposal seeks to add two mechanical car lifts to access each level with the approved ramping removed. This allows for a reconfiguration of the basement to provide for the staff services/common areas and offices to be located separate from the hotel operations.

Vehicular access is still maintained off Sarah Street and the current application has provided swept path diagrams to demonstrate that vehicles can enter and exit the Porte Cochere appropriately as there has been a slight reconfiguration of the northern setback to allow for car parking spaces and loading to be provided. The Porte Cochere will continue to service the approved shuttle bus as required in the original application.

Additionally the plans have been modified so that the loading dock and garbage collection has been orientated towards the centre and western side of the site to allow for easier waste collection/loading. This will be serviced by an SRV therefore maneuvering within the loading dock space will improve as the loading truck will be able to enter and exit the site in a forward direction. Waste collection will continue to be carried out from within the site.

Modification No. 3 – External façade materials

The hotel development was originally approved with materials including alucobond cladding, aluminum frame, ceramic tiles, concrete, glazing, glass balustrading, gravel roof, louvres, metal cladding, roof and screening, precast concrete, rendered and painted masonry, timber cladding and flooring.

The proposed materials used as part of the modified hotel include perforated metal cladding, satin sandstone aluminium finish, dark paint finish, painted steel, high performance podium glazing, concrete look with dark paint finish, light brass and charcoal and white colour powdercoat finish to aluminum.

From the built form perspective, the applicant has provided the following commentary regarding to the materials chosen:

'The proposal remains fundamentally the same as approved. The revised scheme comprises of a two storey, metal louvre clad podium which supports the seven storeys of hotel accommodation above. The design of the podium screen has been modified to reduce

the visibility of parked vehicles, while still permitting natural ventilation into the car park. The design statement states that new window openings to the great room, reception, gym, and administration offices are incorporated into the new design for the podium screen. Concrete look panels have been modified to increase the size of windows on the façade, improving outlook, daylight access and activation of these elevations. The stacking pattern of these panels seeks to accentuate the verticality of the building. The plan curves with the geometry of Robey Street. It is here, the most visible corner of the building, that a quality perforated metal screen offers some visual interest to the street. Changes to the size and density of perforations create a texture across the façade and reduce reflectivity. Punched windows with the metal hoods create deep shadows and offer only protected views into the hotel rooms in this location.

The modified design will be heavily articulated to create visual interest and reduce the perceived bulk and scale of the development. The upper levels of the hotel façade will have a predominantly concrete finish with a metal screen wrapping the end of the building at the corner of Robey Street and O’Riordan Street. A double glazed performance system will be installed to all hotel bedroom windows. Satin sandstone with painted steel finishes are proposed to parts of the ground level façade adjacent to the hotel entrance and lobby. A dark paint finish will be applied to the remaining blank walls on the ground level. High level glazing to the podium with light brass colour powdercoat to aluminum finishes will encourage natural light to filter into the hotel lobby, lounge and great room. Overall it is considered that the proposed modifications are sympathetic to the original design and the building remains fundamentally the same.’

The proposed changes to the external façade, as detailed above, is supported as it provides a well-designed exterior to the approved development which will be articulated and provide a strong corner element to the site.

Modification No. 4 – Relocation of the substation from internal to the building to external on the site

The proposed modification will relocate the substation from within the basement car park to externally adjacent to Sarah Street within the site boundary (demonstrated in Figure 15). The substation will be located within the front setback of the site adjacent to the loading area and will be surrounded by groundcovers and low lying shrubs ensuring it is easily accessible. Trees that are proposed along the perimeter of the site that were approved as part of the original DA will be able to obstruct any direct site lines from O’Riordan Street. The location of the substation has not been objected to by Council’s Landscape Architect or Ausgrid and relevant conditions of consent continue to apply.

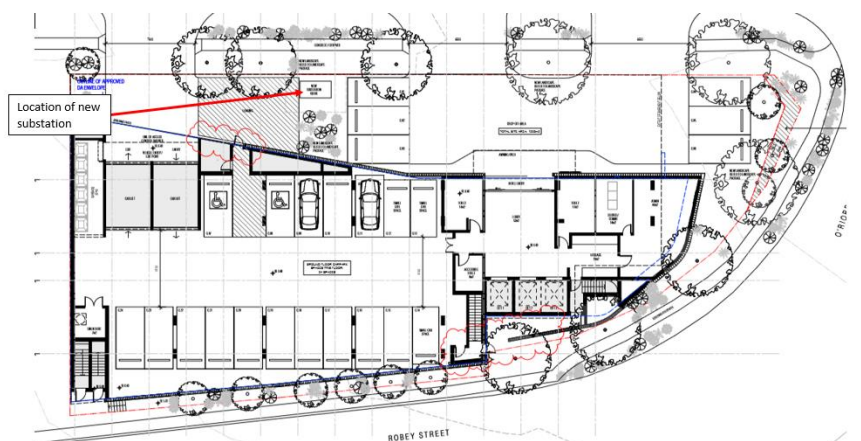


Figure 15. Location of new substation external to building

Modification No. 5 – Signage

The proposed modification will replace the approved signs with five new signs located along the northern, eastern and southern side of the building. The signs are as follows:

Sign 1:

Located along the northern side of the building at Level 1 above the entrance to the car park. The sign will be an H logo, Holiday Inn Express sign and will measure 3.34m x 0.735m

Sign 2:

Located on the northern side of the building at street level. The sign will be an H logo, Holiday Inn Express sign and will measure 1.915m x 0.94m.

Sign 3:

Located on the northern side of the building at Level 8-9. The sign will be an H logo, Holiday Inn Express sign and will measure 3.405m x 4.265m.

Sign 4:

Located on the eastern side of the building at Level 8-9. The sign will be an H logo, Holiday Inn Express sign and will measure 3.05m x 3.85m.

Sign 5:

Located on the southern side of the building beneath the parapet. The sign will be an H logo, Holiday Inn Express sign and will measure 1.5m x 6.9m.

The size of the signs and their locations are considered appropriate considering that they are business identification signs. The proposed illumination of the signs are not considered to impact the sightlines of aircrafts to and from the airport. An assessment of the proposal has been carried out under SEPP 64- Advertising and Signage in the report below. The proposed signage is considered acceptable in this instance.

Modification No. 6 – Tree Removal and Landscaped Area

The proposal, in its modified state, seeks to remove all vegetation and trees from within the site. The original approval granted removal of all trees within the site however six of the existing palm trees were to be relocated elsewhere within the site. The applicant has provided a revised arborist report to demonstrate that all trees are now to go. The trees that are located on the neighbouring site to the west are to be maintained and protected during construction. Council's arborist has no issue with the removal of the trees as they were originally approved for their removal. The proposal will result in the loss of thirteen trees however will be offset with 22 new trees along the sites boundaries.

The approved landscape scheme has slightly been modified as part of this application. The proposal seeks an island garden to be located at the entrance to the hotel's Porte Cochere off Sarah Street. A grasscrete finishing is proposed to the six (6) external parking spaces located adjacent to the hotel drop-off zone as well as the loading bay. The modified proposal will provide 292sqm of landscaped area which results in 19% landscaping on the site. This is the same as approved in DA-14/45. Of that 292sqm, 112.7sqm will be deep soil which results in 8% of the site. The amount of landscaped area is considered acceptable.

SARAH STREET

ROBEY STREET

VEHICLE ENTRY

LOADING BAY

DROP-OFF

HOTEL LOBBY

CAR PARK

PA1, **PA3**, **TU**, **CE**, **P1**, **P2**, **P3**, **P4**, **P5**, **P6**

EX 5.78, **EX 5.94**, **EX 6.04**, **EX 6.14**, **EX 6.15**, **EX 6.16**, **EX 6.17**, **EX 6.18**, **EX 6.19**, **EX 6.20**, **EX 6.21**, **EX 6.22**, **EX 6.23**, **EX 6.24**, **EX 6.25**, **EX 6.26**, **EX 6.27**, **EX 6.28**, **EX 6.29**, **EX 6.30**, **EX 6.31**, **EX 6.32**, **EX 6.33**, **EX 6.34**, **EX 6.35**, **EX 6.36**, **EX 6.37**, **EX 6.38**, **EX 6.39**, **EX 6.40**, **EX 6.41**, **EX 6.42**, **EX 6.43**, **EX 6.44**, **EX 6.45**, **EX 6.46**, **EX 6.47**, **EX 6.48**, **EX 6.49**, **EX 6.50**, **EX 6.51**, **EX 6.52**, **EX 6.53**, **EX 6.54**, **EX 6.55**, **EX 6.56**, **EX 6.57**, **EX 6.58**, **EX 6.59**, **EX 6.60**, **EX 6.61**, **EX 6.62**, **EX 6.63**, **EX 6.64**, **EX 6.65**, **EX 6.66**, **EX 6.67**, **EX 6.68**, **EX 6.69**, **EX 6.70**, **EX 6.71**, **EX 6.72**, **EX 6.73**, **EX 6.74**, **EX 6.75**, **EX 6.76**, **EX 6.77**, **EX 6.78**, **EX 6.79**, **EX 6.80**, **EX 6.81**, **EX 6.82**, **EX 6.83**, **EX 6.84**, **EX 6.85**, **EX 6.86**, **EX 6.87**, **EX 6.88**, **EX 6.89**, **EX 6.90**, **EX 6.91**, **EX 6.92**, **EX 6.93**, **EX 6.94**, **EX 6.95**, **EX 6.96**, **EX 6.97**, **EX 6.98**, **EX 6.99**, **EX 7.00**, **EX 7.01**, **EX 7.02**, **EX 7.03**, **EX 7.04**, **EX 7.05**, **EX 7.06**, **EX 7.07**, **EX 7.08**, **EX 7.09**, **EX 7.10**, **EX 7.11**, **EX 7.12**, **EX 7.13**, **EX 7.14**, **EX 7.15**, **EX 7.16**, **EX 7.17**, **EX 7.18**, **EX 7.19**, **EX 7.20**, **EX 7.21**, **EX 7.22**, **EX 7.23**, **EX 7.24**, **EX 7.25**, **EX 7.26**, **EX 7.27**, **EX 7.28**, **EX 7.29**, **EX 7.30**, **EX 7.31**, **EX 7.32**, **EX 7.33**, **EX 7.34**, **EX 7.35**, **EX 7.36**, **EX 7.37**, **EX 7.38**, **EX 7.39**, **EX 7.40**, **EX 7.41**, **EX 7.42**, **EX 7.43**, **EX 7.44**, **EX 7.45**, **EX 7.46**, **EX 7.47**, **EX 7.48**, **EX 7.49**, **EX 7.50**, **EX 7.51**, **EX 7.52**, **EX 7.53**, **EX 7.54**, **EX 7.55**, **EX 7.56**, **EX 7.57**, **EX 7.58**, **EX 7.59**, **EX 7.60**, **EX 7.61**, **EX 7.62**, **EX 7.63**, **EX 7.64**, **EX 7.65**, **EX 7.66**, **EX 7.67**, **EX 7.68**, **EX 7.69**, **EX 7.70**, **EX 7.71**, **EX 7.72**, **EX 7.73**, **EX 7.74**, **EX 7.75**, **EX 7.76**, **EX 7.77**, **EX 7.78**, **EX 7.79**, **EX 7.80**, **EX 7.81**, **EX 7.82**, **EX 7.83**, **EX 7.84**, **EX 7.85**, **EX 7.86**, **EX 7.87**, **EX 7.88**, **EX 7.89**, **EX 7.90**, **EX 7.91**, **EX 7.92**, **EX 7.93**, **EX 7.94**, **EX 7.95**, **EX 7.96**, **EX 7.97**, **EX 7.98**, **EX 7.99**, **EX 8.00**, **EX 8.01**, **EX 8.02**, **EX 8.03**, **EX 8.04**, **EX 8.05**, **EX 8.06**, **EX 8.07**, **EX 8.08**, **EX 8.09**, **EX 8.10**, **EX 8.11**, **EX 8.12**, **EX 8.13**, **EX 8.14**, **EX 8.15**, **EX 8.16**, **EX 8.17**, **EX 8.18**, **EX 8.19**, **EX 8.20**, **EX 8.21**, **EX 8.22**, **EX 8.23**, **EX 8.24**, **EX 8.25**, **EX 8.26**, **EX 8.27**, **EX 8.28**, **EX 8.29**, **EX 8.30**, **EX 8.31**, **EX 8.32**, **EX 8.33**, **EX 8.34**, **EX 8.35**, **EX 8.36**, **EX 8.37**, **EX 8.38**, **EX 8.39**, **EX 8.40**, **EX 8.41**, **EX 8.42**, **EX 8.43**, **EX 8.44**, **EX 8.45**, **EX 8.46**, **EX 8.47**, **EX 8.48**, **EX 8.49**, **EX 8.50**, **EX 8.51**, **EX 8.52**, **EX 8.53**, **EX 8.54**, **EX 8.55**, **EX 8.56**, **EX 8.57**, **EX 8.58**, **EX 8.59**, **EX 8.60**, **EX 8.61**, **EX 8.62**, **EX 8.63**, **EX 8.64**, **EX 8.65**, **EX 8.66**, **EX 8.67**, **EX 8.68**, **EX 8.69**, **EX 8.70**, **EX 8.71**, **EX 8.72**, **EX 8.73**, **EX 8.74**, **EX 8.75**, **EX 8.76**, **EX 8.77**, **EX 8.78**, **EX 8.79**, **EX 8.80**, **EX 8.81**, **EX 8.82**, **EX 8.83**, **EX 8.84**, **EX 8.85**, **EX 8.86**, **EX 8.87**, **EX 8.88**, **EX 8.89**, **EX 8.90**, **EX 8.91**, **EX 8.92**, **EX 8.93**, **EX 8.94**, **EX 8.95**, **EX 8.96**, **EX 8.97**, **EX 8.98**, **EX 8.99**, **EX 9.00**, **EX 9.01**, **EX 9.02**, **EX 9.03**, **EX 9.04**, **EX 9.05**, **EX 9.06**, **EX 9.07**, **EX 9.08**, **EX 9.09**, **EX 9.10**, **EX 9.11**, **EX 9.12**, **EX 9.13**, **EX 9.14**, **EX 9.15**, **EX 9.16**, **EX 9.17**, **EX 9.18**, **EX 9.19**, **EX 9.20**, **EX 9.21**, **EX 9.22**, **EX 9.23**, **EX 9.24**, **EX 9.25**, **EX 9.26**, **EX 9.27**, **EX 9.28**, **EX 9.29**, **EX 9.30**

Modification No. 7 - Modification of Conditions

- Condition No. 1 – amend the table to reflect the updated conditions of consent;
- Condition No. 2 – amended from payment upon receiving stamped plans to prior to the issue of the first construction certificate;
- Condition No. 3 – the conditions has been amended to modify Lot 2 in DP 262141 to Lot 1 in DP 1232424 to correct an error;
- Condition No. 6 – the condition has been amended to include the words ‘signage shown on approved amended plans or’;
- Condition Nos. 26 - modified to reflect the updated landscape plans;
- Condition No. 67 – amend the condition to demonstrate the car parking number increase from 69 spaces to 71 spaces;
- Add Condition No. 67A – to demonstrate that 25 spaces are to be allocated to staff with the remaining spaces for patrons;
- Condition No. 83 – the condition is to be updated to reflect the approved modified documents; and
- Condition No. 89 – the condition is to be updated to reflect the subject application.

Section 4.55(2) Modification Considerations

Section 4.55(2) of the Environmental Planning & Assessment Act 1979 states that “a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:”

- a) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and***

The Section 4.55(2) Application relates to amendments to an approved hotel development by increasing the number of rooms, slight increase to FSR and car parking, modifications to landscaping and external façade, signage and modifications to conditions, and as such, the proposed amendments are considered suitable in the context of the site and the locality as they will not have a significant impact on the neighbouring properties.

- b) It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and***

The modification does not require consultation with the Minister.

- c) It has notified the application in accordance with (i) the regulations, if the regulations so require, and (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and***

In accordance with Part 2 – Advertising and Notification of the Botany Bay Development Control Plan (BBDGP) 2013, the modification application was notified for 14 days between 25 June to 9 July 2018.

- d) It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.***

No submissions were received during the notification period.

Section 4.55(2)(3) Modification Considerations

Section 4.55(2)(3) of the Environmental Planning and Assessment Act 1979 states that “In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.”

An assessment of the application has been carried out under the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979. The matters of relevance to this application have been considered.

- a) Section 4.15)(1)(a) the provisions of any Environmental Planning Instrument and Development Control Plan and any other matters prescribed by the Regulations.***

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP No. 55 have been considered in the assessment of the development application, as the proposed development involves excavation for a basement car park. Clause 7 of State Environmental Planning Policy 55 requires Council to be satisfied that the site is or can be made suitable for its intended use at the time of determination of an application. Consideration of SEPP No. 55 was carried out within the assessment of DA-14/45. Therefore SEPP No. 55 does not need to be assessed as part of this proposal particularly as there is no further excavation proposed.

State Environmental Planning Policy (Infrastructure) 2007

The parent development application was originally referred to Sydney Trains (formerly RailCorp) in accordance with the requirements of the SEPP, due to the proximity of the subject site over the rail corridor. Initially, the original DA was approved as a deferred commencement to satisfy Sydney Trains request for additional information. This information was received and appropriate conditions imposed. The subject application does not seek to amend the footprint or lower the level of the basement therefore additional comment from Sydney Trains is not required.

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) aims to ensure advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. Clause 8 and Clause 13 of SEPP 64 prevents development consent from being granted to signage unless the consent authority is satisfied that it is consistent with the objectives of the SEPP and has satisfied the assessment criteria specified in Schedule 1.

The proposal will include 5 illuminated signs identified as follows:

Sign 1:

Located along the northern side of the building at Level 1 above the entrance to the car park. The sign will be an H logo, Holiday Inn Express sign and will measure 3.34m x 0.735m

Sign 2:

Located on the northern side of the building at street level. The sign will be an H logo, Holiday Inn Express sign and will measure 1.915m x 0.94m.

Sign 3:

Located on the northern side of the building at Level 8-9. The sign will be an H logo, Holiday Inn Express sign and will measure 3.405m x 4.265m.

Sign 4:

Located on the eastern side of the building at Level 8-9. The sign will be an H logo, Holiday Inn Express sign and will measure 3.05m x 3.85m.

Sign 5:

Located on the southern side of the building beneath the parapet. The sign will be an H logo, Holiday Inn Express sign and will measure 1.5m x 6.9m.

An assessment of the proposed signage against the SEPP 64 assessment criteria has been undertaken and summarised in the table below. This assessment demonstrates that the proposed signage satisfies the relevant provisions of SEPP 64, including achieving the aims and objectives of the policy.

Assessment Criteria	Comment	Complies
<u>Character of the Area</u> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>The proposed high-level signage is compatible with the existing and future character of the area. The scale and location of the signage is consistent with existing signage on other hotel developments located within the vicinity of Sydney Airport.</p> <p>The locality is transitioning from a historically light industrial area to a medium density mixed use zone and the proposed signage is appropriate with the mixed-use vision for Mascot.</p>	Yes
<u>Special Areas</u> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The site is not located in a special area. The signage will not detract from the amenity or visual quality of nearby residential land uses.</p> <p>The signage is of a scale and appearance that is compatible with the existing built form of Mascot. The proposed high-level signage will be located in line with Level 9 of the hotel building ensuring that it does not visually detract from the streetscape.</p>	Yes
<u>Views and Vistas</u> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	<p>The high-level signage will sit flush against the facade of the hotel building and will not obscure or compromise any important views.</p> <p>All signage has been designed to sit below the roof line. The signs are also not of a bulk or scale that would impede any view from the street.</p> <p>The signage is of a scale and height consistent with existing signage on other development in the surrounding locality. The signage will not adversely impact on views or vistas from other properties, nor will it impede the visibility of other signage.</p>	Yes
<u>Streetscape, setting and landscape</u> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<p>The proposed signage is compatible with the scale of the surrounding streetscape, setting and character of the light industrial and commercial land uses along Robey Street, O'Riordan Street and Alice Street.</p>	Yes

<p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p>	<p>The signage will therefore complement the existing signage in the wider precinct, with no adverse impacts on the streetscape.</p> <p>The proposal will not contribute to visual clutter as the signage panels are unified in appearance.</p> <p>The signage will not protrude above structures or tree canopies</p>	
<p><u>Site and building</u></p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The proposed high-level signage will be located at a key road intersection at the entrance to the Sydney Airport and will appropriately identify the hotel business operating on the site.</p> <p>The pedestrian-level signage adjacent to the visitor's entrance to hotel lobby and car park entrance will provide wayfinding to guests and vehicles entering the site and will not be visible from the intersection.</p> <p>The proposed signage is appropriately sized and sited with consideration to the existing and proposed built form of Mascot.</p> <p>The proposed signage will not visually detract from the hotel building as it will not protrude above the building line and be appropriately softened.</p> <p>The signage will utilise modern technology and be built with contemporary materials that are consistent with the current and future context of the site.</p>	Yes
<p><u>Associated devices and logos with advertisements and advertising structures</u></p> <p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>All lighting will be concealed within the signage structure.</p>	Yes
<p><u>Illumination</u></p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p>	<p>The proposed signage will be internally lit and will comply with the relevant standards and conditions of consent with respect to illumination.</p> <p>The illumination is not proposed to be subject to a curfew.</p>	Yes

Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?		
Safety Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage is affixed to the building and is of a static display. It will not reduce safety or interfere with sightlines.	Yes

The modified proposal satisfies the assessment criteria under SEPP 64 therefore the signage proposed is acceptable.

Botany Bay Local Environmental Plan 2013 (BBLEP)

The provisions of the Botany Bay Local Environmental Plan (BBLEP) 2013 have been considered in the assessment of the Modification Application and the following information is provided:

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
Landuse Zone	Yes	The site is zoned B5 – Business Development under the BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes	The application was approved as a hotel development which continues to be permissible subject to Council's consent.
Does the proposed use/works meet the objectives of the zone?	Yes	The proposed development is consistent with the following objectives of the B5 Business Development zone: - To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of centres.
What is the height of the building? Does the height of the building comply with the maximum building height?	Yes	The maximum permissible height is 44 metres in accordance with the BBLEP 2013. The proposed modification to the does not alter the approved height of 29.97 metres (RL 36.37).
What is the proposed FSR? Does the FSR of the building comply with the maximum FSR?	No – Refer to Note 1	The maximum permissible FSR for the subject site is 3:1 (4,506sqm). DA-14/45 was approved with an FSR of 3.19:1 (4,836sqm).

Principal Provisions of BBLEP 2013	Compliance Yes/No	Comment
		The current proposal seeks an FSR of 3.38:1 (5,079sqm)
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	N/A	The subject site is not heritage listed nor is it within a heritage conservation area.
The following provisions in Part 6 of BBLEP apply– <ul style="list-style-type: none"> • 6.1 – Acid Sulfate Soils • 6.2 – Earthworks • 6.3 – Stormwater Management • 6.8 – Airspace Operations • 6.9 – Development in areas subject to aircraft noise 	N/A	There is no substantial change to the conclusions approved in DA-14/45.

Note 1 – Variation to the FSR development standard

Discussion in regards to the increase in gross floor area by 243sqm from the approved development has been addressed in modification No. 1 above. The application is a modification therefore a Clause 4.6 variation is not required to be submitted as part of the application. The proposal adopts a similar building footprint, setbacks and landscaped area to what was approved in DA-14/45. The slight increase to the approved FSR will have no adverse impacts to the surrounding streetscape or to the amenity of the adjoining developments. Therefore the slight increase in GFA is acceptable.

Botany Bay Development Control Plan 2013 (BBDCP)

The modified proposal has been assessed against the relevant controls contained in the Botany Bay Development Control Plan 2013 (BBDCP 2013) and the following information has been provided:

Part 3A – Parking & Access

An assessment against Clause 3A.2 of the BBDCP 2013 has been provided below.

Part	Control	Proposed	Complies
3A.2 Parking Provisions	C2 – Car parking provisions shall be provided in accordance with Table 1. Hotels: 1 space for manager; plus 1 space/2 employees; plus 1 space/1.5 rooms; plus 1 taxi pick up/drop off/100 rooms; 2 coach pick-up and set down spaces	The proposal will have a total of 71 car parking spaces. That is two spaces greater than the approval under DA-14/45. The proposal is short by one car parking space for the additional rooms. In regards to the number of spaces for staff, there were no spaces approved as part of the original DA. An appropriate condition of consent has been included to comply with the number of car parking spaces	No - Refer to modification No. 2 discussion above and Note 2 below

	<p>Additional car parking must be provided for other licensed parts of the use as stipulated in this section of the DCP.</p> <p>Note: If development is within 400m from Mascot Station or efficient shuttle bus service is provided, the parking requirement can be reduced to 1 per 2.5 bedrooms</p>	for the staff and the remaining spaces for patrons.	
3A.2 – Small Cars	C5 - Parking spaces for small cars will only be permitted as visitor parking spaces or parking facilities that open to the general public. The number of parking spaces for small cars (as defined in AS2890.1) shall not exceed 5% of the total car parking spaces provided by the development.	<p>The modified proposal provides 12 small car spaces which equates to 16.9% of total car spaces. However, it is noted that an increased proportion of small car spaces is proposed to support ESD initiatives; whereby Green Star credits are available for developments that provide in excess of 15% small car spaces.</p> <p>It is also noted that a small car represents the 35th percentile of vehicle sizes in the market. Accordingly, a small car space can accommodate more than 5% of typical passenger vehicles. Hence, the proposed number of small car spaces is considered supportable.</p>	Acceptable
3A.3.1 - Car Park Design	C1 – All offstreet parking facilities shall be designed in accordance with current Australian Standards AS2890.1 and AS2890.6. The design of offstreet commercial vehicle facilities shall be in accordance with AS2890.2.	All car parking spaces have been designed to achieve compliance with the standards.	Yes

Note 2 – Shortfall in car parking

As demonstrated in the table above, there is a shortfall in the number of car parking spaces for the rooms proposed. This is notwithstanding to the departure in car parking spaces for staff that was originally not included within the parent DA. The applicant has provided the following justification for the departure in the car parking for the rooms:

“A total of 71 car spaces are provided in the modified proposal including four (4) accessible spaces and 12 small car spaces.

A shuttle bus service will be provided which reduces the amount of car parking required to a rate of 1 space per 2.5 rooms. This equates to 71.2 spaces required, rounded up to 72 or down to 71.

The shortfall of just 0.2 car spaces is considered minor. The Traffic Impact Assessment contained at Appendix H considers it supportable for the following reasons:

- *Although the DCP requires parking to be rounded up to the nearest whole number, 71.2 is only marginally larger than the 71, and therefore it is effectively 71 spaces if rounded to the nearest whole number.*
- *The RMS Guide recommends a car parking rate of 1 space per 4 rooms for hotel uses, resulting in an anticipated demand of only 45 spaces. On this basis, the 71 spaces proposed is expected to readily accommodate all parking demands on-site.*
- *Other areas within the Bayside LGA have applicable parking controls, based on the above RMS Guide rates. Accordingly, a similar parking provision for a comparable Hotel in another area of the LGA (potentially less well served by proximity to rail and the airport) would therefore be deemed acceptable. For example, the Kogarah DCP – if applied to this development – would only require 45 spaces.*
- *Accordingly, the proposed car parking allocation of 71 spaces is generally consistent with prior approvals and is considered supportable.”*

Greater discussion on the car parking issue is provided in detail in Modification No. 2 discussion above in the report. The small shortfall in car parking spaces for the rooms has been suitably justified and is acceptable. In regards to car parking for staff, an appropriate condition has been included within the consent.

Part 3D – Signage

This section of the DCP contains controls relating to signage on development. An assessment of the signage proposed has been carried out against SEPP 64 above which prevails over this section of the DCP. The signage proposed is acceptable.

Part 3J – Aircraft Noise and OLS

The application was referred to SACL both in the parent application and as part of the proposed modification. The development is located within a 25-30 ANEF Contour and a revised acoustic report has been provided with the submission of the application. The conclusions and conditions imposed from SACL have not changed as the height of the development is retained as approved.

Part 3L – Landscaping

The application seeks to amend the approved landscape plan to modify the location of some landscaping particularly along the Sarah Street frontage and the area located around the Porte Cochere and the loading dock. The original approval had approval to removal all trees with a number of trees removed and relocated elsewhere on the site. As part of this proposal, the applicant's arborist has discussed that the trees will be removed and not relocated as discussed in their arborist report and as assessed within Modification No. 6 above.

Part 3N – Waste Minimisation and Management

An amended waste management plan has been submitted as part of this application however there is no substantial changes proposed other than the relocation of the waste rooms on the ground floor as well as the location of the loading dock. The waste management plan is acceptable.

Part 5 – Mascot Business Development Precinct

The site is located within the Mascot Business Development Precinct and an assessment against the controls within this section has been carried out as follows:

Controls	Response	Complies
<p>C1 Development is to encourage a higher public transport (including walking and cycling) use and include strategies to encourage and promote car sharing and car pooling strategies.</p> <p>In this respect a Workplace Travel Plan is to be lodged with the development application. The Workplace Travel Plan shall establish measurable targets to achieve the mode share targets stated in the Mascot Town Centre Precinct TMAP - maximum car mode share: 65% by 2021 and 57% by 2031.</p>	<p>The modified hotel is located in close proximity to Sydney Airport. The proposal is also located within 800 metres of Mascot Train Station and a number of local bus stops. Accordingly, the proposal will encourage both public transport and active transport modes such as walking and cycling. The modified hotel will also maintain the provision of a shuttle bus service, providing direct service for hotel guests and staff to the Airport and thereby minimising the reliance on private vehicles and reducing the hotel's impact on the surrounding road network.</p>	<p>Yes</p>
<p>C2 Developments, including alterations and additions shall:</p> <p>i. Improve the appearance of buildings, particularly along the roads which serve a gateway function to Sydney Airport and the Sydney CBD; and</p> <p>ii. Comply with Sydney Airport's regulations in regard to safety, lighting and height of buildings</p>	<p>The modified hotel site is considered to be located at a key airport gateway location. The modified hotel incorporates a variety of materials and finishes to ensure that the overall design compliments the streetscape. Appropriate landscaping in the building setbacks will soften the overall appearance of the hotel. A Design Statement prepared by SJB and contained at Appendix C outlines the design intent and vision for the modified hotel. The modified proposal will comply with the Sydney Airport's regulation with regard to safety and lighting.</p> <p>In DA-14/45, SACL raised no objections to the proposed maximum height of 36.37 metres AHD, subject to conditions to be imposed on any consent. Given the modified proposal maintain this height, no additional impacts are generated.</p>	<p>Yes</p>
<p>C6 Development within 25 metres of either side of the centre line of the Airport</p>	<p>The subject site is adjacent to the Airport Line Tunnel and as such DA-14/45 was referred to Sydney Trains. Appropriate consent conditions were</p>	<p>Yes</p>

Line Tunnel is to be referred to RailCorp.	granted by Sydney Trains when the consent became operational. As there is no change to the basement envelope approved in DA-14/45, a formal response/referral to Sydney Trains is not required.	
C7 Development shall be designed and constructed in accordance with Australian Standard AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction).	A revised acoustic statement has been provided with the subject modification application. The report states that no additional acoustic reporting is warranted subject to the adoption of the recommendations of the Acoustic report prepared for 14/45 and compliance with conditions of consent.	Yes
C8 The introduction of noise abatement measure to achieve compliance with current AS 2021 must be done in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape.	Noise abatement measures are incorporated into the architectural design as proposed.	Yes
C9 All development that is in, or immediately adjacent to, the rail corridor or a busy road must be designed in accordance with NSW Department of Planning 'Development Near Rail Corridors and Busy Roads – Interim Guidelines, December 2008'.	The modified proposal has been designed in accordance with NSW Department of Planning 'Development Near Rail Corridors and Busy Roads – Interim Guidelines, December 2008'.	Yes

Part 7F – Hotel and Motel Accommodation

The following controls have been assessed for the modified hotel development on the site:

Control	Response	Complies
C1 – The maximum stay permitted is 3 months.	A revised plan of management has been submitted with the application and is acceptable.	Yes
C2 – The main access point is to be located at the main street frontage of the property. Access Points should be avoided at the boundaries of the property where and impact on noise	The access points to the development are off Sarah Street as approved under DA-14/45.	Yes

or privacy could result for adjoining residences.		
C4 – The minimum size for a visitor's room is 5.5m ² for the bedroom floor area for each person staying within the room.	The size of the rooms are 20sqm. Accessible rooms are larger around 28-30sqm.	Yes
C7 – A small kitchenette is permitted if adequate cupboards and shelves are provided	The rooms do not contain kitchenettes however the applicant has suggested that tea and coffee making facilities are provided only.	Yes
C9- Bathrooms must be provided in accordance with the Building Code of Australia.	All rooms have separate bathrooms that have been designed in accordance with the BCA requirements.	Yes
C10 – The design and operation of hotel and motel accommodation must take into account possible noise impacts on adjacent properties and the surrounding area.	The modified design has carefully orientated the different uses on each level to manage noise impacts arising from high noise environment.	Yes
C11 – A Plan of Management (POM) is required to be submitted. The POM is a written report which describes how the ongoing operation of hotel and motel accommodation will be managed to reduce its impact upon the amenity of surrounding properties.	A plan of management has been submitted with the modified application and has been appropriately been conditioned.	Yes
C12- The building is to comply with Parts C, D, and E of the BCA	A BCA capability statement has been included as part of the application which demonstrates compliance with the BCA.	Yes
C13 – Each room is to comply with Parts C, D E and F5 of the BCA so as to ensure there is adequate fire safety in the building and adequate sound insulation between each room.	A BCA capability statement has been included as part of the application which demonstrates compliance with the BCA.	Yes

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

The proposed modifications to an approved hotel development by increasing the number of rooms, slight increase to FSR and car parking, modifications to landscaping and external façade, signage and modifications to conditions and as such, it is considered that the proposed amendment will have no significant adverse environmental, social or economic impacts on the locality. All proposed modifications have been dealt with accordingly and addressed in the report above.

c) The suitability of the site for development.

The proposed modifications do not alter previous conclusions regarding site suitability.

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

The application was placed on public exhibition and was advertised under the Environmental Planning and Assessment Regulation for a fourteen (14) day period from 25 June to 9 July 2018. No objections were received as part of the notification period.

e) The public interest.

The proposed amendments will have no significant adverse impact upon the public interest.

CONCLUSION

The Section 4.55(2) Application seeking to modify Development Consent No. 14/45 to modify an approved hotel including internal reconfiguration, increase number of rooms to 178, external façade changes, increase in floor space, new signage, car parking, landscaping and relocation of the substation, and modification of conditions including timing of fee payment at 2-8 Sarah Street, Mascot, has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*.

The proposal is substantially the same development maintaining the approved hotel land use and is consistent with the approved bulk and scale. There is no change to the approved height with a minor increase in the overall FSR from 3.19:1 to 3.38:1. The minor FSR has no visible amenity impacts beyond that which was approved. The proposal continues to achieve similar amenity outcomes to the approved development with respect to overshadowing, visual, acoustic and traffic impacts. The internal layouts, room sizes and dimensions are similar that approved. The additional two car parking spaces will not contribute to any additional traffic generation. The relocation of the substation is acceptable and the proposed landscaped plans are supported.

The modifications put forward for amendment by the applicant in addition to a number of other conditions that relate to the current proposal, have been amended accordingly within the conditions of consent. The modifications predominantly relate to the wording of the conditions being updated to reflect the amended plans in addition to modifying the total indicative car parking numbers and timing of payment of fees. The addition of a new condition relating to the allocation of car parking spaces to staff and patrons has been included.

Therefore, the Section 4.55(2) Modification Application is recommended for approval subject to the conditions (as amended) in the attached Schedule of Consent Conditions.

RECOMMENDATION

It is RECOMMENDED that the Sydney Eastern City Planning Panel resolve pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979*, to modify Development Consent No. 14/45 at 2-8 Sarah Street Mascot, as follows:

- Amend Condition No. 1 to reflect the updated plans;\
- Amend Condition No. 2 to amend the timing of payment from pay at collection of plans to prior to the issue of the construction certificate
- Amend Condition No. 3 to modify an error from Lot 2 in DP 262141 to Lot 1 in DP 1232424
- Amend Condition No. 6 to include the words 'signage shown on approved amended plans or'
- Amend Condition No. 26 to reflect the updated landscape plans;
- Amend Condition No. 67 is to modify the number of car parking spaces from 69 spaces to 71 spaces;
- Add Condition No. 67A to demonstrate that 25 staff parking spaces are to be allocated within the car parking levels with the remaining spaces for patrons;
- Amend Condition No. 83 to reflect the updated landscaping conditions;
- Amend Condition No. 89 to reflect the subject application.

Premises: 2-8 Sarah Street Mascot

DA No: 14/45/03

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

- 1 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.	Author	Dated Received by Council
Architectural Plans, Elevations and Sections and Drawing No.: DA0.00 Cover Sheet (Issue A) DA0.01 Site Analysis & Demolition Plan (Issue A) DA0.02 Site Plan (Issue A) DA1.00 Basement Carpark (Issue A) DA1.01 Ground Floor Plan (Issue A) DA1.02 Level 1 Carpark (Issue A) DA1.03 Level 2-7 Typical Plan (Issue A) DA1.04 Level 8 Sky Restaurant (Issue A) DA1.05 Roof Plan (Issue A) DA2.01 Section AA (Issue A)	Fox Johnston	24 June 2014

Drawing No.	Author	Dated Received by Council
DA2.02 North Elevation (Issue A) DA2.03 South Elevation (Issue A) DA2.04 East Elevation (Issue A) DA2.05 West Elevation (Issue A) DA3.02 Shadow Diagram 9am Jun21 Proposed DA3.04 Shadow Diagram 12pm Jun21 Proposed DA3.06 Shadow Diagram 3pm Jun21 Proposed DA4.01 Schedule of Finishes		
Site Plan- Existing- Rev 14	SJB Architects	Dated 3 August 2018; Received 6 August 2018
Site Plan- Proposed- Rev 14		Dated 3 August 2018; Received 6 August 2018
Basement Plan- Rev 14		Dated 3 August 2018; Received 6 August 2018
Ground Plan- Rev 14		Dated 3 August 2018; Received 6 August 2018
Level 1 Plan- Rev 14		Dated 3 August 2018; Received 6 August 2018
Level 2 Plan- Rev 14		Dated 3 August 2018; Received 6 August 2018
Typical Plan (Levels 3-7)- Rev 14		Dated 3 August 2018; Received 6 August 2018
Level 8 Plan- Rev 14		Dated 3 August 2018; Received 6 August 2018
Roof Plan- Rev 14		Dated 3 August 2018; Received 6 August 2018

Drawing No.	Author	Dated Received by Council
<i>North Elevation- Rev 14</i>		<i>Dated 3 August 2018; Received 6 August 2018</i>
<i>South Elevation- Rev 14</i>		<i>Dated 3 August 2018; Received 6 August 2018</i>
<i>East Elevation- Rev 14</i>		<i>Dated 3 August 2018; Received 6 August 2018</i>
<i>West Elevation- Rev 14</i>		<i>Dated 3 August 2018; Received 6 August 2018</i>
<i>Typical Section- Rev 14</i>		<i>Dated 3 August 2018; Received 6 August 2018</i>
<i>GFA Plans- Sheet 1 of 2- Rev 14</i>		<i>Dated 3 August 2018; Received 6 August 2018</i>
<i>GFA Plans- Sheet 2 of 2- Rev 14</i>		<i>Dated 3 August 2018; Received 6 August 2018</i>
<i>Finishes Schedule- Rev 14</i>		<i>Dated 3 August 2018; Received 6 August 2018</i>
<i>LD-DA001- Material Finishes- Rev B</i>	Scott Carver	<i>Dated 3 July 2018; Received 6 August 2018</i>
<i>LD-DA002- Planting Palette- Rev A</i>		<i>Dated 8 June 2018; Received 8 6 August 2018</i>
<i>LD-DA003- Planting Schedule- Rev B</i>		<i>Dated 3 July 2018; Received 6 August 2018</i>
<i>LD-DA100- Ground Floor Landscape General Arrangement- Rev C</i>		<i>Dated 3 July 2018; Received 6 August 2018</i>
<i>LD-DA110- Level 2 landscape general arrangement- Rev A</i>		<i>Dated 8 June 2018; Received 8 6 August 2018</i>

Drawing No.	Author	Dated Received by Council
<i>LD-DA200- North Elevation- Rev A</i>		<i>Dated 8 June 2018; Received 8 6 August 2018</i>
<i>LD-DA210- East Elevation- Rev B</i>		<i>Dated 3 July 2018; Received 6 August 2018</i>
<i>Landscape Plans</i> <i>DA01 – Ground Floor</i> <i>DA02 – Typical Level & Schedule</i>	<i>JILA</i>	<i>28 February 2014</i>
<i>Stormwater Drainage Plans, Drawing Nos.:</i> <i>SW01 Cover Sheet Rev A</i> <i>SW02 Concept Stormwater Design Ground Floor Sheet 1 Rev A</i> <i>SW03 Concept Stormwater Design Ground Floor Sheet 2 Rev A</i> <i>SW04 Erosion & Sediment Control Plan Rev A</i> <i>SW05 Concept Stormwater Design Details Rev A</i>	<i>IGS</i>	<i>February 2014</i>
<i>CI-000-01- Cover Sheet- Rev A</i>	<i>Wood and Grieve Engineering</i>	<i>Received 15 June 2018</i>
<i>CI-070-01- Sediment and Erosion Control Plan- Rev B</i>		<i>Dated 14 June 2018; Received 15 June 2018</i>
<i>CI-076-01- Sediment and Erosion Control Details- Rev A</i>		<i>Dated 6 June 2018; Received 15 June 2018</i>
<i>CI-520-01- Stormwater Management Plan - Basement Floor- Rev C</i>		<i>Dated 14 June 2018; Received 15 June 2018</i>
<i>CI-520-02- Stormwater Management Plan - Ground Floor- Rev C</i>		<i>Dated 14 June 2018; Received 15 June 2018</i>
<i>CI-520-03- Stormwater Management Plan - First Floor- Rev C</i>		<i>Dated 14 June 2018; Received 15 June 2018</i>

Drawing No.	Author	Dated Received by Council
CI-526-01- Stormwater Management Details- Rev A		Dated 6 June 2018; Received 15 June 2018

(DA-14/45/03)

Document(s)	Author	Date received by Council
Statement of Environmental Effects	ABC Planning URBIS	11 March 2014 updated 26 June 2014 Dated 12 June 2018; Received 15 June 2018
Construction Management Plan Traffic Management Plan	Construction Rescue Services	11 March 2014
Construction Management Plan	Taylor	Dated 28 May 2018; Received 15 June 2018
Waste Management Plan	Fox Johnston Pty Ltd	11 March 2014 Dated 8 June 2018; Received 15 June 2018
Preliminary Geotechnical Investigation Report NO. E22020GA	Environmental Investigations Australia	11 March 2014
BCA Capability Report	Vic Lilli & Partners Blackett, Maguire and Goldsmith	11 March 2014 Dated 6 June 2018; Received 15 June 2018
Traffic Impact Assessment	Traffix Ason group	11 March 2014 - updated 19 June 2014 Dated 6 June 2018; Received 15 June 2018
Acoustic Report	Acoustic Logic	17 April 2014
Acoustic Statement	WSP	Dated 29 May 2018; Received 15 June 2018
ESD & Energy Efficient Report	SLR Cundall	11 March 2014

Document(s)	Author	Date received by Council
		<i>Dated 8 June 2018; Received 15 June 2018</i>
MitchelBrandtman Quantity Surveyors Report	MitchelBrandtmanTraffix	Revised – 30 June 2014
Qualitative Wind Turbulence Report	SLR	20 June 2014 <i>Dated 7 June 2018; Received 15 June 2018</i>
<i>Plan of Management</i>	-	<i>Dated June 2018; Received 15 June 2018</i>
<i>Gross Floor Area Calculations</i>	- SDG	<i>Dated 14 June 2018; Received 15 June 2018</i>
<i>Design Verification Statement</i>	- SJB Architects	<i>Dated 13 June 2018; Received 15 June 2018</i>
<i>Demolition Workplan</i>	- Mann Group NSW	<i>Dated 10 May 2018; Received 15 June 2018</i>
<i>Arborist Report</i>	- The Ents Tree Consultancy	<i>Dated 3 August 2018; Received 6 August 2018</i>
<i>Parking Statement</i>	- ASON Group	<i>Dated 6 August 2018; Received 6 August 2018</i>

(DA-14/45/03)

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

- 2 The applicant must prior to the ~~release of the stamped plans~~ **issue of the construction certificate**, pay the following fees:

- (a) Builders Security Deposit \$100,000.00;
- (b) Development Control \$1,350.00;
- (c) Tree Maintenance Bond \$3,000.00
- (d) Section 94 Contribution \$136,731.72.

Note:

- (i) Condition 2(a) has been assessed on the basis that construction site access is only permitted from Sarah Street.
- (ii) The Section 94 Contribution is to be paid prior to the issue of the Occupation Certificate. The Section 94 Contribution fees are subject to annual review and

the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.

(DA-14/45/03)

- 3 This Consent relates to land in Lot 1 DP 236339; Lot 2 DP 236339; Lot 3 DP236339; Lot 4 DP 236339; Lot 1 DP 262142; Lot ~~2~~ **1** DP ~~262141~~ **DP 1232424** 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. **(DA-14/45/03)**
- 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:
 - The consent authority; or,
 - An accredited certifier; and,
 - (b) The person having the benefit of the development consent:
 - Has appointed a principal certifying authority; and
 - Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - 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; and
 - (b)
 - (i) The basement car park must be designed and built as a “fully tanked” structure; and
 - 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 shown on approved amended plans or** signage permitted as exempt or complying development, shall be installed or displayed at the premises without a development application being lodged with Council and consent thereto being given by Council in accordance with Council’s guidelines and SEPP 64. **(DA-14/45/03)**

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

- 7 The following conditions are imposed by the NSW Roads and Maritime Services (RMS).
- (a) Any proposed buildings or structures must be erected clear of Robey and O’Riordan Street corridors (unlimited in height and depth) and the identified easement;
 - (b) Access to the RMS easement is not to be denied;

- (c) The integrity of the easement is not to be compromised

Note: While no part of the subject property is required under any current project approved by Roads and Maritime Services (RMS), the property is within an area under investigations for the widening of O’Riordan Street. Any possible effect on individual properties has not been determined at this time. Any enquiries in regard to this investigation should be referred to Kate Lunny on Tel: 8849 2214 or by email: Kate.Lunny@rms.nsw.gov.au

- (d) The developers should be aware of the potential for the existing and future road traffic noise impact from O’Riordan Street to the development on the subject site. The developer should provide and maintain noise attenuation measures in accordance with EPS’s Environmental Criteria for Road Traffic noise. RMS will not provide noise mitigation for future residences on the subject land. RMS’s Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments;
- (e) The developer is to submit detailed documents and geotechnical reports relating to the excavation of the site and support structures to RMS for approval in accordance with Technical Direction (GTD2012/001);
- (f) Council should ensure that post development storm water discharge from the subject site into the RMS 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 2124

A plan checking fee may be payable and a performance bond may be required before the RMS’s approval is issued. With regard to the Civil Works requirement please contact the RMS’s Project Engineer, External Works Tel: 8849 2144 or Fax: 8849 2766;

- (g) The layout of the proposed car parking areas and access driveways 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;
- (i) All work associated with the proposed development shall be at no cost to RMS.

8 The following conditions are imposed by Ausgrid:

- (a) The Applicant shall make provision for a substation(s). The size and type of substation(s) required cannot be confirmed until a completed Connection Application with load details has been received by Ausgrid;

Note: Connections to Ausgrid’s network are governed by Chapter 5A of the National Electricity Rules. Under these rules, a binding contract may be formed only after a connection application is lodged and Ausgrid has made a connection offer in response to that application. Accordingly Ausgrid cannot make any representation concerning electricity supply to your development. A duly completed connection application should be lodged as soon as possible to allow Ausgrid to respond to your Council’s conditions

of consent and to ensure electricity supply is available when your development is ready to be connected.

9 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 authorisation.
- (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 and any requirements of the relevant controlling authority.

- (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 Protection of the Environment Operations Act 1997 [POEO Act]). 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 remediation 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.

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.

- (a) 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 and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney trains;
- (b) An acoustic assessment is to be submitted to Council 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".
- (c) 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.
- (d) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SSWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principle 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.
- (e) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. 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.
- (f) If required by Sydney Trains, a track/tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principle Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
- (g) All works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
 - Excavation Methodology for proposed Development in Proximity to Rail Tunnel – Hotel International 2-8 Sarah Street, Mascot by Taylor Thomson Whitting (NSW) Pty Ltd, document no 141353 dated December 2014;
 - Douglas Partners memorandum dated 4 March 2015 "Response to TfNSW Comments 2-8 Sarah Street, Mascot".

- (a) The PROPERTY DEVELOPMENT at 2-8 SARAH STREET MASCOT lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations, which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of this Corporation.
- (b) The Civil Aviation Safety Authority (CASA) have no objection to the proposed development to a maximum height of 36.37 metres 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 (ie cranes) should be obtained prior to any commitment to construct. Information required by SACL prior to any approval is to include:
- 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);
 - the swing circle of any temporary structure/equipment used during construction;
 - the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment ie. construction cranes, intended to be used in the erection of the proposed structure/activity;
 - the period of the proposed operation (ie. 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 51.0 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports (Protection of Airspace) regulations Statutory Rules 1996 No 293, “a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, 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 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.
- (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

Note: Current planning provisions (s.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.

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

- 12 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.
- 13 Prior to the issue of a Construction Certificate and subject to the approval of the Civil Aviation Safety Authority (CASA), the applicant is to provide roof-mounted solar collector panels below a height of RL51m AHD to the rooftop area of the building. The collectors shall collect sufficient electricity to supply at least 20% of the building's energy requirements. Details of the panel system are to be provided with the Construction Certificate, including the approval of CASA.
- 14 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.

Note: 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.

- 15 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 Services) 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 New South Wales Roads and Maritime Services, 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.

- 16 Prior to the release 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 AS 2890.1.
 - (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.
- 17 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.
- 18 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 Development Control Plan ‘Stormwater Management Technical Guidelines’, AS/NSZ 3500 – 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 SMTG. 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 0.25L/m²/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) 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,
 - (e) The pump-out can only be utilized to dispose runoff that may enter the basement carpark from driveway access to the basement,
 - (f) The pump out system from the basement carpark proposed shall discharge to the on-site stormwater infiltration system,
 - (g) Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay’s SMTG,
 - (h) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site.
 - (i) Any proposed discharge to Council and/or RMS Kerb and Gutter shall be limited to 10L/s. If a higher rate is proposed, a connection shall be made to RMS/Council’s underground stormwater drainage system. Any connection to a

Sydney Water or RMS stormwater system will require specific approval from the relevant organisation, and

- (j) The submission of detailed calculations including computer modelling where required to support the proposal.
- 19 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.
- 20 The measures in the acoustical report prepared by Acoustic Logic, dated 17th April 2014, shall be undertaken in accordance with the provisions of AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.
- 21 An Erosion and Sediment Soil and Water Management Plan (ESCP) 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 ESCP shall be kept on-site at all times and made available to Council Officers on request.
- 22 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 Erosion and Sediment Control Plan (ESCP) prior to the release of the construction certificate.
- This plan shall incorporate and reference the construction environmental management plan and address site limitations.
- 23
- (a) As part of this development, the Ausgrid power and lighting poles along Sarah, O'Riordan and Robey Streets will need to be decommissioned and new underground and above ground infrastructure shall be provided as specified by Ausgrid or any other affected service provider. The location of the new electrical pillars and new lighting poles shall be confirmed with Council prior to the issue of the Construction Certificate.
 - (b) 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.
- 24 A Stage 3 – 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.

- (a) The RAP shall incorporate all findings and recommendations and address any data gaps identified in the Phase 1 Preliminary Site Assessment and Phase 2 Detailed Site Assessment for the site, specifically it shall:
- (i) Outline a regime to delineate the extent of the identified fibrous cement sheeting;
 - (ii) Incorporate a regime for analysis of soil down-gradient of the fuel tank and associated pipework to a depth of at least 3.5 metres below ground level;
 - (iii) Outline the removal of the lead hotspot identified, as well as the known underground storage tank (UST) and all associated pipework and infrastructure; and
 - (iv) Outline testing for Environmental Investigation Levels in landscaping areas.
- (b) The RAP shall clearly state proposed clean-up objectives, and demonstrate how the site will be made suitable for the proposed residential use.
- (c) The RAP shall be submitted to Council for review and concurrence prior to commencement of any remedial action works or any excavation, demolition or other building works undertaken that are not associated with the preparation of the RAP.

- 26 The landscape areas shown on the landscape plan dated ~~28.02.14~~ **3.7.2018** *prepared by Scott Carver* shall be the subject of detailed landscape construction documentation (plans and specifications) that are to be submitted to and approved by Council. The landscape documentation is to be prepared by a suitably qualified Landscape Architect, in accordance with Council's Landscape DCP. The detailed (construction level) plan shall include, but not be limited to: **(DA-14/45/03)**

- (a) A site plan showing building envelopes, paved areas and areas to be landscaped.
- (b) A planting plan at 1:100 scale showing all plant locations, groupings and centres. There is to be a dense 3-tier planting of trees, shrubs and groundcovers in all landscaped areas.
- (c) A plant schedule listing all plants by botanical name, total plant numbers, plant spacings, pot sizes and staking.
- (d) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape hardworks such as retaining walls.
- (e) Areas of paving, schedule of materials, edge treatments and sectional construction details.
- (f) All fencing, privacy screening and pergolas – elevations and materials.
- (g) Details of other landscape elements such as furniture, pedestrian lighting, sculpture and water features. Provide sectional construction details and elevations.
- (h) Planter box on slab sectional details. Planter box depths to be in accordance with Council's Landscape DCP.

- (i) Trees shall be used extensively throughout the site – particularly in the setbacks. Trees must be of an appropriate scale to complement and scale with the building form and to pedestrianize landscaped open spaces. Trees to be predominantly native, evergreen species using open canopy evergreens or selected deciduous for solar penetration. Additional trees shall be provided along the setback at the corner of Robey St & O’Riordan Street.
 - (j) Show the location of electrical kiosks and fire booster valves. Comply with conditions relating to their location and treatment.
- 27 Prior to the issue of a Construction Certificate, the applicant is to submit payment for a Street Tree Maintenance Bond of \$3,000. The duration of the Bond shall be limited to a period of 12 months after planting of the new street trees. At the completion of the 12 month period the Bond shall be refunded pending a satisfactory inspection of the tree by Council. If the tree is found to be dead or dying then Council will forfeit all or part of the bond to replace or maintain the tree, unless the Applicant undertakes this work.
- 28 Prior to the issue of a Construction Certificate, a public domain improvements plan shall be submitted for approval by Council. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving, lighting. The Plan shall be in accordance with Council’s City Identity Program, Landscape DCP and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council’s Engineering Services requirements. The plan shall include the following improvements:
- (a) Street trees shall be installed in the two western sections of the Sarah Street naturestrip as follows:
 - (i) Four (4) x *Corymbia maculata*, min. height 2.5 metres and pot size 200 litre, shall be installed in the Sarah Street nature strip at 7-8 metre centres.
 - (ii) Trees shall be sourced from a reputable supplier that grows to NATSPEC.
 - (iii) A Dial-Before-You-Dig enquiry is required prior to all tree planting.
 - (iv) The trees shall be planted in an area measuring 3 metres long by 1.5 metres wide, backfilled with imported soil/compost, water holding additive and fertiliser, and mulched with leaf mulch to a depth of 100mm. The trees are to be staked in accordance with Council’s Landscape DCP and NATSPEC recommendations.
 - (v) The tree pits shall include *Dianella* ‘Breeze’ understory planting.
 - (vi) The Applicant is required to obtain a Council inspection of new trees prior to the planting to ensure plant stock is suitable and post planting prior to the maintenance period commencing.
 - (vii) Rigid polyethylene sheet type tree root barriers shall be installed alongside the kerb and footpath edge for all new street trees for a depth of 900mm, for 3 metres each side of the tree centre and shall be located 150mm inward of the footpath and kerb edge, or any other built element. Root deflectors/directors surrounding the rootball are not permissible. The Applicant is required to contact Council’s Landscape Architect for

an inspection of root barriers located within the public domain prior to backfilling and turfing.

- (b) Unit paved footpaths to Council's Landscape Architect's specification.
 - (i) Sarah Street – 3 metres wide with planted street tree pits as per above
 - (ii) O'Riordan Street – 3 metres wide
 - (iii) Robey Street – 1.5 metres wide (plus retention of existing pedestrian barrier)
 - (iv) All footpaths to be adjacent to kerb.
- (c) On Sarah Street adjacent to the development reconstruct:
 - (i) existing Kerb and Gutter for the full length of the property in accordance with Council Infrastructure Specifications;
 - (ii) half width of the road asphalt, in accordance with Council's Infrastructure Specifications.
- (d) 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.

29 Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:

- (a) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
- (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 AS 4419 and AS 3743.
- (e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.

30 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 Standard AS 4674-2004: Construction and fit out of food premises.

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

- 31 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.

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

- 32 The Development is to be constructed to meet the requirements detailed in the approved acoustic report (Acoustic Logic, Dated 30th January 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 – 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 04:00 pm
 - (iii) No Construction to take place on Sundays or Public Holidays.
 - (e) All possible steps should be taken to silence construction site equipment.
 - (f) 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.
- 33 All management measures recommended and contained within the erosion and sediment Control Plan (ESCP) 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.

- 34 Erosion and sediment control devices shall be installed and functioning 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 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.

- 35 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.

36

- (a) The applicant shall arrange with NSW Road and Maritime Services (RMS) for any required Road Occupancy Licence prior to commencement of any road works; and
- (b) The applicant shall submit documentary evidence to the Principal Certifying Authority that the required Section 138 Consent under the Roads Act, 1993 has been issued by the Roads and Maritime Service (RMS).

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

- (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, footpath, kerb and gutter over road reserve;
- (e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever;
- (f) Permit to place skip/waste bin on footpath and/or nature strip;
- (g) Permit to use any part of Council's road reserve or other Council lands;

- (h) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area;
(It should be noted that the issue of such permits may involve approval from RTA and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.)
 - (i) Permit to establish "Works Zone" on public roads adjacent to the development site, including use of footpath area.
(Application(s) shall be submitted minimum one (1) month prior to the planned commencement of works on the development site. The application will be referred to the Council's Engineers for approval, which may impose special conditions that shall be strictly adhered to by the applicant(s)).
- 38 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.
- 39 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.
- 40 All works carried out on the public roads shall be inspected and approved by Council's engineer. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of 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.

DURING WORKS

- 41 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';
 - (b) NSW Environmental Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
 - (c) State Planning Policy 55 (SEPP 55) – Remediation of Land;
 - (d) Any recommendations contained in the Environmental Investigations (10 March 2014) *'Baxter International Hotel – Environmental Site Assessment – 2-8 Sarah Street, Mascot'*;
 - (e) The remedial Action Plan (RAP) required to be submitted prior to the issue of the Construction Certificate.
- 42 Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
 - (a) WorkCover NSW requirements. An appropriately licensed asbestos removalist and must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos;
 - (b) Protection of the Environment Operations Act 1997;
 - (c) Protection of the Environment Operation (Waste) Regulation
 - (d) DECC Waste Classification Guidelines 2008.
- 43 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.
- 44 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.
- 45 All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Department of Environment and Climate Change (DECC) Waste Classification Guidelines (2008) prior to being disposed of to a NSW approved landfill or to a recipient site.

- 46 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.
- 47 The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- (a) The Erosion and Sediment Control Plan;
 - (b) 'Managing Urban Stormwater – Soils and Construction'(2004) Landcom ('The Blue Book'); and
 - (c) Protection of the Environment Operations Act 1997.
- 48 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.
- 49 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 (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition;
 - (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.
- 50 During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any

damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

- 51 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, piercing, 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.
- 52 During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
- 53 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.
- 54 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.
- 55 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.
- 56
- (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 Department of Environment and Climate Change 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;
 - (iv) DECC Waste Classification Guidelines 2008.

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

- 57 Section 94 Contributions are required to be paid in accordance with Condition 2(d) above, The City of Botany Bay being satisfied that the proposed development will increase demand for services and facilities within the area, and in accordance with Council's Section 94 Contribution Plans 2005-2010 a sum of **\$136,731.72** listed below towards the provision of services is to be paid to Council prior to the issuing of an Occupation Certificate either interim or final.
- | | | |
|-------|------------------------------|-------------|
| (i) | Community Facilities | \$14,504.00 |
| (ii) | Administration | \$2,352.00 |
| (iii) | Shopping Centre Improvements | \$10,528.00 |
| (iv) | Open Space & Recreation | \$97,720.00 |
| (v) | Transport Management | \$11,627.72 |
- 58 Prior to the issue of the Occupation Certificate:
- (a) Replace all the existing above ground electricity and telecommunication cables to underground cables that adjoin the site and road reserve area fronting both Sarah Street, O'Riordan Street and Robey Street in accordance

with the guidelines and requirements of the relevant utility authorities and Ausgrid. The applicant shall bear all the cost of the construction and installation of the below ground cables and any necessary adjustment works. These works and payments shall be completed prior to the issue of the Occupation Certificate; and

- (b) Provide appropriate and suitable street lighting to a high decorative standard to both street frontages of the site together with those internally publicly accessible paths, spaces and corridors, so to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements.

59 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.

60 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.

61 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.

62 Prior to the issue of the Occupation Certificate the Workplace travel Plan needs to be updated to address its implementation strategy and success measures.

63

- (a) Prior to the issue of the Occupation Certificate a Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:

- (i) NSW Office of Environment and Heritage (PEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
- (ii) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
- (iii) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and

- (b) The site validation report shall provide a notice of completion of remediation works, whether there are ongoing site management requirements and a clear statement of 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 and prior to the issue of the Occupation Certificate.

64

- (a) To ensure that the site is suitable for the proposed 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; and
- (b) 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 the Site Audit Statement (SAS) prior to the issuing of the Occupational Certificate.

Note: 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.

- 65 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 17 April 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).
- 66 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.
- 67 Prior to the issue of the Occupation Certificate, minimum of ~~sixty-nine (69)~~ **seventy-one (71)** off-street car parking bays shall be provided to the development in accordance with the approved architectural plans. **(DA-14/45/03)**
- 67A *Twenty five (25) car spaces are to be allocated to staff with the remaining spaces allocated to the patrons. (DA-14/45/03)***
- 68 Prior to the issue of the Occupation Certificate the construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved stormwater management construction plan(s), Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. Certification from a Professional Engineer shall be provided to the Principal Certifying Authority.
- 69 Prior to the issue of the Occupation Certificate a sign shall be erected within or adjacent to the garbage room encouraging residents to recycle and not place recyclables into waste bins. The sign shall be a minimum of A3. Details of an

acceptable wording for the sign are available from Council's Internet site at <http://www.botanybay.nsw.gov.au>.

- 70 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.
- 71 In order to ensure that the constructed rainwater re-use and OSD/absorption system will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. The relative location of the system, in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/forms. Proof of registration shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
- 72 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.
- 73 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.
- 74 At the completion of landscaping on the site and public domain areas, the Applicant is required to obtain a Certificate of Compliance from the 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 and to address the following:
- (a) To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor. The system shall provide full coverage of all planted areas with no more than 300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source, 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.
 - (b) Any electrical kiosk, fire booster assembly or similar utilities must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and not within the landscaped street setback. The utilities must be screened by a built screen enclosure and/or landscaping so as not to reduce the visual amenity of the development or the streetscape and public domain. The location of, and screening treatment surrounding these utilities is to be approved by Council's Landscape Architect prior to their installation.
 - (c) New street trees shall be maintained by the Owner for the duration of the landscape bond period after planting. Maintenance includes periodic watering

at a frequency to sustain adequate growth, annual feeding and weed removal but does not include trimming or pruning of the trees under any circumstances.

- (d) Upgrade the public domain by the reconstruction of half the road pavement, kerb and gutter, footpath, drainage system, street trees, landscaping and any associated works for the street frontage Robey Street, Sarah Street and O’Riordan Street of the site, at the applicant’s expense. All improvements shall be in accordance with specifications and requirements from Council’s landscape and engineering sections, the approved civil works construction plans and landscape plans, and Condition 27 of this Consent.

75

- (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 Numbers 57 to 74 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

- 76 A shuttle bus required to service the Hotel must be provided to transport occupants to and from the development site to the Sydney Airport. 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.
- 77 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.
- 78 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.
- 79 The operations of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
- 80 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.

81

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

82

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.

83

- (a) The approved Waste Management Plan for the site prepared by (~~Fox Johnston~~, dated ~~25 February 2014~~ 8 June 2018) 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.

84

All waste and recycling containers shall be stored in the designated waste storage area. The waste containers shall not be over filled and the lids kept closed at all times except when material is being put in them. The Owners Corporation or building owner shall be responsible for the following:

- (a) Where waste and recycling containers need to be moved to the street;
- (b) Movement of the waste and recycling containers to the footpath for collections, and the return of waste and recycling containers to the on site waste storage area;
- (c) Refuse containers are to be returned to the waste storage area on the same day as the refuse is collected;
- (d) Cleaning and maintaining the waste storage area, any drainage installations and waste collection containers;
- (e) Providing and maintaining signage and information to uses to encourage recycling;

- (f) No waste or waste containers shall be placed on the public way (including: footpaths, roadways, and reserves) at any time.
- 85 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).
- 86
- (a) The operations of the site must at all times fully comply with the requirements of the approved Plan of Management for the site; and
 - (b) At all times the approved Workplace Travel Plan shall be fully complied with.
- 87 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.
- 88 For the purpose of inhibiting or preventing the growth of micro organisms that are liable to cause Legionnaires' 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.
- 89 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. 14/45 dated as 11 March 2014 and amended on 26 June 2014 **and further amended by DA-14/45/03 dated 15 June 2018** and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council. **(DA-14/45/03)**