

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSEC-75
DA Number	DA-2012/10087/J
LGA	Bayside Council
Proposed Development	Modification application to approved hotel to include roof top terrace and internal changes.
Street Address	289-293 King Street, Mascot
Applicant/Owner	Futuroscop Enterprises Pty Ltd
Date of DA lodgement	17 April 2020
Number of Submissions	Nil
Recommendation	<p>It is RECOMMENDED that the Sydney Eastern City Planning Panel resolve pursuant to Section 4.56 of the Environmental Planning and Assessment Act, to modify development consent no. 2012/87/9 at 289-293 King Street, Mascot as follows:</p> <ul style="list-style-type: none"> a) Amend condition 1 to refer to the amended plans; and b) Re-number and amend condition 110 to reflect the lodgement of this application.
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Section 4.56 modification to modify a consent determined by the NSW Land and Environment Court through the Section 34 conciliation process.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning & Assessment Act 1979 • Environmental Planning & Assessment Regulation 2000 • Botany Bay Local Environmental Plan 2013 • Botany Bay Development Control Plan 2013
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Site Context Plan • Floor Plan
Report prepared by	Patrick Nash, Bayside Council
Report date	7 September 2020

Summary of s4.15 matters	
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions	
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

BAYSIDE COUNCIL PLANNING ASSESSMENT REPORT

Application Details

Application Number:	DA-2012/10087/J
Date of Receipt:	17 April 2020
Property:	289-293 King Street, Mascot
Lot & DP/SP No:	Lot 1 DP 1239932
Owner:	Futuroscop Enterprises Pty Ltd
Applicant:	Futuroscop Enterprises Pty Ltd PO Box 220 Bankstown 2200
Proposal:	Modification to approved hotel to include roof top terrace and internal changes.
Zoning:	B5 – Business Development Botany Bay Local Environmental Plan 2013
Author:	Patrick Nash – Senior Development Assessment Officer
Date of Report:	8 September 2020
Recommendation:	Approval
No. of submissions:	Nil

KEY ISSUES

The subject section 4.56 Application seeks consent to modify Development Consent No. 12/87 to include a roof top terrace and internal changes. The roof top terrace areas are accessible (via internal stairs) from the approved office/commercial spaces on Level 12. The modifications sought are generally considered to be minor and are supported as they do not cause any adverse impacts upon the streetscape and/or adjoining properties.

RECOMMENDATION

- A. That the Sydney Eastern City Planning Panel resolve pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979, in respect of Development Consent No. DA2012/87/9 for modifications to the approved hotel to include roof top terrace and internal changes at 289-293 King Street, Mascot as follows:
- a) Amend condition 1 to refer to the amended plans; and
 - b) Amend condition 110 to reflect the lodgement of this application.

The reasons of approval are as follows:

- The proposed modifications will not have any additional material impact;
- The proposed modifications improve the level of amenity for future building occupants; and
- The proposal as modified is substantially the same development as the development for which the consent was originally granted.

SITE AND LOCALITY

The subject site is located on the northern side of King Street between O'Riordan Street to the east and Qantas Drive to the west. The site's address is 289 King Street and comprises two (2) separate allotments. The front allotment contains the Travelodge Hotel building/offices (Lot 1 DP 1239932) and the rear lot (the subject of the DA) accommodates the Wilson Car Park Building (Lot 2 DP 1239932).

Land along this section of King Street is zoned B5 - Business Development accommodating warehouse uses, tourist and visitor accommodation and airport related uses. A smash repairs business operates from 287 King Street, a commercial car parking facility at 297 King Street and a vacant site at 5-11 Ewan Street (opposite) which has been approved by the JRPP in 2012 for a 12 storey serviced apartment use and commercial car parking facility, under Development Application 14/047. To the west, at 297 King Street, there is the Qantas Flight Training Centre and 13 storey car park under construction which was approved by the State Government as a State Significant Development.

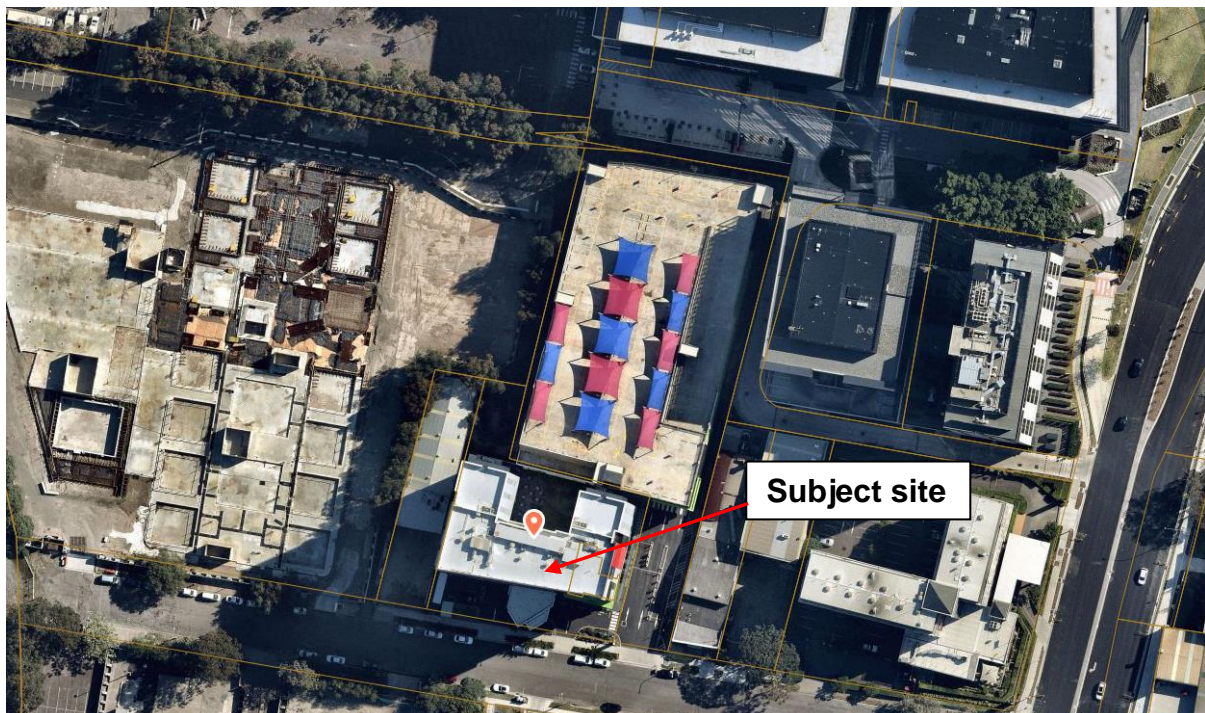


Figure 1: Aerial view of the site

HISTORY

DA12/087	On 20 June 2013, the NSW Land & Environment Court granted consent orders for DA12/87 for the demolition of the existing structures and the construction of a 13 storey hotel and commercial office building and a 5 storey long stay public car park at 289-293 King Street, Mascot.
DA12/087/02	<p>Section 96AA Application to modify Development Consent No. 12/087 was approved under Delegated Authority on the 20 December 2013, as follows:</p> <ul style="list-style-type: none"> • Amend signage to reflect new hotel operator brand 'Travelodge'; • Reduce the number of rooms from 246 to 209; • Increase the size of the rooms from 15sq.m to 18sq.m; • Increase in the hotel office floor area by 24.56sq.m; • Reduce the hotel floor to ceiling height by 100mm from 3000 to 2900mm; • Increase the mezzanine height by 600mm from 2300mm to 2900mm; and • Modify the external wall fenestration.
DA12/087/03	<p>On the 1 June 2015, Council approved Section 96AA application to:</p> <ul style="list-style-type: none"> ▪ Amend Condition 9(e) relating to Sydney Water requirements; ▪ Amend Condition No. 27 relating to the timing of the submission of the operational management plans; ▪ Delete Condition No. 12 which requires lane re-configuration on King Street/O'Riordan Street.
DA12/087/04	<p>On the 1 June 2015, Council approved Section 96AA under Delegated Authority to:</p> <ul style="list-style-type: none"> ▪ Amend Condition Nos. 26 and 76 relating to the timing of the submission of the Workplace Travel Plan.
DA12/087/05	Section 96AA application to marginally reduce the GFA/FSR from 2.216:1 to 2.214:1, change the external façade materials from precast concrete panels to a combination of in-situ concrete panels – painted and metal clad panels – painted and to extend the extent of the external louvres on the southern elevation.
DA12/087/06	Section 96AA application to delete Condition No. 30(g)(i) and (ii) requiring signage and line marking on King Street.
DA14/219	Consolidation of the existing allotments into one lot and re-subdivision into three (3) Torrens stratum lots including Lot 1 (hotel), Lot 2 (car park) and Lot 3 (commercial lobby and café) all within one Torrens title allotment at 289 King Street, Mascot. Approved under delegated authority on 26 March 2015.
DA12/087/07	Section 96AA Application to modify Development Consent No. 12/87 to amend Condition Nos. 79(c) and 103 relating to energy efficiency measures, amend Condition No. 87 relating to wheel stops, delete Condition Nos. 26(h), 76, 99 and 100 which relates to work travel plans and delete Condition Nos. 96 and 105 which relates to traffic surveys and intersection performance. Approved under Delegation on 23 November 2016.
DA12/87/08	Section 96AA to modify Development Consent No. 12/87 to delete Condition Nos. 76, 77 and 100 requiring the submission of a Workplace

	Travel Plan prior to the issue of the Interim Occupation Certificate. Approved on 16 May 2017
DA12/87/9	Section 96AA to modify Development Consent No. 12/87 to create a car wash that is ancillary to the car parking building was approved under Delegation on 15 February 2018.
BDA2012/87/A	Modification application to Travelodge Hotel including addition of meeting room; gymnasium and storage area to ground floor and reallocation of hotel parking spaces was submitted to Council on 23 November 2018. This application was approved by the Sydney Eastern City Planning Panel on 23 July 2019.
DA-2012 / 10087/J	The subject modification application was submitted to Council on 17 April 2020. Council requested updated drawings on 20 July 2020. Council briefed the Regional Panel on 2 September 2020. The applicant provided updated drawings/additional details on 15 September 2020.

DESCRIPTION OF APPROVED DEVELOPMENT

Development Application No. 12/087 was approved by the Land and Environment Court on 20 June 2013 for the demolition of the existing structures and the construction of a 13 storey hotel and commercial office building and a 5 storey long stay public car park at 289-293 King Street, Mascot. The application has been modified a number of times, as identified in the *History* documented above.

DESCRIPTION OF PROPOSED MODIFICATIONS

The subject application is a Part 4.56 Modification Application seeking to modify Development Consent No.12/87 to add two (2) roof top terrace areas. The roof top terrace areas are accessible (via internal stairs) from the approved office/commercial spaces on Level 12. The roof top terraces are intended for use by the commercial premises only and not the hotel on the lower levels. The location of the roof top terrace areas are identified in the Figures below:

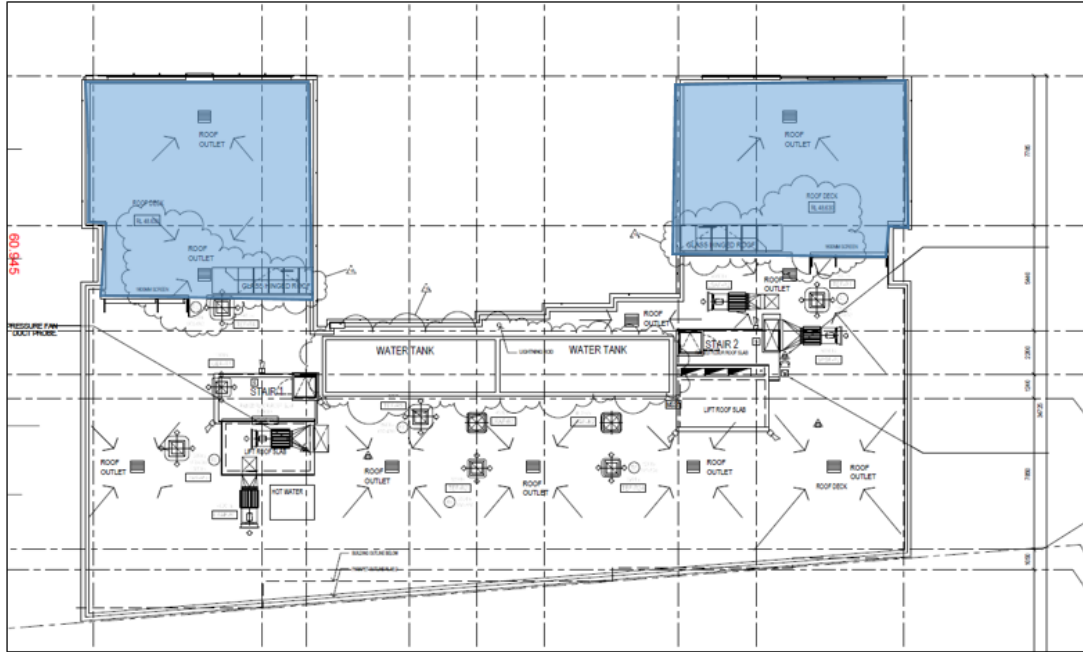


Figure 2: Roof top terrace areas identified in blue

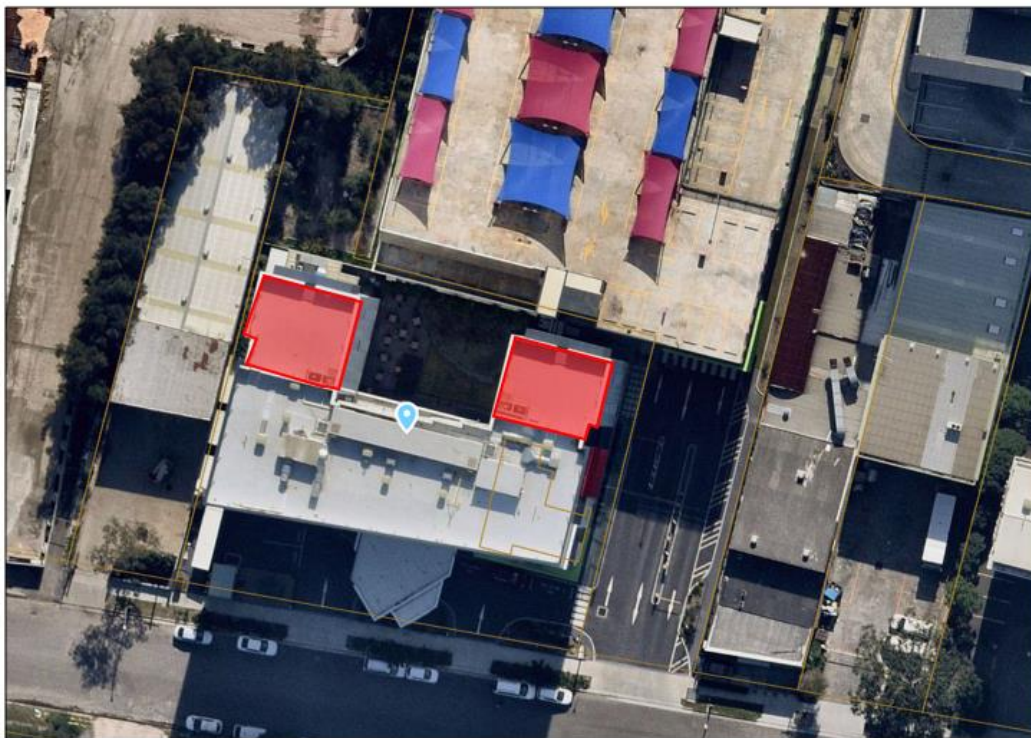


Figure 3: Location of roof top terrace areas

It is noted that Council staff have inspected the site and the works have already been undertaken. This application therefore seeks retrospective approval. Photos of the works as executed are provided below:

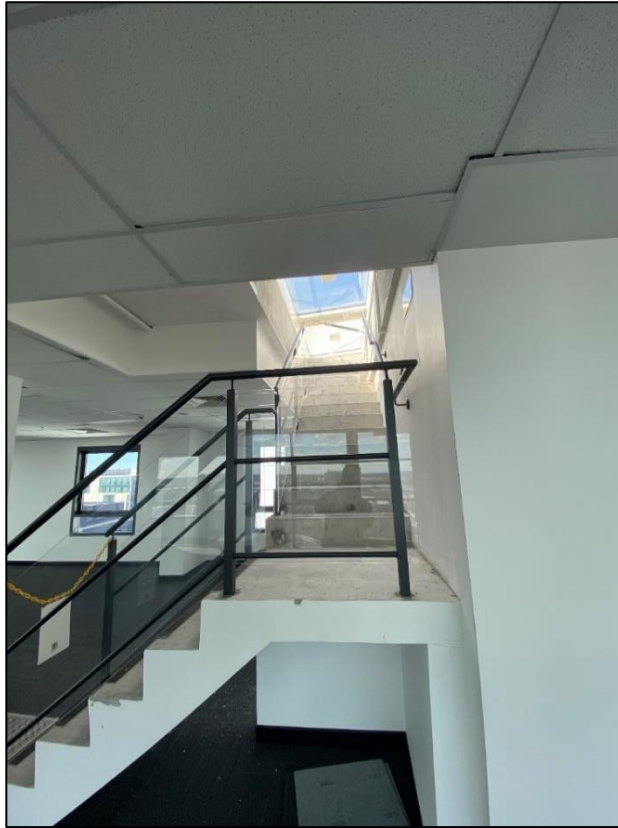


Figure 4: Internal stairs from the commercial office on Level 12



Figure 5: Roof top terrace area



Figure 6: Glass roof access hatch on the roof top

SECTION 4.15 AND SECTION 4.56 CONSIDERATIONS

In considering the subject modification application, the matters listed in Section 4.15 and Section 4.56 of the *Environmental Planning and Assessment Act 1979* have been taken into consideration in the preparation of this report as follows:

SECTION 4.56 PROVISIONS

Pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979*, Council has to be satisfied that the:

- (a) The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted;
- (b) Development is required to be notified or not;
- (c) It has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person;
- (d) It has considered any submissions made concerning the proposed modifications within any period prescribed by the regulations or provided by the development control plan; and

- (e) 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. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment

The subject application to modify Development Consent No. 2012/87/9 is substantially the same development as that approved under the original development application. The material and/or essential features of the approved development would not be altered.

The history of the original development application has been reviewed. Based on the original assessment report, there are no objectors. The proposed modified development was notified in accordance with the provisions of Botany Bay DCP 2013 and no submissions were received.

The section 4.15(1) matters have been considered below in this report and found to be acceptable. The reasons given by the consent authority for the current consent (as modified by Council) have been considered in the assessment of this application. The development, as proposed to be modified, would not be inconsistent with those reasons.

Given the above, the proposed modifications satisfy the provisions of Section 4.56 of the *Environmental Planning and Assessment Act 1979*.

SECTION 4.15 PROVISIONS

(a)(i) The provisions of any environmental planning instrument

Botany Bay Local Environmental Plan 2013

The subject property is zoned B5 - Business Development in accordance with the provisions of Botany Bay LEP 2013. The proposed modifications seek to incorporate a roof top terrace area which is a use that is ancillary to an approved commercial premises. Accordingly, the proposed modifications do not raise any concern in relation to compliance with Botany Bay LEP 2013.

The approved height and floor space ratio of the development would remain unaltered.

The works are below RL50.5 and thus comply with Sydney Airport height restrictions as identified in condition 8 of the consent. Clause 6.8 – Airspace operations of BBLEP 2013 is therefore satisfied.

(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

The Bayside draft LEP 2020 has been publicly exhibited and applies to the subject site. The draft LEP reviews the current planning controls under three existing LEPs into one consolidated LEP. The draft LEP generally harmonises and updates planning controls for the Bayside Local Government Area. There are no additional issues raised with respect to the draft LEP.

(iii) The provisions of any development control plan

Botany Bay Development Control Plan 2013

The provisions of the BBDCP 2013 have been considered in the assessment of the proposed modifications. The proposed modified development will not cause any adverse impacts to the streetscape and/or the amenity of the neighbouring properties. The creation of the roof top terrace areas would improve the overall amenity of the building by creating a passive recreation opportunity for future users of the level 12 commercial tenancy. The proposed modifications raise no concerns in relation to compliance with the BBDCP 2013 and are acceptable.

(iv) Any 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

Not applicable.

(v) The regulations

All relevant provisions of the Regulations have been taken into account in the assessment of this proposal. No further issues have been identified.

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

It is considered that the proposed development as modified will have no significant adverse environmental, social or economic impacts in the locality.

(c) The suitability of the site for development.

The subject site is not known to be affected by any natural hazards or other site constraints that are likely to have a significant adverse impact on the proposed modified development.

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

In accordance with Part 2 - Notification & Advertising of the Botany Bay Development Control Plan 2013, the modification application was notified to surrounding property owners from 28 April 2020 to 12 May 2020. No submissions were received.

(e) The public interest.

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

CONCLUSION

The proposed modifications to the approved hotel to include roof top terrace and internal changes at 289- 293 King Street, Mascot has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for approval.

RECOMMENDATION

A. That the Sydney Eastern City Planning Panel resolve pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979, in respect of Development Consent No. DA2012/87/9 for modifications to the approved hotel to include roof top terrace and internal changes at 289-293 King Street, Mascot as follows:

- a) Amend condition 1 to refer to the amended plans; and
- b) Re-number and amend condition 110 to reflect the lodgement of this application.

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

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

Drawing N ^o	Author	Date Received
Site Context Existing Plan, Drawing No. TP01, Revision L	Skematics	6 March 2013
Site Context Proposed Plan, Drawing No. TP02, Revision L & Q (DA12/087/05)	Skematics	6 March 2013 15 January 2016
Ground Floor Plan, Drawing No. TP03, Revision L & Q (DA12/087/05)	Skematics	6 March 2013 15 January 2016
Ground Floor Plan Area Calculation, Drawing No. TP03 R, Revision Q (DA12/087/05)	Skematics	15 January 2016
Level 1 and Mezzanine Plan Floor Plan, Drawing No. TP04, Revision L & Q (DA12/087/05)	Skematics	6 March 2013 15 January 2016
Level 1 & Mezzanine Floor Plan, Drawing No. TP04 R, Revision Q (DA12/087/05)	Skematics	15 January 2016
Level 02 & 03 Floor Plan, Drawing No. TP05, Revision L & Q (DA12/087/05)	Skematics	6 March 2013 15 January 2016
Level 02 & 03 Floor Plan, Drawing No. TP05 R, Revision Q (DA12/087/05)	Skematics	15 January 2016
Level 04 Plan, Drawing No. TP06, Revision L & Q (DA12/087/05)	Skematics	6 March 2013 15 January 2016

Level 5-6 Floor Plan, Drawing No. TP07, Revision L Q (DA12/087/05)	Skematics	6 March 2013 15 January 2016
Level 7-12 Floor Plan, Drawing No. TP08, Revision L Q (DA12/087/05)	Skematics	6 March 2013 15 January 2016
Level 7-12 Floor Plan, Drawing No. TP08 R, Revision Q (DA12/087/05)	Skematics	15 January 2016
Roof Plan, Drawing No. TP09, Revision L Q (DA12/087/05)	Skematics	6 March 2013 15 January 2016
South & East Elevations, Drawing No. TP10, Revision L Q (DA12/087/05)	Skematics	6 March 2013 15 January 2016
North & West Elevations, Drawing No. TP11, Revision L Q (DA12/087/05)	Skematics	6 March 2013 15 January 2016
Section A-A, Drawing No. TP12, Revision L	Skematics	6 March 2013
Shadow Diagram 21 March, Drawing No. TP13, Revision L	Skematics	6 March 2013
Shadow Diagram 21 June, Drawing No. TP14, Revision L	Skematics	6 March 2013
Context Volumetric Perspective 2, Drawing No. TP15, Revision L	Skematics	6 March 2013
Context Volumetric Perspective 1, Drawing No. TP16, Revision L	Skematics	6 March 2013
Proposed Streetscape, Drawing No. TP17, Revision L	Skematics	6 March 2013
Proposed Perspective – O’Riordan Street, Drawing No. TP18, Revision L	Skematics	6 March 2013
Proposed Perspective – Qantas Drive, Drawing No. TP19, Revision L	Skematics	6 March 2013
Proposed Perspectives – South East, Drawing No. TP20, Revision L	Skematics	6 March 2013
Proposed Perspectives – South West, Drawing No. TP21, Revision L	Skematics	6 March 2013
Proposed Perspectives – North East, Drawing No. TP22, Revision L	Skematics	6 March 2013

Proposed Perspectives – North West, Drawing No. TP23, Revision L	Skematics	6 March 2013
Ground Floor Plan area Calculation, Drawing No. TP03R, Revision L	Skematics	6 March 2013
Level 1 Car Parking Floor Plan Area Calculation, Drawing No. TP04R, Revision L (DA12/087/05)	Skematics	6 March 2013
Level 1-6 Hotel/Office & Level 2-4 Car Parking area Calculation, Drawing No. TP05R, Revision L (DA12/087/05)	Skematics	6 March 2013
Level 7-12 Hotel/Office & Roof Car Parking Floor Plan Area Calculation, Drawing No. TP06R, Revision L (DA12/087/05)	Skematics	6 March 2013
Landscape Plan, Drawing No. ISO110DA1, Issue E	Isthmus Pty Ltd	7 March 2013
Landscape Plan, Drawing No. ISO110DA2, Issue E	Isthmus Pty Ltd	7 March 2013
Landscape Plan, Drawing No. ISO110DA3, Issue E	Isthmus Pty Ltd	7 March 2013
Stormwater Concept Plan, Drawing No. SW101, Rev B, dated 11 Feb 2013;	S & G Consultants Pty Ltd	14 March 2013
Stormwater Concept Plan, Drawing No. SW102, Rev B, dated 11 Feb 2013	S & G Consultants Pty Ltd	14 March 2013
Stormwater Concept Plan, Drawing No. SW103, Rev B, dated 11 Feb 2013	S & G Consultants Pty Ltd	14 March 2013
Stormwater Concept Plan, Drawing No. SW104, Rev A, dated 11 Feb 2013	S & G Consultants Pty Ltd	14 March 2013
Stormwater Concept Plan, Drawing No. SW105, Rev A, dated 11 Feb 2013	S & G Consultants Pty Ltd	14 March 2013
As amended by Section 96(AA) Application plans as follows: TP05 'P'; TP06 'P'; TP07 'P'; TP08 'P'; TP08R 'P'; TP09 'P'; TP10 'P'; TP11 'P'; TP12 'P'; TP15 'P'; TP16 'P'; TP17 'P'; TP18 'P'; TP19 'P'	Skematics	Received by Council 28 August 2013

As Amended by Section96AA Application DA-12(87)9 Drawing Code MSCT-B-AR-G00 Drawing No.SK48 REV 3	Skematics	Received by Council 10 November 2017
As Amended by Part 4.56 Modification Application BDA-2012/87/A: Ground Floor Plan – Car Parking, Rev 2, Drawing No SK60 dated 07.08.18. Elevations, Rev 2, Drawing No SK61 dated 07.08.18. Ground Floor Plan Area Calculation, Drawing No TP03, Revision R dated 09/08/2018. Level 1 & Mezz Floor Plan, Drawing No TP04, Revision R dated 09/08/2018. Level 1-6 Hotel, Office & Level 2-4 car parking floor plan area calculation, Drawing No TP05, Revision R dated 09/08/2018. Level 7-12 Hotel/Office & Roof carparking floor plan area calculation, Drawing No TP08, Revision R dated 09/08/2018.	Skematics	Received by Council 23 November 2018.
Building A East Elevation, Drawing No AA22, Revision 9 dated 21/03/2019. East Elevation, Drawing No SK63, Revision 1 dated 21/09/2019.	Skematics	Received by Council 4 April 2019.
<i>As amended by Part 4.56 Modification Application DA-2012/10087/J:</i> <i>Site Context Plan, Rev A, dated 11/09/2020</i> <i>Roof Plan, Rev A, dated 11/09/2020</i>	<i>Skematics</i>	<i>Received by Council on 15 September 2020</i>

[S4.56 – DA-2012/10087/J – inserted on 22 October 2020]

The following documents are referenced:

Documents	Author	Date Received
Statement of Environmental Effects	ABC Planning Pty Ltd	29 May 2012
Amended SEPP 1 Objection	ABC Planning Pty Ltd	12 February 2013
Preliminary Geotechnical Investigation, Reference No. 25644Vrpt-Mascot	Jeffery and Katauskas Pty Ltd	29 May 2012
Borehole Infiltration Testing, Ref No. 25644V1 Mascot	Jeffery and Katauskas Pty Ltd	12 February 2013
Updated Survey, Reference No. 4609-DET	Usher & Company	2 February 2013
Letter regarding Section 73 Works	Abacus Engineering Pty Ltd	12 February 2013
Letter from Tune Hotels relating to Shuttle Bus Service	Tune Hotels	12 February 2013
Conceptual Acid Sulfate Soils Management Plan, Reference No. E25644Kent	Environmental Investigation Services	12 February 2013
Building Code of Australia DTS Compliance Report – Section J, Reference No. 12010-A	Abacus Engineering Pty Ltd	12 February 2013
Letter regarding Site Suitability	Environmental Investigation Services	25 February 2013
Phase 1 & 2 Environmental Site Assessment, Reference No. 1-07-027RP01	WSP Environmental Pty Ltd	29 May 2012
Acoustic Assessment Report, Reference No. 60265858-RPT01.00	AECOM Australia Pty Ltd	29 May 2012
Quantity Survey Report	MMDCC	29 May 2012
Accessibility Report	Accessibility Solutions (NSW) Pty Ltd	29 May 2012
Building Code of Australia Compliance Report	Tom Miskovich & Associates	29 May 2012

Waste Management Plan	JD Macdonald Waste Management Consultants	29 May 2012
Traffic Impact Assessment, Reference No. 12.021r01v4 TA Report Issue	Traffix	29 May 2012
Traffix response to traffic, parking, access and servicing concerns	Traffix	12 February 2013
Swept path analysis	Traffix	12 February 2013
Updated energy efficiency report Energy Efficiency Measures Report	Wood & Grieve Engineers Acor Consultants	12 February 2013 26 August 2016; Received on 29 August 2016 (DA12/87/07)
ABC Planning submission – Site Isolation	ABC Planning Pty Ltd	12 February 2013
Parking Management and Traffic System Plan		12 February 2013
SGC response to stormwater/drainage concerns	S & G Consultants Pty Ltd	12 February 2013
Statement of Environmental Effects Section 96(1A)	ABC Planning	August 2013, received by Council 28 August 2013
Clause 4.6 Exceptions to Development Standards	ABC Planning	November 2013, received by Council 21 November 2013
Statement of Environmental Effects accompanying Section 96(AA) Application (DA12/087/03)	MMD Construction Consultants	10 November 2014
Statement of Environmental Effects accompanying Section 96(AA) Application (DA12/087/04)	MMD Construction Consultants	24 December 2014
Statement of Environmental Effects accompanying Section 96AA Application (DA12/087/05)	MMD Construction Consultants	15 January 2016
Certificate of Test – Vitracore G2 (DA12/087/05)	Fairview Architectural Pty Ltd	8 March 2016

Acoustic Specification Report No. 20151359.1/0403A/R2/BW dated 4 March 2016 (DA12/087/05)	Acoustic Logic Consultancy Pty Ltd	8 March 2016
BCA Energy Efficiency Section J – JVC Design Compliance Report, Project No. S215719, dated March 2 2016 (DA12/087/05)	EMF Griffiths Sustainability Consultants	8 March 2016
Statement of Environmental Effects accompanying Section 96AA Application (DA12/087/06)	MMD Construction Consultants	1 January 2016

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

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

2. This Consent relates to land in Lots 2, 3, 4 and 5 in DP 23141, Lot C in DP 421206 and Lot in DP 528711 (and now consolidated as Lot 100 in DP1229054) and identified as 293 King Street, Mascot) and as such, building works must not encroach on to adjoining lands or the adjoining public place, except as required by conditions of this consent. (DA12/87/9)
3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
4. In accordance with the Contaminated Land Management Act 1997, notification of all category 2 remediation work to Council is required at least 30 days prior to commencement of works.
5. Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.
6. Any fire booster assembly must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and not located within any area of the landscaped setback to King Street. Fire booster assemblies should be housed within the external face of the building structure.
 - a) This utility and the electrical kiosk must be screened by landscaping so as not to reduce the visual amenity of the development or the public domain. The location of, and screening treatment surrounding these utilities is to be approved by Council's Landscape Architect prior to their installation.
7. The consent given does not imply that works can commence until such time that:
 - a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - i) the consent authority; or
 - ii) an accredited certifier; and

- b) the person having the benefit of the development consent:
 - i) has appointed a principal certifying authority; and
 - ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - iii) the person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

8. Sydney Airport Corporation Limited (SACL)

a) Height Restrictions

The PROPERTY DEVELOPMENT at 289 -293 King Street, Mascot lies within an area defined in schedules of the Civil Aviation (Building Control) Regulations which limit the height of structures to 50 feet (15.42 metres) above existing ground height AEGH) without approval of the Civil Aviation Safety Authority.

In this instance, I Peter Bleasdale, as an authorised person of the Civil Aviation Safety Authority (CASA), under Instrument Number: CASA 229/11, and in my capacity as Airfield Design Manager, have no objection to the erection of the structure to a height of 50.5 metres above Australian Height Datum (AHD).

The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

Should you wish to exceed 50.5 metres above Australian Height Datum (AHD), a new application must be submitted. Should the height of any temporary structure and/or equipment be greater than 50.5 metres above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rule 1988 No. 161.

At the completion of the construction of the building, the proponent is to ensure a certified surveyor provides (in writing), the finished height of the building to the Airfield Design Manager.

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:

- i) The location of any temporary structures or equipment, ie. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
- ii) The swing circle of any temporary structure/equipment used during construction;

- iii) The maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment ie. construction cranes, intended to be used in the erection of the proposed structure/activity;
- iv) The period of the proposed operation (ie. Construction cranes) and desired operating hours for any temporary structures.

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

For further information on Height Restrictions please contact me on (02) 9667 9246.

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 units.

The height of the prescribed airspace at the site is 51 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, "a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved".

b) Planning for Aircraft Noise and Public Safety Zones

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 current Australian Noise Exposure Forecast (ANEF) adopted by Airservices Australia.

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.

9. Sydney Water - The proposed development is to comply with the conditions provided by Sydney Water dated 24 July 2012. The conditions are outlined as follows:

- a) The development does not front any available drinking water main, and a 200mm drinking water main extension will be required from the 200mm main in O'Riordan Street connecting to the 100mm main in King Street as seen in the plan attached to the Sydney Water letter dated 24 July 2012. The accredited WSC/Designer will need to ensure that the submitted design is sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-202). Evidence of Code compliance should be attached with the design;
- b) An extension of the wastewater system will be required from the 225mm main in King Street which will provide a point of connection at least one metre inside the property boundary. The proposed wastewater infrastructure for this development will be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002);
- c) The development should ensure that no building or permanent structures are proposed within one meter from the outside wall of Sydney Water's stormwater

channel. If any structures proposed are within the zone of influence of the stormwater channel, then those structures are to be supported on piers which are to be extended a minimum one meter below the zone of influence;

- d) Should this development generate trade wastewater, this correspondence does not guarantee the applicant that Sydney Water will accept the trade wastewater to its sewerage system. In the event trade wastewater is generated, the property owner is required to submit an application for permission to discharge trade wastewater to the sewerage system before business activities commence. A boundary trap will be required where arrestors and special units are installed for trade waste pre-treatment;
 - e) A Section 73 Notice of Requirements under the Sydney Water Act 1994 must be obtained and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Sydney Water will further assess the impact of any subsequent development when the developer applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of future development and to assess if amplification and/or changes to the system are applicable. The developer must fund any adjustments needed to Sydney Water infrastructure as a result of the development; (DA12/087/03)
 - f) The developer should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. The Water Servicing Coordinator will ensure submitted infrastructure designs are sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).
10. Ausgrid - The proposed development shall comply with the conditions provided by Ausgrid in their letter dated 12 September 2012. The conditions are outlined as follows:
- a) The development will require the provision for an electricity substation within the premises.
11. NSW Police Safer by Design Assessment
- a) The proposed development is to comply with the recommendations provided by NSW Police Botany Bay Local Area Command, dated 18 September 2012 outlined in the notes at the end of the Schedule of conditions. The key requirements include:

Surveillance –

- i) Installation of a Closed Circuit Television System (CCTV) which complies with the Australian Standard — Closed Circuit Television System (CCTV) AS:4806:2006, which can receive, hold or process data for the identification of people involved in anti social or criminal behaviour. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation.

One or more cameras shall be positioned at the entry and exit points to monitor these areas (i.e. entry to the car park, foyer entrance to the hotel, etc.)

Digital technology shall be used to receive, store and process data. Recording equipment should be secured away from public access

areas to restrict tampering with the equipment and data. This equipment needs to be checked and maintained on a regular basis. It is crucial even in the development stage that these cameras are installed as soon as power is available to the site.

- ii) A duress facility shall be incorporated into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery NB Duress devices should only be used when it is safe to do so.

Lighting

- iii) Lighting (lux) levels for this development must be commensurate with a MEDIUM crime risk identified in this evaluation. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158.
- iv) The floors of the car park shall be finished with a suitable non slip glossy texture which will provide maximum light reflection;

Territorial Reinforcement

- v) Warning signs shall be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime;
- vi) A graffiti management plan shall be incorporated into a maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within 24 hours;
- vii) Graffiti resistant materials and anti-graffiti coating shall be utilised throughout the development;

Space/Activity Management

- viii) An Emergency control and evacuation plan which complied with the Australian Standard, Emergency Control Organisation and Procedures for Buildings, Structures and Workplace AS3745:2002;

Access Control

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

12. Deleted. (DA12/087/03)

CONDITIONS WHICH MUST BE SATISFIED DURING DEMOLITION

13. Demolition and remediation works may commence prior to the issue of a construction certificate.
14. Hazardous or Special Wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment, Climate Change and Water and with the provisions of the:
 - a) Work Health and Safety Act 2011;
 - b) Work Health and Safety Regulation 2011;
 - c) Protection Of the Environment Operations Act 1997 (NSW); and
 - d) NSW Department of Environment and Climate Change *Waste Classification Guidelines* (2008).

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

15. All the off-street parking bays of the development shall be allocated as follow:
 - a) **Seven hundred and twenty-one (721)** parking bays shall be allocated for long stay car parking facility (*BDA-2012/87/A*);
 - b) **Seventy (70)** parking bays shall be provided to commercial component of the development. These parking bays shall be allocated to the occupiers of commercial development based on the parking rate (1 space per 75 m2 commercial gross floor area);
 - c) **Forty-five (45)** parking bays shall be provided to hotel component of the development. **Seven (7)** of these parking bays shall be dedicated to hotel staff and the rest shall be shall be allocated to hotel patrons;
 - d) **Sixty-one (61)** parking bays of the long stay public car parking area shall be made available at all times to accommodate overflow parking demand from the hotel component of the development.
 - i) Any changes to the allocation of parking bays shall be subject to further Council's approval.
 - ii) **NB:** condition inserted at C/C stage to ensure that parking requirements for O/C (picked up at condition 96) are reflected in C/C.

[Amendment A – S4.56 – inserted on 23 July 2019]

16. Prior to the release of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service payments Act 1986 must be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however, this is a State Government fee and can change without notice.

17. Prior to the issue of any Construction Certificate:

a) The applicant must pay the following fees:

i)	Builders Security Deposit	\$51,000.00
ii)	Development Control	\$4,642.00
iii)	Performance Bond (Public Civil Work)	\$15,000.00
iv)	Performance Bond (Landscaping)	\$15,000.00
v)	Tree Preservation Bond Preparation Fee	\$550.00
vi)	Plan Checking Fee (Civil and Public	\$500.00

Domain Work) (as required)

b) The payment of **\$819,926.96** in accordance with Council's Section 94 Contributions Plan 2005-2010, such contribution to be paid to Council prior to the issue of the Construction Certificate as follows:

i)	Community Facilities	\$88,578.00
ii)	Administration	\$14,364.00
iii)	Shopping Centre Improvements	\$64,296.00
iv)	Open Space & Recreation	\$596,790.00
v)	Transport Management	\$55,898.96

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.

18. Prior to the issue of any Construction Certificate the following shall be complied with:

- a) Prior to the issue of the Construction Certificate, details to be submitted to the Principal Certifying Authority showing that the visible light reflectivity from building materials used on the facade of the building shall not exceed 20%. The aim of this condition is to ensure that the materials and finishes shall not result in glare that causes discomfort to persons or threatens safety of pedestrians or drivers;
- b) Council's property shall be supported at all times. Where any shoring is to be supporting (or located on) Council's property, certified engineering drawings showing all details including the extent of encroachment, the type of shoring and the method of removal, shall be submitted prior to the issue of the Construction Certificate. If the shoring cannot be removed, it shall be cut to 150mm below footpath level and the gap between the shoring and any buildings shall be filled with a 5Mpa lean concrete mix;
- c) Submission of a Design Certificate from a suitably qualified practicing engineer shall be provided to the Principal Certifying Authority demonstrating that any required

exhaust ventilation system required for the car park and the hotel kitchen will be ventilated at least 1 metre above the top of the car park structure, away from property boundaries and is in accordance with the BCA and any required Australian Standards.

19. Prior to the issue of the Construction Certificate, the Applicant is to enter into an agreement with Council, to be prepared by Council's solicitors, at the applicant's expense, providing for the lodgement of a bond in the sum of \$15,000 for a period of five (5) years after practical completion of landscape works, to ensure establishment and maintenance of the landscaping in accordance with the plan. The bond is to be divided as follows:

- a) \$10,000 — Establishment (1 year after completion)
- b) \$5,000 — Maintenance (5 years after completion)

Once the landscaping has been satisfactorily established for a period of one year the Establishment Bond is to be returned.

The lodgement of the bond shall not preclude the Council from initiating legal proceedings, should the landscaping not be established and maintained in accordance with this Consent, and is not intended to limit the period of compliance with the landscaping requirements to five (5) years.

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

The applicant is to note that the bond specified under this condition must be remitted to Council, either in the form of monies held in trust, or as a certified banker's guarantee, together with a sum of \$550 (cash or cheque) for disbursements associated with the preparation of the agreement, prior to the issue of an Occupation Certificate by the Principal Certifying Authority.

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

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

- a) King Street;
- b) Council's drainage pipe system in the existing drainage easement;
- c) All properties immediately adjoining the site;

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

22. To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:

- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services;
- b) Negotiate with the utility authorities (eg. Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with:
 - i) The additional load on the system; and
 - ii) The relocation and/or adjustment of the services affected by the construction.

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.

23. A qualified practitioner, with a certificate of attainment in *NWP331A Perform Conduit Evaluation*, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the Council drainage pipeline. The camera and its operation shall comply with the following:

- a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner;
- b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints;
- c) Distance from the manholes shall be accurately measured;
- d) The inspection survey shall be conducted from manhole to manhole;

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. A written acknowledgment shall be obtained from Council (attesting this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

24. Prior to the issue of any Construction Certificate, the architectural plans for construction purpose shall be revised to address the following:

- a) Two (2) taxi set-down/pick-up bays and one (1) shuttle bus zone (for hotel) shall be provided to the porte-cochere area;

- b) The layout of car park exit access driveway shall be modified to accommodate turning movements of Medium Rigid Vehicle (AS defined in AS2890.2) from the porte-cochere area;
 - c) Three (3) loading bays for courier delivery shall be shown on the architectural plans;
 - d) Detailed traffic control and management measures at the intersection of porte-cochere area and car park access driveway shall be shown on the architectural plans.
25. Prior to the issue of any Construction Certificate, design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the loading area, car parking areas (including queuing area, turning area and access ramps), driveways, vehicular access paths and pick-up/drop-off zone (for taxi and shuttle bus) shown on the construction plans have been designed in accordance with AS 2890.1, AS2890.2 and AS2890.6..
26. ~~Prior to the issue of the relevant Interim Occupation Certificate~~, framework of Workplace Travel Plan for proposed hotel and commercial components of the development shall be submitted to Council for approval. The proposed framework shall be generally in accordance with NSW Premier's Council for Active Living's "Workplace Travel Plan Guidelines – Final Report (April 2010)" and achieve the following:
- ~~a) Encourage staff to cycle and/or walk to the workplace;~~
 - ~~b) Encourage staff to use public transport to travel to workplace by providing financial incentive or shuttle bus services;~~
 - ~~c) Adopt car sharing and /or car pool scheme;~~
 - ~~d) Provide priority parking for staff with car pool;~~
 - ~~e) Provide bike storage area and end-of-trip facilities (e.g. showers facilities) in the convenient locations;~~
 - ~~f) Develop Transport Access Guides (TAGs) to Roads and Maritime Services (RMS) requirements for staff, visitors and hotel guests about information on how to reach the site via public transport, walking or cycling;~~
 - ~~g) Establish the following mode share targets as stated in Mascot Station Precinct Transport Management and Accessibility Plan (TMAP) – Final Report, prepared by Snowy Mountains Engineering Corporation, Rev 4, dated 24 Apr 2012:~~

AM Peak (two hours)		
Scenario	Public Transport and other modes of transport	Car Driver
2021	35%	65%
2031	43%	57%

~~h) Develop annually monitoring and reviewing process to ensure the effectiveness of workplace travel plans. (DA12/087/04) (DA12/87/07)~~

27. Prior to the issue of the relevant Interim Occupation Certificate, the following operation management plans shall be submitted to Council for approval:

a) Operation Management Plan for Loading Bays

The plan shall clearly present a framework (including allocated time slot) for the use of the loading bays between commercial tenants and hotel. The plan shall also restrict the largest vehicle accessing the loading bays to be Medium Rigid Vehicle (MRV) as defined in AS2890.2.

b) Operation Management Plans for Shuttle Bus Services (Hotel and Long Stay Car Parking Facility)

Operation management plans for shuttle bus services shall be prepared separately for hotel and long stay car parking facility. The plan shall provide details of the operational arrangements of shuttle bus services provided by the hotel and long stay car parking facility.

c) Operation Management Plan for Hotel Staff Car Park

Details of the operation of hotel staff car park, including traffic control and management measures at the staff car park entrance and exit point, shall be included in the operation management plan. The plan shall also provide details to ensure boom gates at the public car park entrance will be closed when vehicle is leaving the staff car park area. In addition, all vehicles entering the hotel staff car park shall be restricted to left lane only.

d) Operation Management Plan for Long Stay Car Parking Facility

The operation management plan shall provide details showing how **sixty-one (61)** parking bays of the long stay car parking area can be available to accommodate overflow parking demands from the hotel component of the development and the framework to ensure fee structure (fee in per day basis) of the long stay car park is similar to the "Park and Fly" public car park. (DA12/087/03)

28. Prior to the issue of any Construction Certificate, detailed construction plans in relation to the stormwater management and disposal system for the development (including on-site infiltration/detention system and stormwater quality improvement devices) shall be prepared by a suitably qualified civil engineer experienced in drainage design and submitted to Principal Certifying Authority for approval. The design of the stormwater drainage system shall be generally in accordance with the following stormwater management plans, prepared by prepared by S & G Consultants Pty Ltd, Project No. 20120060;

- a) Drawing No. SW101, Rev B, dated 11 Feb 2013;
- b) Drawing No. SW102, Rev B, dated 11 Feb 2013;
- c) Drawing No. SW104, Rev A, dated 11 Feb 2013; and
- d) Drawing No. SW105, Rev A, dated 11 Feb 2013;

In addition, the following issues shall be addressed:

- e) The stormwater plans shall correspond with the layout of architectural plans;
- f) The on-site infiltration/detention system constructed under the car parking and driveway area shall be structurally adequate against vehicle loadings. Structural certificate shall be provided accordingly;
- g) The DRAINS modeling results shall be attached as part of documentation for construction plans.
- h) All stormwater runoff generated from the site shall pass through Stormwater Quality Improvement Devices (SQID) prior to discharge into public stormwater drainage system as stated in the letter by S & G Consultants Pty Ltd, Reference No. 2012.0060-L03, dated 11 Feb 2013.

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

- 29. Prior to the issue of any Construction Certificate, design certification from a qualified structural engineer with NPER3 accreditation shall be submitted to Council and Principal Certifying Authority certifying that all footings of the buildings and/or other structures will be outside the existing Council's drainage easement and extend to at least 100mm below the invert of the Council's pipe (unless they are to be placed on competent bedrock).
- 30. Prior to issue of the Construction Certificate, the applicant shall lodge an application under Roads Act to Council for the public domain civil works associated with the development. Engineering construction drawings, including plans checking fee, shall be submitted to Council as part of the documentation of application. Documentary evidence of the lodgement of engineering plans shall be submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied. The public domain civil works shall include the following:
 - a) Design and reconstruct kerb and gutter and 1.8m wide footpath along full King Street frontage of the site. The works shall include removal of any redundant crossings;
 - b) Design and provide landscaping/street trees to the footpath area on all frontages of the site in accordance with the approved landscape plans;
 - c) Design and construct new vehicular crossings, including laybacks and minimum one (1) metre associated road restoration, **at 90° to the kerb and gutter** in plain concrete on King Street. All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. The minimum width of each vehicular crossing at the property boundary shall be in accordance with the following:

King Street

- i) Vehicle entrance to porte-cochere (western side) seven (7) metres
- ii) Vehicle entrance to porte-cochere (centre) four (4) metres
- iii) Exit of car parking area and loading/unloading area ten (10) metres
- d) Resurface six (6) metres wide road pavement on King Street (measuring from the lip of the gutter) with 50mm AC10 hotmix for the length of the site frontage;
- e) Design and install appropriate street lighting on King Street frontage of the site in accordance with the relevant authorities' requirements. P2 lighting design category shall be provided;
- f) Design and construct the drainage connection between the site drainage system and existing Council's drainage system along western boundary of the site;
- g) Design and install any new signage and line marking to RMS requirements on King Street frontage of the site and also include the following:
 - i) ~~Signage and line marking to transform the existing kerbside lane (left turn only into O'Riordan Street) in King Street (west) on the approach to O'Riordan Street to a left turn/thru traffic lane;~~
 - ii) ~~Signage and line marking to transform the existing thru/right turn lane in King Street (west) on the approach to O'Riordan Street to a dedicated right turn lane only;~~ (DA12/087/06)
 - iii) Install "No Parking" sign on the northern side of King Street (west) on the approach to the O'Riordan Street intersection for a distance of approximately 100m from the intersection;
 - iv) Approval shall be obtained from Local Traffic Committee for the above works and installation of new signage and line marking.

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

31. Prior to issue of the Construction Certificate, an Erosion and Sediment Control Plan shall be prepared and submitted to the Principal Certifying Authority. The plan shall be generally in accordance with the Erosion Sediment Control Plan, prepared by S & G Consultants Pty Ltd, Project No. 20120060, Drawing No. SW103, Rev B, dated 11 Feb 2013. All controls in the plan shall be implemented prior to commencement of any site works or activities on-site and also maintained at all times during the construction works. A copy of the Erosion and Sediment Control Plan shall be kept on-site at all times and made available to Council Officers on request.
32. Prior to the issue of Construction Certificate, detailed Construction Traffic Management Plan for the pedestrian and traffic management of the site during demolition or construction phases shall be prepared and submitted to **Roads and Maritime Service (RMS), Principal Certifying Authority and Council** for approval. The plan shall:
 - a) be prepared by a RMS accredited qualified person;

- b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police;
 - c) indicate construction vehicle access points of the site be restricted to King Street frontage only;
 - d) indicate the frequency of construction vehicles movements;
 - e) ensure pedestrian and vehicular access fronting King Street to be maintained at all times. No closure of any road reserve will be permitted without Council's approval;
 - f) ensure any vehicles accessing the site be restricted to 12.5 metres long (defined as Heavy Rigid Vehicle in AS2890.2). Trucks with trailers are not permitted to access the site outside demolition, remediation or construction. Condition 32(f) only relates to demolition, remediation or construction phases and it is noted that during the ongoing use of the premises condition 101 applies and restricts the maximum size of vehicle accessing the site to 8.8m long Medium Rigid Vehicle;
 - g) ensure all traffic (including worker's vehicles) enter and leave the site via King Street in a forward direction only;
 - h) ensure no vehicles associated with the demolition and construction activities of the site be permitted to travel on the section of King Street, east of O'Riordan Street.
33. Prior to the issue of Construction Certificate, detailed Construction Management Plan (CMP) shall be submitted to **Roads and Maritime Service (RMS), Principal Certifying Authority and Council** for approval of the site works. The CMP shall address the following:
- a) All vehicles (including worker's vehicles) associated with site construction activities shall enter and leave the site in a forward direction ONLY;
 - b) All vehicles (including worker's vehicles) associated with site construction activities shall only be allowed to park within the site. No parking of these vehicles shall be allowed on King Street;
 - c) Construction building materials shall be stored wholly within the site;
 - d) Vehicle and pedestrian access on King Street shall be kept clear at all times;
 - e) Under no circumstance (except emergency) shall any trucks be permitted to queue and wait on public places, public streets or any road related area (eg. footpath, nature strip, road shoulder, road reserve etc) prior to entering the site;
 - f) Locations of site office, accommodation and the storage of major materials related to the project shall be within the site;
 - g) Protection of adjoining properties, pedestrians, vehicles and public assets shall be implemented at all times;
 - h) Location and extent of proposed builder's hoarding and Works Zones, if there is any, shall be shown on the plan. It should be noted that any Works Zones proposed requires approval from Council;

- i) Protection management measures shall be implemented at all times for Council's exiting drainage system and all protected and retained trees.
34. Prior to the issue of the Construction Certificate, the applicant shall lodge with the Council a performance bond of **\$15,000** against defective public civil works undertaken by the main contractor for a period of **twelve (12)** months from the date of the completion agreed by RMS and Council. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee, which will be refundable (with no interest) subject to the approval of Council at the end of the maintenance period. In this period, the Applicant is liable for any part of the work, which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.
35. The measures required in the acoustical assessment report prepared by Aecom Australia Pty Ltd received by Council on 29^h May 2012 *and also the requirements of the acoustic report prepared by Acoustic Logic Consultancy received by Council on 8 March 2016* 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. This report was based on architectural drawings provided by Baltinas Architects Pty Ltd, dated 14/11/2011. (DA12/087/05)

The work detailed in the report includes:

- a) External Glazed Windows as detailed in Table 14 of the report;
- b) Walls and ceilings to be constructed in accordance with the Building Code of Australia.

Note

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

36. 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 Principle Certifying Authority prior to the issue of the Construction Certificate.

37. A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004) and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.
38. A Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:
- a) NSW Department of Environment, Climate Change and Water (DECCW) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites'; and
 - b) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.
 - c) The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority for review and concurrence). The report is to be submitted after completion of remediation works and prior to the issue of a Construction Certificate.
- 38A. *Prior to the issue of the construction certificate the following is required for the Car wash:*
- A) *Amended plans shall be submitted to the Principal Certifying Authority indicating that the car wash area is fully bunded and the location of the oil and water separator and appropriate connection to water supply, an additional section 73 certificate may be required to provide the business with its own water supply.*
 - d) *A Trade Waste Agreement shall be obtained from Sydney Water prior for the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'. Permission to Discharge Trade Wastewater permit shall be obtained from Sydney Water and a copy provided to Council prior to the issuing of the construction certificate. Please contact Sydney Water for further advice in relation to this matter.*

(Added DA-12/87/09)

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

39. Demolition and remediation works may commence prior to the issue of the Construction Certificate.
40. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and Roads and Maritime Services (RMS) in order to obtain the following approvals and permits on Council's lands /road reserve under Road Act 1993 and Local Government Act 1993:

(It should be noted that no works or occupancy shall be carried out in road reserve until permits have been granted from Council's engineers. Any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
- b) Permit to construction works, place and/or storage building materials on footpaths, nature strips;
- c) Permit for roads and footways occupancy (long term/ short term);
- d) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve;
- e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services;
- f) Permit to place skip/waste bin on footpath and/or nature strip;
- g) Permit to use any part of Council's road reserve or other Council lands;
- h) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area;

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

- i) Permit to establish "Works Zone" on public roads in front of the development site, including use of footpath area;

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

- j) Copy of the approved permits shall be submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.
41. Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
42. The Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying

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

43. Prior to commencement of any works in the road reserve area, the applicant shall obtain written approval from **Roads and Maritime Services (RMS), Local Traffic Committee and Council**, together with a copy of approved engineering plans, construction management plan and construction traffic plans, under Section 138 of Roads Act 1993 for the civil works to be carried out in public domain. Documentary evidence shall be submitted to the Principal Certifying Authority attesting to this condition has been appropriately satisfied.
44. All management measures recommended and contained within the Soil and Water Management Plan (SWMP) submitted as part of the construction certificate shall be implemented in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times and made available to council officers on request.
45. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
 - a) The Soil and Water Management Plan if required under this consent;
 - b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
 - c) Protection of the Environment Operations Act 1997.
46. For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water is acceptable to be released into council's stormwater system.
47. Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certifying Authority with the application for the Construction Certificate. Storage of Waste and recycling shall meet the following requirements:
 - a) Waste and recycling for commercial users shall be in a separate room from the storage of waste and recycling for residential users;
 - b) The rooms for the storage of garbage and recyclable materials shall be fully enclosed;
 - c) Adequately ventilated;

- d) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;
- e) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation, and
- f) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.

CONDITIONS WHICH MUST BE SATISFIED DURING WORKS

48. The proposed development shall comply with the following:

- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i) Stating that unauthorised entry to the work site is prohibited;
 - ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - iii) The Development Approval number; and
 - iv) The name of the Principal Certifying Authority including an after hours contact telephone number.
- b) Any such sign is to be removed when the work has been completed.

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

- a) Groundwater then being tested by a laboratory accredited by the National Association of Testing Laboratories (NATA) to NSW Office of Water suite of analytes; and
- b) No de-watering from the site will occur until (a) above has taken place.
- c) For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water is acceptable to be released into council's stormwater system; and
- d) A separate development application and approval from the NSW Office of Water is required for dewatering works.

50. During Works:

- a) The applicant shall conduct all demolition, excavation, construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
 - b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations, which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
 - c) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
 - d) Shaker pads shall to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
 - e) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times.
 - f) During demolition, excavation, construction and any associated deliveries activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.
 - g) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
51. During excavation and construction and any associated deliveries activities, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be make safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
52. During demolition and construction, the applicant is responsible for the installation and protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.
53. During demolition, excavation, construction and any associated deliveries activities, the applicant shall ensure that all works and measures have been implemented in accordance with following approved plans at all times:
- a) Approved Erosion and Sediment Control Plan;

- b) Approved Construction Traffic Management Plan; and
 - c) Approved Construction Management Plan.
54. 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) and road pavement materials;
 - c) Prior to backfilling of site stormwater drainage connection point to the existing Council's stormwater drainage system;
 - d) Final inspection;
 - e) Council's inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for additional inspections required to be undertaken by Council.
55. Site Contamination and Remediation matters:
- a) To prevent contaminated soil being used onsite, any imported fill shall be certified VENM material and shall be validated in accordance with the Department of Environment, Climate Change and Water (DECCW) approved guidelines to ensure that it is suitable for the proposed development. Imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
 - b) Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately;
 - c) For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system;
 - d) 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.
56. An assessment of soils to be disturbed shall be undertaken to determine if actual acid sulfate soil (AASS) or potential acid sulfate soils (PASS) are present onsite.

Should AASS or PASS be encountered, the soils shall be managed in accordance with the:

- a) 'Acid Sulfate Soil Management Plan' contained within the letter dated 30 January 2013, 'Conceptual Acid Sulfate Soil Management Plan Proposed Commercial Development – 289 – 293 King Street, Mascot' by EIS and
 - b) NSW 'Acid Sulfate Soil Manual" (1998).
57. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
58. The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW EPA Environmental Noise Control Manual.
59. 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.
- 60.
- a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards, and all excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;
 - b) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures;
 - c) As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - i) Protect and support the adjoining premises from possible damage from the excavation, and
 - ii) Where necessary, underpin the adjoining premises to prevent any such damage.
61. The following shall be complied with during construction and demolition:
- a) Construction Noise
 - i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:

- 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
- ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
- c) Time Restrictions
 - i) Monday to Friday 07:00am to 06:00pm
 - ii) Saturday 07:00am to 04:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
- d) Silencing
 - i) All possible steps should be taken to silence construction site equipment.

62.

- a) Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
 - i) Erection of public infrastructure being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
- b) Each toilet provided:
 - i) Must be standard flushing toilet; and
 - ii) Must be connected:
 - 1 To a public sewer; or
 - 2 If connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or

If connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
- c) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.

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

63. Any damage not shown in the dilapidation report submitted to Council as required by Condition No. 21, before site works have commenced, will be assumed to have been caused by the site works undertaken (unless evidence to prove otherwise). All damages

as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to the issue of Final Occupation Certificate.

64. A qualified practitioner, with a certificate of attainment in *NWP331A Perform Conduit Evaluation*, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the Council drainage pipeline after the completion of all works. The camera and its operation shall comply with the following:
- a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner;
 - b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints;
 - c) Distance from the manholes shall be accurately measured;
 - d) The inspection survey shall be conducted from manhole to manhole;

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. Any damage to the pipeline since the commencement of construction on the site shall be repaired in full to the satisfaction of Council. A written acknowledgment shall be obtained from Council (attesting this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

65. Prior to the issue of any Occupation Certificate, total of **eight hundred and thirty-six (836)** off-street car parking bays shall be provided to the development in accordance with the approved plans. Allocation of these off-street car parking bays shall be as follow:
- a) **Seven hundred and twenty-one (721)** parking bays shall be allocated for long stay car parking facility (*BDA-2012/87/A*);
 - b) **Seventy (70)** parking bays shall be provided to commercial component of the development. These parking bays shall be allocated to the occupiers of commercial development based on the parking rate (1 space per 75 m² commercial gross floor area);
 - c) **Forty-five (45)** parking bays shall be provided to hotel component of the development. **Seven (7)** of these parking bays shall be dedicated to hotel staff and the rest shall be allocated to hotel patrons;
 - d) **Sixty-one (61)** parking bays of the long stay car parking facility area shall be made available at all times to accommodate overflow parking demand from the hotel component of the development.

[Amendment A – S4.56 – inserted on 23 July 2019]

66. Prior to the issue of any Occupation Certificate, the following shall be provided to the development:
- a) Porte-cochere area
 - i) Two (2) taxi set-down/pick-up bays;
 - ii) One (1) shuttle bus zone (for hotel);

- iii) Two (2) loading bays sufficient to accommodate Medium Rigid Vehicle (MRV);

b) Internal Car Parking Area

- i) One (1) shuttle bus zone (for long stay public car park);
- ii) Three (3) loading bays for courier.

67. Prior to the issue of any Occupation Certificate, documentation from suitably qualified engineer shall be submitted to the Principal Certifying Authority certifying the loading area, car parking areas (including queuing area, turning area and access ramps), driveways, vehicular access paths and pick-up/drop-off zone (for taxi and shuttle bus) 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 road network and parking area shall be clearly designated, sign posted and line marked. Signage and line marking shall comply with the current version of Australian Standards.

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

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

69. Prior to the issue of any Occupation Certificate, the applicant shall obtain compliance certificates (under Part 4A of Environmental Planning and Assessment Act) for the construction and compliance of the stormwater management system. The certificate shall be obtained from the following categories of Accredited Certifier:

- a) Accredited Certifier (stormwater management facilities construction compliance);
- b) Accredited Certifier (stormwater compliance).

70. Prior to the issue of any Occupation Certificate, maintenance schedule of the stormwater drainage system (including all pits, pipes, infiltration and detention systems, treatment devices and rainwater tanks) shall be prepared by a qualified engineer and submitted to Principal Certifying Authority. A copy of maintenance schedule shall also be submitted to Council for record purpose.

71. In order to ensure that the constructed on-site infiltration/detention system and stormwater quality improvement devices (SQID) will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. The relative location of the systems, in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/forms. Proof of registration shall be submitted to the Principal Certifying Authority prior to the issue of Final Occupation Certificate.

72. Prior to the issue of any Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
73. Prior to the issue of the Occupation Certificate, the following public domain civil works shall be completed to the satisfaction of Council:
- a) Kerb and gutter and 1.8m wide footpath reconstruction along full King Street frontage of the site. The works shall include removal of any redundant crossings;
 - b) Provision of landscaping/street trees to the footpath area on all frontages of the site;
 - c) Construction of new vehicular crossings including layback and/or gutter and minimum one (1) metre associated road restoration, at 90° to the kerb and gutter in plain concrete. All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. The minimum width of each vehicular crossing at the property boundary shall be in accordance with the following:
 - 1 King Street
 - 2 Vehicle entrance to porte-cochere (western side) seven (7) metres
 - 3 Vehicle entrance to porte-cochere (centre) four (4) metres
 - 4 Exit of car parking area and loading/unloading area ten (10) metres
 - d) Resurfacing six (6) metres wide road pavement on King Street (measuring from the lip of the gutter) with 50mm AC10 hotmix for the length of the site;
 - e) Installation of underground electricity and telecommunication cables along King Street frontage of the site to relevant authorities' requirements;
 - f) Installation of appropriate and suitable street lighting to a high decorative standard on King Street frontage of the site to relevant authorities' requirements;
 - g) Construction of the drainage connection between the site drainage system and existing Council's drainage system along western boundary of the site;
 - h) Installation of any necessary signage and line marking to RMS requirements on all frontages of the site and also in accordance with the any RMS approved TMP Plans for the proposed intersection modifications. (DA12/087/06)
74. Prior to the issue of any Occupation Certificate, the following documentation shall be submitted to Council and Principal Certifying Authority attesting this condition has been appropriately satisfied.
- a) Written confirmation / completion certificate obtained from RMS and Council's engineers;
 - b) Inspection reports (formwork and final) for the works on public domain and road reserve area obtained from Council's engineer;

- c) A copy of the approved engineering construction plans showing Work-as-Executed details (together with an electronic copy (DWG format)) for all the civil works on public domain and road reserve area. The plan shall be prepared by a registered surveyor.
75. Prior to the issue of Final Occupation Certificate, a Certificate of Survey from a registered surveyor shall be submitted to the Principal Certifying Authority showing the following:
- All reduced levels shown upon the approved plans, with relation to drainage, boundary and road reserve levels, have been strictly adhered to;
 - All footings of the buildings and/or other structures are located outside the existing Council's drainage easement and at least 100mm below the invert of the Council's pipe (unless they are to be placed on competent bedrock).
- ~~76. Prior to the issue of the relevant Interim Occupation Certificate, Workplace Travel Plan shall be developed and submitted to Council in order to encourage staff to make good use of public transport, cycling, walking and car sharing for commuting work related journeys and reduce car based travel demand by staff. The plan shall generally include but not limited to the following:~~
- ~~Encourage staff to cycle and/or walk to the workplace;~~
 - ~~Encourage staff to use public transport to travel to workplace by providing financial incentive or shuttle bus services;~~
 - ~~Adopt car sharing and /or car pool scheme;~~
 - ~~Provide priority parking for staff with car pool;~~
 - ~~Provide bike storage area and end-of-trip facilities (e.g. showers facilities) in the convenient locations;~~
 - ~~Develop Transport Access Guides (TAGs) to Roads and Maritime Services (RMS) requirements for staff, visitors and hotel guests about information on how to reach the site via public transport, walking or cycling;~~
 - ~~Establish the following mode share targets as stated in Mascot Station Precinct Transport Management and Accessibility Plan (TMAP) - Final Report, prepared by Snowy Mountains Engineering Corporation, Rev 4, dated 24 Apr 2012:~~
- | AM Peak (two hours) | | |
|---------------------|---|------------|
| Scenario | Public Transport and other modes of transport | Car Driver |
| 2021 | 35% | 65% |
| 2031 | 43% | 57% |
- ~~Develop annually monitoring and reviewing process to ensure the effectiveness of workplace travel plans. (DA12/87/07) (Deleted – DA12/087/08)~~
77. Prior to the issue of Occupation Certificate, Transport Access Guides (TAGs) to Roads and Maritime Services (RMS) requirements shall be developed by a qualified person and

~~submitted to the Principal Certifying Authority and Council for approval. TAGs shall be provided to the staff, visitors and hotel patrons visiting the site in order to encourage walking, cycling and use of public transport and hence reduce the on-site parking demand generated by the development. Information about preparation and development of TAGs is available from Roads and Maritime Services website. (Deleted DA12/087/08)~~

78. Prior to the issue of any Interim or Final Occupation Certificate for the carpark, a Plan of Management for Security shall to be submitted to, and approved by, Botany Bay City Council and the NSW Police Force. The Plan of Management for the carpark shall include all measures identified in the Parking Management Plan prepared by Parking Advisory Services submitted to Council on 12 February 2013.
79. Prior to the issue of any Interim or Final Occupation Certificate for the Hotel/Office Building:
- a) The applicant must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in Condition 35 have been carried out and certify that the construction meets the above requirements and the indoor sound levels of AS2021-2000. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australia Acoustical Consultants).
 - b) A Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority to the effect that the Floor Space Ratio (FSR) of the proposed hotel is a maximum of 1:1 (when calculated in accordance with the provisions of draft Botany LEP 2012) as approved under this Development Application, has been strictly adhered to and any departures are to be rectified in order to issue the Occupation Certificate.
 - ⇨ A report shall be submitted to Council confirming that the measures incorporated ~~agreed~~ in the agreed Energy Efficiency Report listed in Condition 1 have been complied with. ~~Amongst other matters, the report shall confirm that the development achieves a minimum 4.5 star NABERS rating (www.nabers.com.au).~~ (DA12/087/06) (DA12/87/07)
80. Prior to the release of any Occupation Certificate a sign shall be erected within or adjacent to the garbage room / bins and within each hotel room encouraging hotel staff, hotel guests and car park patrons to recycle and not place recyclables into waste bins. The sign shall be clearly legible and A3 minimum within garage room areas. Details of an acceptable wording for the sign are available from Council's Internet site at <http://www.botanybay.nsw.gov.au>.
81. Prior to the release of any Occupation Certificate the operator shall enter into a commercial contract for the collection of (trade) waste and recyclables arising from the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.
82. Landscaping shall be installed in accordance with the approved landscape plans dwg DA01-DA03, *Issue E by Isthmus Landscape Design and as amended in red ink* by Council's Landscape Architect dated 13 March 2013 prior to the issue of an Occupation Certificate. This amended plan supersedes the original landscape plan. Amendments include:
- a) Additional large native canopy trees in the rear setback and wider areas of the eastern and western boundary setbacks to improve landscape screening (at height)

the facades of these building. There are spaces within the proposed tree planting scheme that can accommodate additional Banksias;

- b) The Casuarinas and Banksias proposed for the 1.5 metre landscape area on the eastern boundary are to be substituted with Native Frangipanni (*Hymenoporum flavum*) and Lillypilly (*Waterhousia floribunda*) for variety/aesthetics and suitability to the relatively narrow landscape area;
- c) A tree is to be planted in the wider landscape area in the south-eastern corner of the side;

The landscaped areas on the property shall be installed and maintained in accordance with the approved landscape documentation, the conditions of consent and Council's Landscape DCP at all times.

- 83. An experienced Landscape Contractor shall be engaged to undertake landscaping work on the property and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. All plant materials purchased is to be grown to the NATSPEC requirements. The Landscape Contractor shall be engaged weekly for a minimum period of 26 weeks from final completion of landscaping for landscape maintenance and defects liability; replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
- 84. 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.
- 85. Boundary fences are to be suitably repaired and made good to improve the appearance of the property. Boundary fences forward of the building alignment shall be no more than 1 metre in height.
- 86. A raised concrete edge shall be installed around the landscape areas to contain soil and mulch finishes from spilling onto adjoining pavements. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges are not suitable.
- 87. Concrete, plastic or rubber wheel stops shall be installed in all car spaces adjoining garden beds in accordance with Council specifications and Australian Standard AS/NZS 2890.1:2004 prior to the issue of an Occupation Certificate to prevent overhang and damage to garden beds. (DA12/87/07)
- 88.
 - a)
 - i) Three (3) x Spotted Gum (*Corymbia maculata*), pot size 200 litre, shall be installed in the King Street nature strip as indicated on the landscape plan by a qualified landscape contractor. The trees shall be sourced from a reputable supplier that grows to NATSPEC;

- ii) A Dial-Before-You-Dig enquiry is required prior to all tree planting;
 - iii) The trees shall be planted in an area measuring 1 metre square fitted with an slotted pipe watering system (*Arborgreen Roottrain* or similar), 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;
 - iv) The Applicant is required to obtain a Council inspection of new trees prior to the maintenance period commencing;
- b) The new street trees shall be maintained by the Applicant/Owner/Operator for a period of twelve (12) after planting. Maintenance includes twice weekly watering to sustain adequate growth, fertilising (spring/summer) and weed removal but does not include any trimming or pruning of the trees under any circumstances at any time;
 - c) Public domain landscape works – footpath paving and landscaping on the nature strip shall be completed prior to the issue of any Occupation certificate.

89.

- a) All existing aboveground service cables, including power lines, telecommunications cables and other similar services ("overhead service cables") in the streets adjacent to and within the confines of the development site shall be placed underground at no cost to the Council in the following manner:
 - i) Existing street lights located within the footpath reserve along the King Street frontages of the development site shall be replaced with new street lights in accordance with the requirements of Australian/New Zealand Standard AS/NZS 1158-1997 "Public Lighting Code" and the requirements of the Roads and Traffic Authority.
 - ii) All of the works required by this condition must be completed prior to the issue of any Occupation Certificate.
- b) Prior to issue of any Occupation Certificate, approval shall be obtained from Council and the responsible utility authority for street lighting. Detailed street lighting design and construction plans, prepared by a suitably qualified person, shall be submitted to Council for approval. The design shall be in accordance with AS 1158 and to Energy Australia's requirements. Alterations/additions to street lighting shall be carried out by the responsible utility authority for lighting, or to the satisfaction of that authority, and all capital contributions associated with the installation of the lighting shall be borne by the applicant. The proposal shall include details of all fixtures being proposed and underground power reticulation shall be allowed for in the design. P2 lighting design category shall be provided to all street frontages of the site.

90. 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 prior to issue of any Occupation Certificate.

90A *Prior to the issue of an occupation certificate for the car wash facility. The following is required.*

- a) *Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.*

Make an early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

- b) *All car wash bays that discharge to sewer must meet the following requirements:*

- *The floor must be sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment and disposal point.*
- *The wash bay is to be roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay*
- *The roof to the wash bay roof must be a minimum height of 2.5 m.*
- *A bund must be constructed and maintained around the perimeter of the bay. The bund is to be protected from the entry of external surface waters, by either; a minimum 2% change in grade; or combination of a minimum 2% grade change and a grated drainage system.*
- *All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems.*
- *The collection pit shall be a minimum of 1000 litres.*
- *A Permission to Discharge Trade Wastewater certificate issued by Sydney Water must be obtained prior to the approval of the development.*

(Added 12/87/9)

91.

- a) Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.
- b) Condition Nos. 26, 27, and 63 – 91 are pre-conditions to the issue of the Occupation Certificate. (DA12/087/03) (DA12/087/04)

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

92. The hotel and car park uses shall be permitted to operate on a 24 hour basis, seven days per week.
93. Ongoing maintenance of the nature strip shall be undertaken by the occupier or owner. Maintenance includes mowing, watering, removal of weeds and rubbish and maintaining an even coverage of grass/plant material at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees located on the nature strip under any circumstances at any time.
94. Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this

occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.

95. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired in accordance with the maintenance schedule submitted to Council to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
96. In order to ensure the intersection performance at O’Riordan Street/King Street will not be significant worse than the Level of Service stated in the submitted traffic report, traffic surveys and intersection performance analysis shall be carried out for all vehicle access points of the site and intersection at O’Riordan Street/King Street. The traffic survey shall be carried out six (6) months and twelve (12) months after the final occupation of the development.
97. All the off-street parking bays of the development shall be allocated as follow:
 - a) **Seven hundred and twenty-one (721)** parking bays shall be allocated for long stay car parking facility (BDA-2012/87/A);
 - b) **Seventy (70)** parking bays shall be provided to commercial component of the development. These parking bays shall be allocated to the occupiers of commercial development based on the parking rate (1 space per 75 m² commercial gross floor area);
 - c) **Forty-five (45)** parking bays shall be provided to hotel component of the development. **Seven (7)** of these parking bays shall be dedicated to hotel staff and the rest shall be shall be allocated to hotel patrons;
 - d) **Sixty-one (61)** parking bays of the long stay public car parking area shall be made available at all times to accommodate overflow parking demand from the hotel component of the development.
 - e) Any changes to the allocation of parking bays shall be subject to further Council’s approval.

[Amendment A – S4.56 – inserted on 23 July 2019]

98. All Operation Management Plans of the development site shall be implemented at all times. Any changes to the operation management plans shall be subject to further Council’s approval.
99. In order to ensure the certainty to implement workplace travel plan for all future tenants of the site, preparation and implementation of workplace travel plan shall be part of the lease agreement for all tenants.
- ~~100. The Workplace Travel Plan shall be monitored and reviewed annually in order to revise and improve the plan to achieve the targets on the number of staff travel to work by public transport, cycling and walking. Copy of the annual review shall be submitted to Council.~~

- a) Within 18 months of the issue of the Occupation Certificate (either Interim or Final), the Applicant or Operator of the car park shall engage a suitably qualified Traffic Engineer to prepare a report to be submitted to Council confirming that the forecasts for all uses on site contained in the Traffic Impact Assessment, Reference No. 12.021r01v4 TA Report Issue prepared by Traffix and the Traffix response to traffic, parking, access and servicing concerns letter received by Council 12 February 2013 and listed under Condition 1 have been met in all respects.
 - b) Should the report demonstrate that the traffic impacts exceed the forecasts provided in the original documentation, the applicant is to engage a suitably qualified Traffic Engineer to give advice to the Council on what additional measures are required to enable the forecast of the traffic report to be met and a time period in which these measures shall be implemented.
 - c) Any additional measures required shall be implemented within 6 months of the date of the report. (Amended DA12/087/08)
101. The operation of the development and movements of vehicles shall comply with the following requirements:
- a) The maximum size of vehicle accessing the site (including porte-cochere area) shall be limited to 8.8m long Medium Rigid Vehicle (MRV) (as denoted in AS2890.2). Use of any larger vehicle will be subject to further development applications and Council's approval;
 - b) All vehicles shall be parked in the marked parking bays and all parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery. Vehicle manoeuvring area shall be kept clear at all times;
 - c) All vehicles shall enter and leave the site in a forward direction;
 - d) Under no circumstance shall vehicles to queue on public places, public streets or any road related area (e.g. footpath, nature strip, road shoulder, road reserve etc) prior to entering the site;
 - e) Garbage collection and loading and unloading activities associated with the delivery shall take place wholly within the dedicated loading area;
 - f) All loading bays, taxi set-down/pick-up bays and shuttle bus zone shall be set aside for loading and set-down/ pick-up purposes only and shall not be used for other purposes. No vehicles shall be permitted to park in these areas;
 - g) 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);
102. Prior to commencement of operations a maintenance schedule shall be submitted to the Principal Certifying Authority for approval as to the ongoing maintenance and upkeep of the finishes and materials to the building(s). This shall include, but not be limited to the following:
- a) The exterior of the buildings being painted at least once in every ten year period;
 - b) The metal screens and any fencing to the building and site being protected against fading/discolouration and warping.

- c) The maintenance schedule shall be complied with during ongoing use of the premises.
103. The ongoing operation of the hotel shall comply with the following additional requirements:
- a) The ancillary meeting rooms, bar and restaurant facilities located within the hotel shall be restricted for hotel guest / residents use only; and
 - b) ~~Annual monitoring shall be undertaken to confirm that the hotel retains a minimum 4.5 STAR sustainability target in accordance with the National Australian Built Environment Rating System (NABERS). (DA12/87/07)~~
104. The ongoing operation of the long stay car parking facility shall comply with the following additional requirements:
- a) The Plan of Management for the site shall be complied with at all times during the use and operation of the premises (Including employment of a minimum of one (1) licensed security guards being employed by the carpark 24 hours, 7 days per week).
 - b) The Plan of Management with respect to the operation of the premises shall be regularly reviewed, to address changing circumstances or new issues that may arise with respect of the ongoing operation and use of the premises.
 - c) The staff of the premises shall be provided with at least one copy of the Plan of Management. An additional copy of the plan shall be displayed in a secure, publicly visible and accessible position within the premises.
105. ~~In order to ensure the intersection performance at O'Riordan Street/King Street will not be significantly worse than the Level of Service stated in the submitted traffic report, traffic surveys shall be carried out for all vehicle access points of the site on Ewan Street and King Street. The traffic surveys shall be carried out six (6) months and twelve (12) months after the issue of any occupation certificate for the long term public carpark. (DA12/087/06)~~
- 106.
- a) The use of the car parking facility shall comply with all requirements contained within the acoustic report submitted in accordance with Condition 35 of the consent at all times; and
 - b) The use of the car parking facility and hotel shall not give rise to any of the following when measured or assessed at "sensitive" positions within any other property. These "sensitive" positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.
 - i) 'Offensive noise' as defined in the Protection of the Environment Operations Act 1997.
 - ii) Transmission of vibration to any place of different occupancy above the requirements of AS2670.

iii) The following additional criteria:

- 1 The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
- 2 The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
- 3 The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

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

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

108. Within three (3) months after issue of any Occupation Certificate for the long stay car parking facility, the NSW Police Safer by Design Officer at the Botany Bay Local Area Command shall be contacted and a “crime risk assessment” shall be undertaken by them to ensure the security measures have been put in place and are effective in reducing crime. Any additional measures required to be implemented shall be carried out within 1 month of the date of the inspection or as otherwise agreed.

- a) Note: The current contact is Senior Constable Martin Karajayli at the Mascot Police Station on 8338 7475.

109. Waste Management:

- a) The hotel shall actively encourage recycling of materials within hotel rooms;
- b) The Waste Management Plan for the site prepared by JD Macdonald Waste Management Consultants dated May 2012 shall be complied with at all times during ongoing use of the premises;
- c) All waste and recycling containers shall be stored in the designated waste storage area. The waste containers shall not be over filled and the lids kept closed at all times except when material is being put in them;
- d) No waste or waste containers shall be placed on the public way (including: footpaths, roadways, and reserves) at any time.

109A Car Wash Operation

- A) *Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the protection of the environment operation act 1997.*

Records shall be kept of all liquid and solid waste disposals from the site, and be made available to council officers on request.

- e) *The car wash bay is to be maintained by operator and or building owner in accordance with the requirements of this consent and:*
- Have an approved maintenance management plan which includes a contingency plan in case of system failure.*
 - The system shall be maintained and inspected at least quarterly. The thickness of the sediment and oil levels, and outflow oil concentrations are to be logged quarterly.*
 - Records of the log and a copy of the Sydney Water Discharge Trade Wastewater Certificate shall be retained on site for inspection by Council officers. The records are to be retained for a period of 7 years.*
 - All detergents must be stored within a secured area that has appropriate cover.*
- f) *Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shoveling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.*

(Added DA-12/87/09)

110. 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. 12/087 dated as 29 May 2012, as amended by Section 96AA Application 12/087/02 received by Council 28 August 2013 as amended by Section 96AA Application 12/087/03 received by Council 10 November 2014 and as amended by Section 96AA Application 12/087/04 received by Council 24 December 2014 and as amended by Section 96AA Application 12/087/05 received by Council 15 January 2016 and as amended by Section 96AA Application 12/087/06 received by Council 15 January 2016 and as amended by Section 96AA Application 12/87/07 received by Council 29/08/2016 and as amended by Section 96AA application received by Council 21 March 2017 (DA12/087/08) and as amended by Section 96AA application received by Council 10 November 2017 (DA12/087/09) and as amended by Part 4.56 application received by Council on 23 November 2018 (BDA-2012/87/A) and as amended by Part 4.56 application received by Council on 17 April 2020 (DA-2012/10087/J) and that any alteration, variation, or extension to the building or use for which approval has been given, would require further Approval from Council.

Advisory Notes:

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

Surveillance

- (a) As the proposed development may be exposed to Break Enter and Steals, Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, a closed circuit television system (CCTV) which complies with the Australian Standard — Closed Circuit Television System (CCTV) AS:4806:2006 needs to be implemented to receive, hold or process data for the

identification of people involved in anti social or criminal behaviour. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation.

- (b) This system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas which are difficult to supervise.
 - Cameras should be strategically mounted outside the development buildings and within the car parking areas to monitor activity within these areas.
 - One or more cameras should be positioned at the entry and exit points to monitor these areas (car park, foyer entrance)
- (c) Digital technology should be used to receive, store and process data. Recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. This equipment needs to be checked and maintained on a regular basis.
- (d) It is crucial even in the development stage that these cameras are installed as soon as power is available to the site.
- (e) A monitored intruder alarm system which complies with the Australian Standard — Systems Installed within Clients Premises, AS:2201:1998 should be installed within the premises to enhance the physical security and assist in the detection of unauthorised entry to the premises. This standard specifies the minimum requirements for intruder alarm equipment and installed systems. It shall apply to intruder alarm systems in private premises, commercial premises and special installations. The system should be checked and tested on a regular (at least monthly) basis to ensure that it is operating effectively. Staff should be trained in the correct use of the system.
- (f) The light emitting diodes (LED red light) within the detectors should be deactivated, to avoid offenders being able to test the range of the system.
- (g) Consideration should also be given to incorporating duress facility into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery NB Duress devices should only be used when it is safe to do so.
- (h) By angling fire egress inlet walls 45 degrees or more, opportunities for entrapment, loitering and vandalism can be reduced.
- (i) Care should be taken when using glazing in entry foyers. At night the vision of departing occupants can be affected by reflections on the interior of the glass (can't see outside). Mirroring can be reduced by using appropriate external lighting.
- (j) The configuration of car parking spaces can impact the risk to car thieves. Grid rows increase natural surveillance. Avoid dark spots, corners and isolated car spaces.
- (k) Public laundries, garbage disposal areas and other communal spaces should not be located in a buildings 'leftover space'. Poor supervision of communal facilities can greatly increase the risk of predatory crime, theft and vandalism. Areas that are unused or sporadically used after hours and unsupervised should not be accessible to the public.
- (l) Uneven building alignments, insert doorways and hidden entrances should be avoided. They can facilitate predatory crimes, thefts, malicious damage and other offences.
- (m) Bicycle parking areas should be located within view of capable guardians. The

provision of covered lockable racks to secure bicycles increases the effort required to commit crime.

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

Lighting

- (a) Lighting (lux) levels for this development must be commensurate with a MEDIUM crime risk identified in this evaluation. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158.
- (b) Lighting sources should be compatible with requirements of any surveillance system installed within the development. (Poor positioning choices in relation to light can cause glare on the surveillance screens).
- (c) The luminaries (light covers) should be designed to reduce opportunities for malicious damage. Lighting within the development needs to be checked and maintained on a regular basis.
- (d) A limited amount of internal lighting should be left on at night to enable patrolling police, security guards and passing people to monitor activities within the business.
- (e) The floors should be finished with a suitable non slip glossy texture which will provide maximum light reflection.

Territorial Reinforcement

- (a) Clear street number signs should be displayed and appropriately positioned at the front of the business to comply with Local Government Act, 1993 Section 124 (8). Failure to comply with any such order is an offence under Section 628 of the Act. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5500) for an individual and 100 penalty units (currently \$11000) for the corporation. The numbers should be in contrasting colours to the building materials and be larger than 120mm.
- (b) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime.
 - Warning, trespasser will be prosecuted
 - Warning, these premises are under electronic surveillanceCar park signage:
 - Don't leave valuables in the car
 - Warning, these premises are under electronic surveillance
- (c) Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to the uses of the development. This can also assist in access control and reduce excuse making opportunities by intruders.
- (d) A Fire Safety Statement must be prominently displayed within the development to comply with the Environmental Planning & Assessment Regulations (1994) Clause

80GB. The annual fire safety statement is a statement issued by the owner of a building.

- (e) Signage needs to be provided at fire exits to assist customers to identify exits in emergency situations.
- (f) Signage needs to be provided to assist staff and customers to identify fire suppression equipment, eg extinguishers, fire hoses etc.
- (g) A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within 24 hours.
- (h) Graffiti resistant materials and anti-graffiti coating should be utilised throughout the development.

Space Management

- (a) An Emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organisation and Procedures for Buildings, Structures and Workplace, AS:3745:2002 should be prepared and maintained by your development to assist management and staff in the event of an emergency. This standard sets out the requirements for the development of procedures for the controlled evacuation of the building, structures and workplaces during emergencies. Further information in relation to planning for emergencies can be obtained from Emergency NSW <http://www.emergency.nsw.gov.au> or Emergency Management Australia <http://www.ema.gov.au>.
- (b) Maintenance policies need to be developed and implemented for the proposed development to deal with rubbish collection and disposal, damage and repairs to property, eg. Lighting and structures as quickly as possible.

Access Control

- (a) The door and door frames to these premises should be of solid construction.
- (b) Doors should be fitted with locks that comply with the Australian Standard – Mechanical Locksets for doors in buildings, AS:4145:1993, to restrict unauthorised access and the Building Code of Australia (fire regulations). This standard specifies the general design criteria, performance requirements and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical doorways, such as wooden, glass or metal hinged swinging doors or sliding doors in residential premises. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard (eg. Locking bars, electronic locking devices and detection devices) Dead locks are recommended for residential units.
- (c) There are some doors within the premises which are designated as fire exits and must comply with the Building Code of Australia. This means that they provide egress to a road or open space, an internal or external stairway, a ramp, a fire isolated passageway, a doorway opening to a road or open space. The doors in the required exits must be readily open-able without a key from the side that face the person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2m from the floor.
- (d) The windows and window-frames to these premises should be of solid construction. These windows should be fitted with locks with comply with the Australian Standard – Mechanical Locksets for windows in buildings, AS:4145 <http://www.standards.org.au> to restrict unauthorised access. This standard specifies the general design criteria, performance requirements, and procedures

for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical windows, such a wooden, glass or metal hinged swinging windows or sliding windows in residential and business premises, including public buildings, warehouses and factories. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard. (e.g. locking bars, electronic locking devices, detection devices, alarms).

- (e) The windows to the business need to be secured to restrict access and increase surveillance opportunities to and from the business. Shops and businesses should avoid obstructed windows and doors as these environments are considered attractive by many armed robbers and thieves. Display windows should be covered by no more than 15% of promotional materials to increase surveillance opportunities to and from the business. Glass within windows can be reinforced by either having a shatter-resistant film adhered internally to the existing glass, or by replacing the existing glass with laminated glass.
- (f) As your business may deal in cash a robbery prevention program needs to be established to ensure that management and staff are aware of their responsibilities in the event of such an event taking place. Establish clear cash-handling procedures within your business to reduce opportunities for crime. Staff should be trained in cash handling procedures to reduce opportunities for crime. Limit the amount of money carried in the cash drawer at any time (\$200.00 float). Lock cash drawers when not in use and clear money from the cash drawer on a regular basis, e.g. to a safe. Avoid counting cash in view of public. Use a minimum of two staff, or security services, when transferring money to financial institutions, or consider using a reputable security company especially when transferring large amounts of money. Avoid wearing uniform or identification when transferring money. Don't use conspicuous bank-bags when transferring money, as this can be a clear indication to the thief.
- (g) Entrance doors to commercial premises should include an electronically operated lock, which can be locked after hours to control access to the development. Staff could release this lock electronically from the safety of the counter area once the customer has been identified. This locking mechanism should be activated during the hours of darkness.
- (h) Any cash safe should be secured to the floor and placed away from view of the public. Staff should be trained in safe cash handling practices to minimise the loss of monies in the event of a robbery.
- (i) Due to the high volume of vehicles expected and proposal to be in operation 24 hours a day it is HIGHLY recommended that 24 hour security is on site. This includes a gatehouse/security office at the main entrance or more appropriate location, guard access to security camera monitors and random guard patrols all hours of the day. An appropriate security management plan needs to be implemented and shown to Botany Council for viewing and approval.