

BAYSIDE COUNCIL

Planning Assessment Report – Regional Development

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| Panel Reference | 2018ECI007 |
| DA Number | DA-2018/1146 |
| LGA | Bayside Council |
| Proposed Development | Integrated Development – Construction of a 12 storey hotel development addition consisting of an additional 204 rooms to provide a total of 456 rooms, basement car parking for 122 spaces and reconfiguration of existing loading dock and at grade car parking areas. |
| Street Address | 19 Bourke Road, Mascot 183 Coward Street, Mascot |
| Applicant/Owner | Applicant: Mecone NSW Pty Limited Owner: Silversea Investment Pty Ltd and Sydney Water Corp Ltd |
| Date of DA lodgement | 3 August 2018 |
| Number of Submissions | Nil |
| Recommendation | It is RECOMMENDED: THAT, subject to the submission of Sydney Water owners consent before Determination, the Sydney Eastern City Planning Panel approves DA-2018/1146 for construction of a 12 storey hotel development addition of an additional 204 rooms to provide a total of 456 rooms, basement car parking for 122 spaces and reconfiguration of existing loading dock and at grade car parking spaces at 19 Bourke Road, Mascot pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the conditions of consent attached to this report. |
| Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011 | Development with a CIV >\$30M. |
| 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 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No.55 – Contaminated Land • Botany Bay Local Environmental Plan 2013 • Botany Bay Development Control Plan 2013 |
| List all documents submitted with this | <ul style="list-style-type: none"> • Architectural plans • Landscape plans • Survey plan |

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|---|--|
| report for the Panel's consideration | <ul style="list-style-type: none"> Plan of Management |
| Report prepared by | Patrick Nash, Bayside Council |
| Report date | 21 November 2019 |

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? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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 – no breach of development standards proposed**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

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

Executive Summary

Bayside Council received Development Application No. 2018/1165 on 3 August 2018 seeking consent for an Integrated Development for construction of a 12 storey hotel development addition consisting of an additional 204 rooms to provide a total of 456 rooms, basement car parking for 122 spaces and reconfiguration of existing loading dock and at grade car parking areas at 19 Bourke Road, Mascot. The application was notified and advertised in accordance with Botany Bay DCP 2013 and no submissions were received.

The Development Application is required to be determined by the Sydney Eastern City Planning Panel (SECPP) pursuant to Clause 3 of Schedule 4A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the Capital Investment Value of the proposal is greater than \$30,000,000.

The design of the proposed development achieves a high degree of compliance with the relevant planning controls within Botany Bay LEP 2013 and Botany Bay DCP 2013. The proposed development complies with the building height and floor space ratio development standards contained within the LEP. There is a minor non-compliance with the side setback controls set out in BBDCP 2013; however, the non-compliance is acceptable in the site circumstances for reasons identified within the main body of the report. The proposed development is subject to clause 6.16 – Design Excellence within the Botany Bay LEP 2013. The design of the development is considered to satisfy the relevant matters set out in within that clause.

The application was referred to various external stakeholders (Sydney Trains, Sydney Airport/Department of Infrastructure, Regional Development and Cities, WaterNSW, Sydney Water and RMS) who have not raised any objection to the proposed development, subject to conditions. It is noted that during the assessment of the application, the applicant has worked directly with Sydney Trains to provide a suitable amount of information pertaining to the potential impacts of the proposed development upon the Airport Rail Link tunnel. Consequently, Sydney Trains have issued their letter of concurrence with respect to *clause 86 – Excavation in, above, below or adjacent to rail corridors* within SEPP (Infrastructure) 2007.

The proposal provides some of the required car parking in adjacent land that is owned by Sydney Water. There is an existing long-term lease agreement in place which enables access, car parking, landscaping and loading within this leasehold allotment. New works are proposed on this allotment. Council is of the view that the application cannot be determined by way of approval until such time that owner's consent from Sydney Water is provided. This has been requested to be provided, however at the time of writing this report, that owner's consent has not been submitted.

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for approval (subject to owners consent being provided as set out above), subject to the conditions of consent attached.

Background

3 August 2018 – The subject development application was lodged with Council

14 August 2018 to 21 September 2018 – The development application was publicly notified and advertised in accordance with the requirements of Botany Bay DCP 2013. No submissions were received.

4 October 2018 – The application was reviewed by Council's Design Review Panel.

2 April 2019 – The applicant submitted amended plans and further additional information in response to the matters identified by the DRP and Council. The additional material submitted by the applicant included:

- Details of the proposed greenwall;
- Detailed landscape plans;
- ESD report;
- Arborist report;
- External materials schedule;
- Draft sheer and blackout curtain detail;
- Title document showing easement for awning projection, correspondence with Sydney Water and certificates and lease receipts for titled land;
- Loading and swept paths;
- Corner blade documentation;
- Revised basement plan;
- Access report;
- Demolition plan;
- Updated ground plan with detailed external works;
- Existing elevations with elevations hatched;
- Structural design details;
- Updated construction management plan and geotechnical report;
- Tunnel survey and engineers letter; and
- Acoustic noise impact statement.

3 June 2019 – Sydney Trains provided their concurrence in accordance with clause 86 of SEPP (Infrastructure) 2007. This concurrence was based on a series of deferred commencement conditions.

27 June 2019 – Council requested the applicant to address the deferred commencement matters identified by Sydney Trains. Following this, the applicant liaised directly with Sydney Trains in respect of these matters.

1 August 2019 – Council met with the applicant to discuss the application generally and the determination pathway.

14 August 2019 – The applicant provided a consolidated architectural plan set to ensure consistency throughout the drawings.

22 August 2019 – A briefing meeting/site visit was held with Council and the Sydney Eastern City Planning Panel.

23 September 2019 – Council requested the applicant to make some minor changes to the plans to ensure that all proposed demolition works within the existing building are clearly identified and the stairs at the northern end of the new addition are consistent throughout the plan set.

1 October 2019 – The applicant provided a final set of plans. These plans are relied upon for assessment in this report.

18 October 2019 – Sydney Trains issued a revised concurrence letter with respect to clause 86 of SEPP (Infrastructure) 2007.

Proposal

This development application seeks consent for the construction of a 12 storey hotel development addition consisting of an additional 204 rooms to provide a total of 456 rooms, basement car parking for 122 spaces and reconfiguration of existing loading dock and at grade car parking areas.

The proposed development is further summarised as follows:

Basement Level (existing)

- Partial demolition works and re-configuration of the existing basement so as to provide a total of 122 car parking spaces; and
- New lifts and plant.

Ground Floor

- Partial demolition works and re-configuration of the existing ground floor;
- New lifts and lobby area;
- Changes to the car parking layout in the porte cochere area so as to provide 15 car parking spaces;
- The existing primary access arrangements to the site from Bourke Road remain unaltered;
- Provision of 77 at grade car parking spaces at the eastern end of the site. This is within both the subject site and the leasehold land owned by Sydney Water; and
- New landscaping works around the perimeter of the site along Bourke Road and O'Riordan Street.

Mezzanine

- Re-configuration of existing mezzanine level which provides plant and equipment.

Level 1

- 17 new hotel rooms; and
- Landscaped rooftop area at the northern end of the new building. This is accessible via stairs from the ground floor and directly from Level 1.

Levels 2 to 11

- 17 new hotel rooms per level

Plant level

- Plant and equipment

The photomontage and 3D views submitted with the development application are re-produced below for reference:



Figure 1: Photomontage of the proposed development as seen from O'Riordan Street

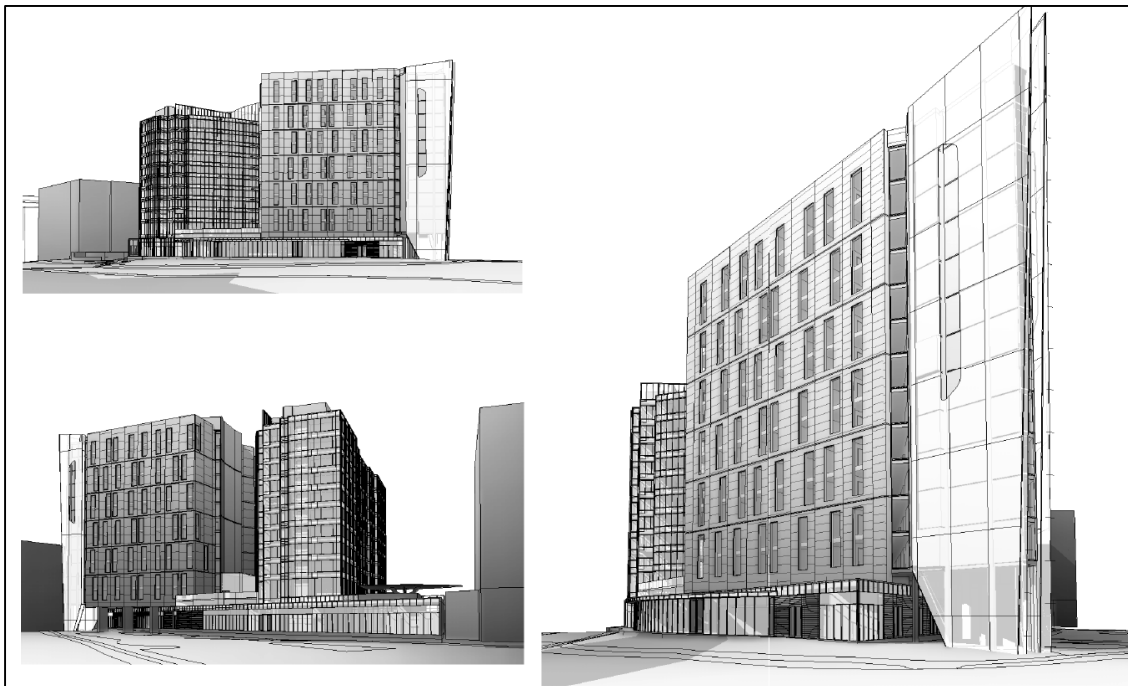


Figure 2: 3D views

Site Description

The site is located at 19 Bourke Road, Mascot and is formally known as Lot 12 DP853792 (freehold). The site is located on the corner of Bourke Road (north-west boundary) and O’Riordan Street (north-east boundary). The site is spilt into two parcels which are separated by the leasehold land (Lot 1 Deposited Plan 800299) which provides access to the site from Coward Street and is owned by Sydney Water. The leasehold land is used for the purposes of access, car parking, landscaping and loading/unloading (*refer to Figure 3 below*). The total site area is 6533.8m².

The site currently incorporates the Holiday Inn which has a port-cochere accessible off Bourke Road. The western site includes an 11 storey building with a one storey podium which wraps around the corner of O’Riordan Street and Bourke Road with a wing to the north-eastern boundary. The single storey podium abuts the adjoining northern property. The eastern site has an area for staff car parking and a loading zone which is accessible off Coward Street by virtue of a Right of Way.

The site and surrounding development comprises generally of industrial, hotel and commercial uses, with tenants predominantly operating within the aviation industry due to the proximity to Sydney Airport. The Sydney Airport train tunnel is located in close proximity to the site under Bourke Road.

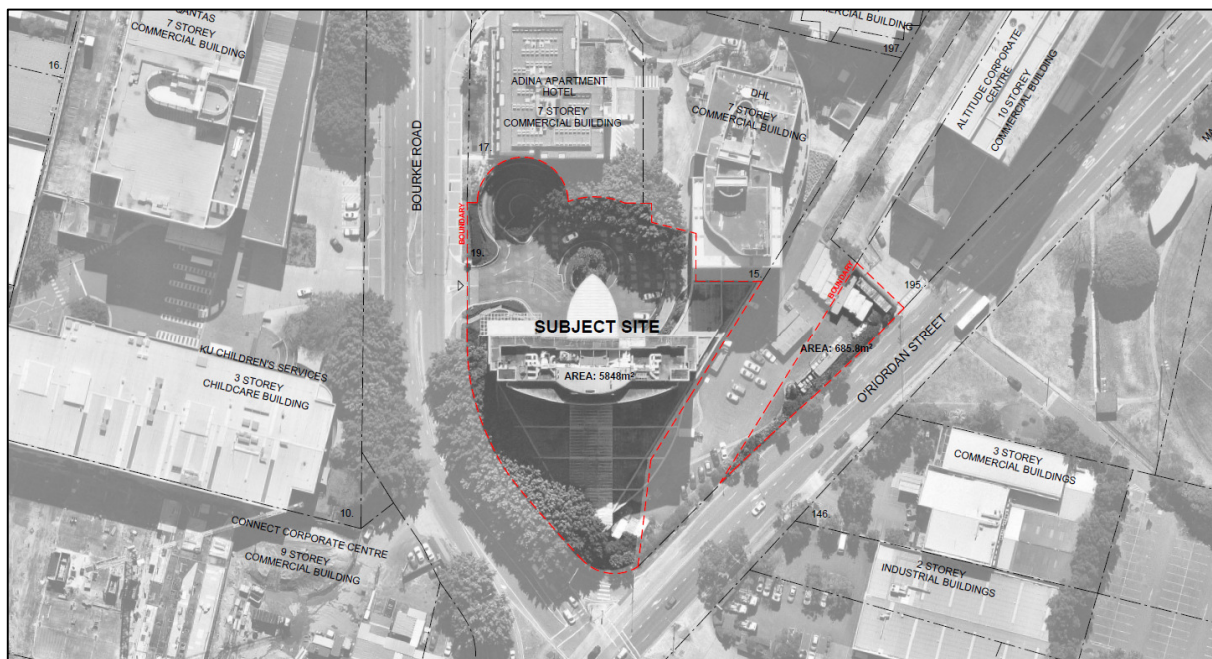


Figure 3: Aerial of the subject site

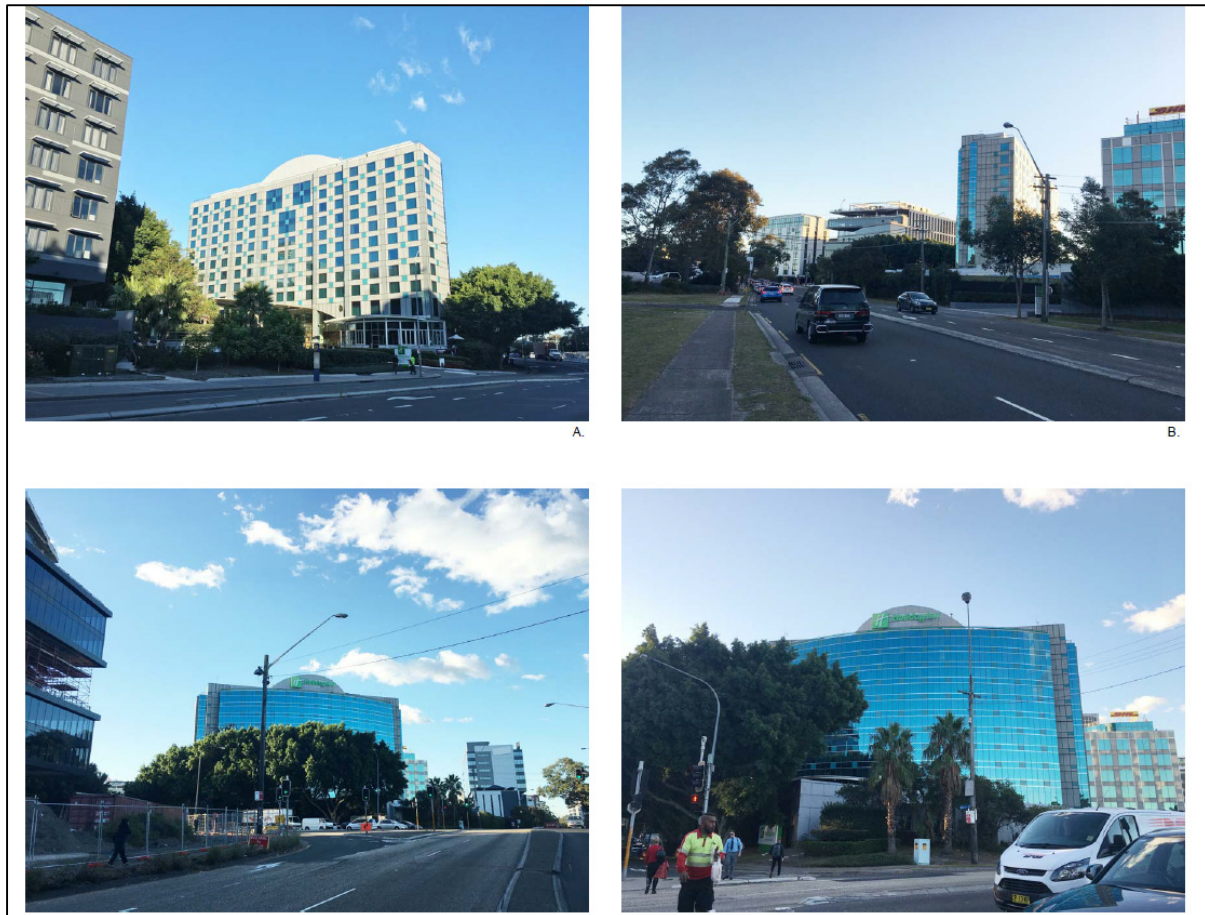


Figure 4: Photos of the site/ existing Holiday Inn building

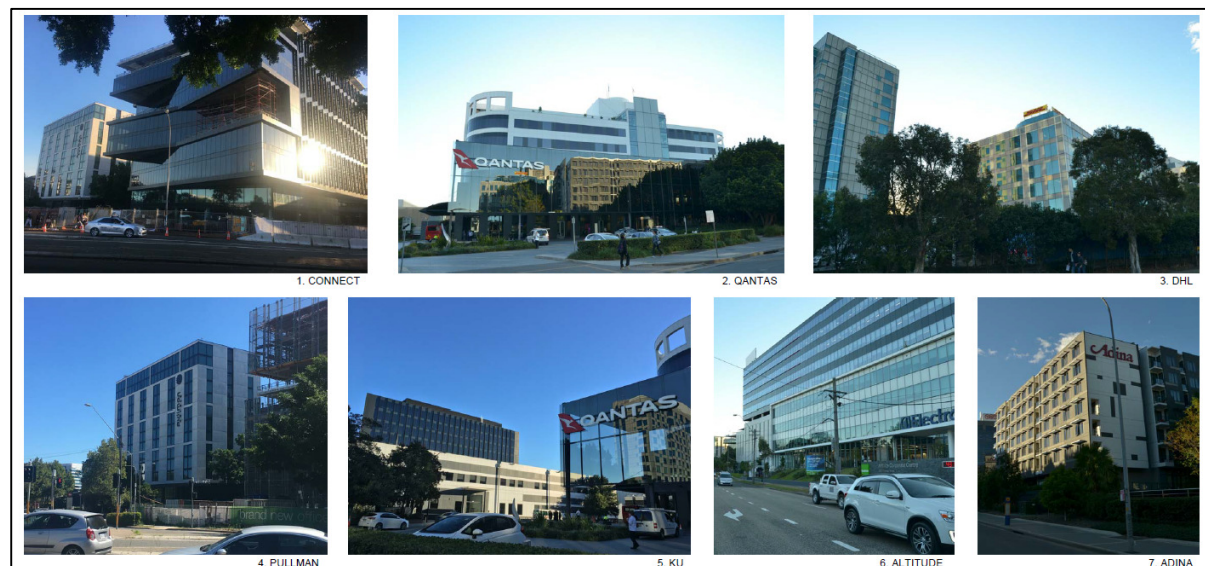


Figure 5: Photos of existing development in the vicinity of the site



Figure 6: The existing port-cochere off Bourke Road



Figure 7: The existing Holiday Inn as viewed from Bourke Road

Statutory Considerations

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979*.

Part 4 Division 5 – Special procedures for integrated development

The relevant requirements under Division 4.8 of the EP&A Act and Part 6, Division 3 of the EP&A Regulations have been considered in the assessment of the Development Application. The Development Application is Integrated Development in accordance with the Water Management Act 2000 as the development is deemed likely to encounter groundwater and is subject to a Water Supply Work Approval. In this regard, the Development Application was referred to Water NSW. On 1 November 2018, Water NSW provided its General Terms of Approval which have been incorporated into the recommended conditions of consent. No further concerns are raised in this regard.

S.4.15(1) - Matters for Consideration – General

S.4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) regulates the clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent and applies to the Sydney and Newcastle metropolitan areas. The aims of the policy are (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The Vegetation SEPP repeals clause 5.9 and 5.9AA of the Standard Instrument - Principal Local Environmental Plan and substantially reproduces the effect of these clauses in the Vegetation SEPP. Council will continue to regulate the clearing of vegetation (including native vegetation below the BOS thresholds through the DCP.

The proposed development includes the removal of the existing trees at the southern end of the site. These trees have a low retention value and no objection is raised to their removal. The existing group of Fig trees along the Bourke Road frontage are proposed to be retained and protected. An arborist report and landscape plans were submitted with the development application. There are no issues with the proposed tree removal, retention or replacement trees subject to appropriate conditions of consent.

State Environmental Planning Policy (Infrastructure) 2007

Clause 86 – Excavation in, above, below or adjacent to rail corridors

The Sydney Airport train tunnel is located in close proximity to the site under Bourke Road. As such, the application was referred to Sydney Trains for their review and concurrence. Sydney Trains have issued their concurrence to Council in correspondence dated 18 October 2019. The conditions of consent requested by Sydney Trains have been incorporated into the recommendation. The proposed development satisfies the requirements of this clause.

Clause 87 – Impact of rail noise or vibration on non-rail development

The proposed development is not for the purposes of residential accommodation, a place of public worship, a hospital, educational establishment or centre-based child care facility. Accordingly, this clause is not applicable.

Clause 101 – Development with frontage to classified road

The site has a frontage to a classified road (O’Riordan Street/Bourke Road). The existing vehicular access point to the site from Bourke Road and Coward Street are proposed to be retained. The proposed development will not adversely affect the safety, efficiency and ongoing operation of the classified road. An acoustic report was submitted demonstrating that the development can be acoustically treated to comply with the applicable noise criteria. The proposal satisfies the requirements of this clause.

Clause 102 – Impact of road noise or vibration on non-road development

The proposed development is not for the purposes of residential accommodation, a place of public worship, a hospital, educational establishment or centre-based child care facility. Accordingly, this clause is not applicable.

Clause 104 – Traffic generating development

The proposal constitutes traffic generating development because the site has access to a classified road and there are 50 or more car parking spaces. The application was referred to the RMS for comment in accordance with the provisions of clause 104(3). The RMS provided correspondence to Council dated 28 August 2018. No objection was raised subject to the imposition of various conditions of consent which have been incorporated into the recommendation. No further concerns are raised in this regard.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP No. 55 have been considered in the assessment of the development application, as the proposed development involves excavation below ground level to accommodate two levels of basement car park.

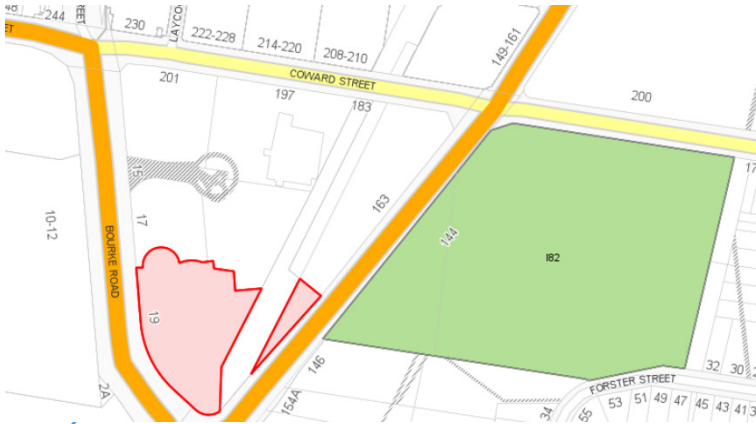
A Preliminary Site Investigation, Detailed Site Investigation Report and a Geotechnical Investigation have been submitted in support of the development application. Council’s Environmental Scientist has reviewed the development proposal and raises no objection subject to the imposition of conditions of consent.

Clause 7 of State Environmental Planning Policy 55 requires Council to be certain that the site is or can be made suitable for its intended use at the time of determination of an application. The DSI concludes that the site can be made suitable for the proposed redevelopment subject to the implementation of a long term environmental management plan. Therefore the applicant has adequately demonstrated that the site can be made suitable to accommodate the intended use and satisfy the provisions of SEPP No. 55.

Botany Bay Local Environmental Plan 2013

Botany Bay Local Environmental Plan 2013 has been considered in the assessment of the Development Application and the following information is provided:

| Relevant Clauses of BBLEP 2013 | Compliance Yes/No | Comment |
|--|----------------------|---|
| Land use Zone | Yes | The site is zoned B5 Business Development under the Botany Bay Local Environmental Plan 2013. The site is separated by a corridor of land zoned SP2 – Infrastructure Sewerage. This corridor doubles as access and parking for the existing hotel under a long term lease agreement. The proposed new hotel is located on land in the B5 zone and is a permissible form of development as identified below. |
| Is the proposed use/works permitted with development consent? | Yes | <i>Hotel and motel accommodation</i> are permissible with Council's consent in the B5 – Business Development zone under the Botany Bay Local Environmental Plan 2013. |
| Does the proposed use/works meet the objectives of the zone? | Yes | The proposed development is acceptable with respect of the objectives of the B5 – Business Development zone in that it enables a business use to support the viability of centres. |
| What is the height of the building? Does the height of the building comply with the maximum building height? | Yes | A maximum height of 44 metres applies to the subject site. The proposed development has a maximum height of 43.2m which is compliant. |
| What is the proposed Floor Space Ratio? Does the Floor Space Ratio of the building comply with the maximum Floor Space Ratio? | Yes | The maximum allowable FSR is 3:1 (19,601.4m ²). The proposed development adds an additional 6,962.6m ² of gross floor area to the existing development. The proposed development results in an overall FSR of 2.92:1 (19,100.7m ²). It is noted that this FSR calculation incorporates the calculable gross floor area within the existing hotel building. <i><u>Note:</u> The plans show some additional car parking space beyond the requirements of the consent authority. This adds technical gross floor area per the LEP definition. However, the proposal would still comply with the FSR development standard.</i> |

| Relevant Clauses of BBLEP 2013 | Compliance Yes/No | Comment |
|--|-------------------|--|
| Is the land affected by road widening? | N/A | The subject site is not affected by road widening. |
| Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area? | Yes | <p>The site does not contain any heritage items and is not located in a heritage conservation area. The site is within close proximity to Mascot Park which incorporates heritage listed landscaping (referenced I82) of local significance. Refer to map extract below for reference:</p>  <p>The proposal development is well separated from this heritage item and will not result in any adverse impacts to its heritage significance and general setting. The application therefore satisfied clause 5.10 of BBLEP 2013.</p> |
| <p>The following provisions in Part 6 of Botany Bay Local Environmental Plan apply–</p> <ul style="list-style-type: none"> 6.1 – Acid Sulfate Soils | Yes | <p>The site is located within a Class 2 and 4 acid sulfate soils zone. The proposed development is seeking to excavate greater than 2 metres below ground. A geotechnical report and Stage 2 DSI has been received which indicates that acid sulfate soils were not encountered. Suitable conditions of consent have been included.</p> |

| Relevant Clauses of BBLEP 2013 | Compliance Yes/No | Comment |
|--|----------------------|--|
| <ul style="list-style-type: none"> 6.2 – Earthworks | Yes | <p>The proposal will necessitate to some earthworks associated with the structural requirements of the new building. The proposal has provided the relevant reports to address excavation. The proposal was referred to Council's Environmental Scientist who does not object to the proposal on this basis, subject to conditions of consent.</p> |
| <ul style="list-style-type: none"> 6.3 – Stormwater Management | Yes | <p>Council's Development Engineer has reviewed the proposal and raises no objection to the proposed method(s) of stormwater management. Conditions of consent have been imposed.</p> |
| <ul style="list-style-type: none"> 6.8 – Airspace operations | Yes | <p>The Inner Horizontal Surface of the OLS for the site is 51m above the AHD. At a maximum height of 53.7m AHD, the building will penetrate the OLS by 2.7m. In correspondence dated 21 January 2019, the Australian Government – <i>Department of Infrastructure, Regional Development and Cities</i> issued their approval under the Airports (Protection of Airspace) Regulations 1996, subject to conditions. Those conditions have been incorporated into the recommendation.</p> |
| <ul style="list-style-type: none"> 6.9 – Development in areas subject to aircraft noise | Yes | <p>The proposal falls within the 20-25 ANEF contour. The development provided an acoustic report which is acceptable. Suitable conditions have been imposed in this respect.</p> |
| <ul style="list-style-type: none"> 6.16 – Design Excellence | Yes | <p>Refer to discussion below.</p> |

Clause 6.16 – Design Excellence

Development consent must not be granted to development involving the construction of a new building or to external alterations to an existing building on land to which this clause applies unless the consent authority considers that the development exhibits design excellence.

In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters -

- (a) Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved.*
- (b) Whether the form and external appearance of the development will improve the quality and amenity of the public domain.*

Comment: The architectural design and external materials are contemporary and of a high quality appropriate to the proposed building type and site location. The materials incorporate a mix of brushed aluminium mesh, aluminium louvres, precast panels, green wall planting and glazing. The main part of the building is proposed to be precast panels. The design architect states that this is intended to have “a clean and rational geometry that evokes the geometry of the existing building”. Refer to images below:

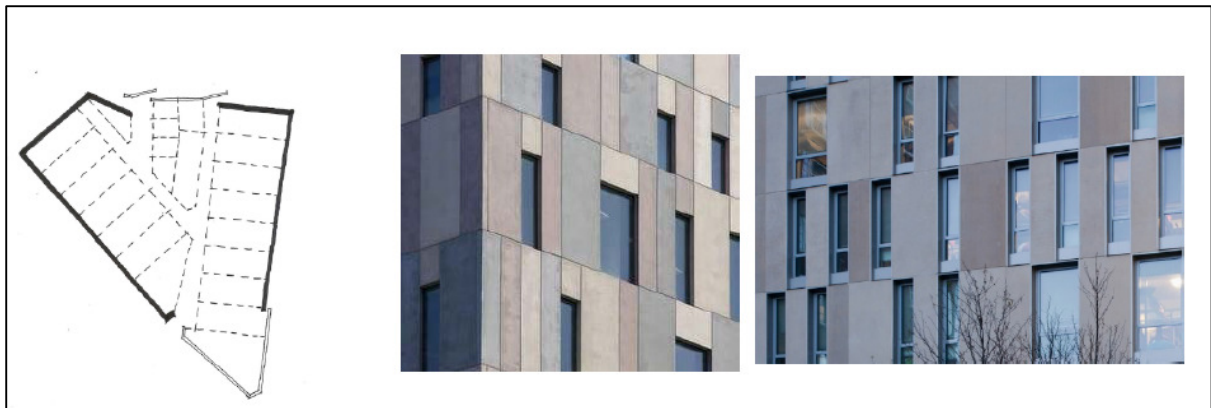


Figure 8 – Extract from Cox Architecture architectural report

The sharp corner of the building is proposed in a silver coloured steel mesh. The transparency of this material allows for some subtle illumination at the prominent corner whilst also providing for a filtered view out. Refer to images below:

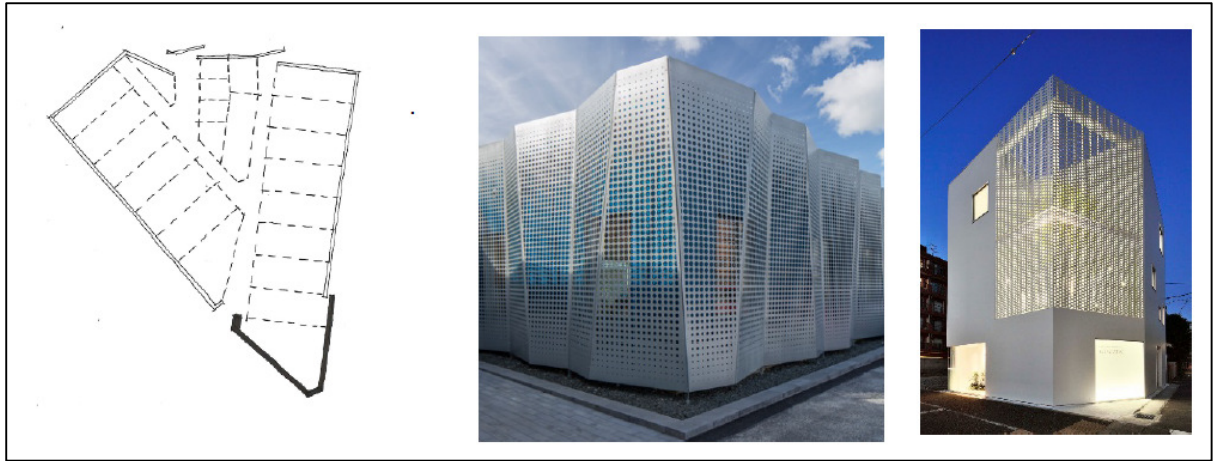


Figure 9 - Extract from Cox Architecture architectural report



Figure 10 - Day impression of the building



Figure 11 - Night impression of the building

A condition of consent has been included requiring a physical materials sample board to be provided prior to the issue of construction certificate.

The position and the shape of the proposed building responds to the unique triangular form of the site and its high degree of exposure at this major arterial road junction. The major portion of the tower rests on the existing podium, whilst the corner of the tower, expressed as a separate form and material, extends to the ground addressing the street. This improves both the pedestrian and driver experience of the street, protecting them visually from the loading docks and carpark located on the south-east side of the site. This design outcome has evolved with input from Council's Design Review Panel.

The buildings shape and layout maximises the amenity of the new rooms, with good views to the south and east, whilst minimising the impact on the existing rooms. The pedestrian experience around the perimeter of the site will be greatly improved with the provision of new tiered landscaping adjacent to the allotment boundaries. This will soften the appearance of the existing open hardstand car parking area in the south eastern corner. The existing figs along Bourke Road are retained and protected.

(c) Whether the development detrimentally impacts on view corridors

The proposed development is not anticipated to detrimentally impact upon view corridors. This matter has been considered and no concerns identified.

(d) The achievement of the principles of ecologically sustainable development

The principles of ecologically sustainable development have been achieved. The applicant has provided a water and efficiency report which details a number efficiency measures that are to be incorporated into the design and construction to achieve a high level of sustainability.

A condition of consent included which ensures that the energy and water efficiency initiatives set out within Part 4 of the submitted report are incorporated into the development.

Council is satisfied that the proposal exhibits design excellence and thus satisfies the provisions of this clause.

S.4.15(1)(a)(ii) - Provisions of any Draft EPI's

There are no current Draft EPIs applicable to this development.

S4.15(1)(a)(iii) - Provisions of any Development Control Plan

Botany Bay Development Control Plan 2013

The development proposal has been assessed against the controls contained in the Botany Bay Development Control Plan 2013 as follows:

Part 3A –Parking and Access

| Part | Control | Proposed | Complies |
|--|---|---|-----------------|
| 3A.2. Parking Provisions of Specific Uses | 1 space for manager, 1 space/2 employees, 1 taxi pick-up and set-down space/100 rooms; plus 2 coach pick up and set down spaces If shuttle is provided, the car parking rate is 1 space/2.5 rooms A shuttle bus is provided, therefore the car parking rate is 1 space/2.5 rooms. Total car parking required: 204 spaces | The submitted plans indicate the provision of 214 car parking spaces (122 basement, 77 at grade south eastern side of the building and 15 at the front of the site) which is compliant. There are existing taxi pick up and set down spaces at the front of the site. | Yes |
| 3A.3.1 - Car Park Design | C1 – All off-street parking facilities shall be designed in accordance with current Australian Standards AS2890.1 and AS2890.6. The design of off-street commercial vehicle facilities shall be in accordance with AS2890.2. | This has been conditioned in the consent however the plans show compliance. | Yes |
| 3A.3.4 On-site Loading and Unloading | 1 courier van, 1 MRV and 1 HRV space | Loading and unloading will be carried out from the existing loading areas at the southern end of the ground floor plan. This is consistent with the current | Yes |

| Part | Control | Proposed | Complies |
|------|---------|---|----------|
| | | arrangement and complies with the numerical requirements. | |

Part 3B – Heritage

Refer to BBLEP 2013 discussion.

Part 3C – Access and Mobility

The proposal provides for 12 accessible rooms, 12 accessible car parking spaces within the porte cochere at the front of the existing building as well as appropriate lift access throughout the building. The application is supported by an Access Report which confirms that the proposed development is capable of complying with the applicable requirements.

Part 3G- Stormwater Management

Council's Development Engineer has reviewed the amended stormwater plans and raises no concerns subject to conditions of consent.

Part H – Sustainable Design

The submitted water and efficiency report which details a number efficiency measures that are to be incorporated into the design and construction to achieve a high level of sustainability.

Part I – Crime Prevention, Safety & Security

The proposal has been designed to have casual surveillance at the corner of Bourke Road and O'Riordan Street which is considered to reduce opportunities for anti-social behaviour in accordance with the objectives in this part of BBDCP 2013.

Part 3J – Aircraft Noise and OLS

The site is located within the 20-25 ANEF Contour. The application was supported by an acoustic assessment report which demonstrates that the development is capable of complying with the applicable noise criteria.

Part 3K – Contamination

Refer to SEPP 55 section above which discusses the contamination of the site.

Part 3L – Landscaping and Tree Management

The landscaping and tree management outcomes have been assessed and are acceptable. The following comments are noted:

- The existing trees (figs) adjacent to the western side of the site add significant streetscape amenity and are required to be protected and retained. The applicant has provided an arborist report to demonstrate how this can occur.
- Level 1 provides podium landscaping throughout the new outdoor area proposed at the northern end of the floor plan.

- There is a green wall proposed along the northern elevation of the new building. Council's Landscape Architect has recommended the imposition of conditions to ensure the long term maintenance and viability of this green wall.
- New landscaping works are also proposed around the perimeter of the site, adjacent to the Bourke Road and O'Riordan Street frontages. This provides an appropriate softening of the development and significantly improves the existing ground floor interface with the public domain.

Part 3N – Waste Minimisation and Management

The southern area of the existing ground floor plan provides areas dedicated to accommodate waste generated by the hotel. The information submitted with the application states that garbage from the hotel rooms is brought down to the garbage room via a service lift on a daily basis on service of the room. The existing garbage and recycling room is proposed to be increased to 28m² (an additional 15m² from existing) to accommodate the additional rooms.

Part 6 – Employment Zones

Part 6.2.4 – Mascot Business Development Precinct

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

| BBDP 2013 Control | Comment | Compliance |
|---|--|-------------------|
| 6 – Mascot Business Development Precinct C1 – Development is to encourage a higher public transport (including walking and cycling) use and include strategies to encourage and promote car sharing and carpooling strategies. In this respect a Workplace Travel Plan is to be lodged with the development application. The Workplace Travel Plan shall establish measurable targets to achieve the mode share targets stated in the Mascot Town Centre Precinct TMAP – maximum car mode share: 65% by 2021 and 57% by 2031. | The development application was accompanied by a Workplace Travel Plan and conforms to the requirements of C1. This Plan encourages the use of public transport, given the proximity of the site to public transport. End of trip facilities and bike parking are provided which will promote sustainable transport options. | Yes |
| C2 – Development, including alterations and additions shall: (i) improve the appearance of buildings, particularly along the roads which serve a gateway | The proposed development will result in an enhanced built form at the subject site which serves a gateway function to Sydney Airport and Sydney CBD. The applicant has provided a thorough <i>Built Form and Visual Impact Statement</i> which provides an analysis in relation to the | Yes |

| | | |
|--|---|-----|
| <p>function to Sydney Airport and the Sydney CBD; and</p> <p>(ii) Comply with Sydney Airport's regulation in regard to safety, lighting and height of buildings.</p> | <p>buildings role in providing a landmark development.</p> <p>Sydney Airport's have issued their conditional approval to the proposed development.</p> | Yes |
| <p>C6 – Development within 25m of either side of the centre line of the Airport Line Tunnel is to be referred to RailCorp.</p> | <p>The application was referred to Sydney Trains who have provided their concurrence to the proposal.</p> | Yes |
| <p>C7 – Development shall be designed and constructed in accordance with Australian Standard AS2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction)</p> <p>Note: Details to be included in the Development Application. For further details in relation to Aircraft Noise refer to Part 3J – Development Affecting Operations at Sydney Airport.</p> | <p>An Acoustic Report was submitted with the application and made recommendations to ensure that the development when built complies with AS2021-2000.</p> | Yes |
| <p>C8 – The introduction of noise abatement measures to achieve compliance with current AS 2021 must be done in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape.</p> | <p>The proposed development incorporates noise abatement measures to achieve compliance with AS 2021-2000 and so as not to compromise the architectural design of a building or impact on the character of an existing streetscape.</p> | Yes |
| <p>C9 – All development that is in, or immediately adjacent to, the rail corridor or a busy road must be designed in accordance with NSW Department of Planning 'Development Near Rail Corridors and Busy Roads – Interim Guidelines, December 2008'.</p> | <p>The proposed development has been designed in accordance with NSW Department of Planning 'Development Near Rail Corridors and Busy Roads – Interim Guidelines, December 2008'.</p> | Yes |

Additionally, the development has taken into consideration the general controls that apply to employment zones within the DCP and the development has been assessed against the relevant controls as below:

| Part | Control | Response | Complies |
|----------------------------------|--|--|-----------------|
| 6.3.2 - Building and Site Layout | C1 A site analysis plan is to be lodged with the Development Application in accordance with the Council's Development Application Guide. | A site analysis plan has been provided with the development application. | Yes |
| | C2 Through careful site arrangements new building works must: (i) Address the street and highlight any non-industrial aspects (ie office section) of the development; (ii) Avoid long blank walls of warehouse units facing the street and long continuous roof lines; and (iii) Provide regular modulation to the façade or division of massing. | The proposal has been designed to address dual frontage nature of the site and is an acceptable built form outcome. | Yes |
| | C4 Setbacks are to be deep soil zones | New landscaping works have been provided within the setback areas where possible. | Yes |
| | C5 Setbacks are to maximise the retention of existing trees and their root systems and may need to be variable to achieve this (includes trees on adjoining properties). | The design of the proposed development ensures that the existing Fig trees along the Bourke Road frontage are capable of being retained and protected. | Yes |
| | C6 Internal spaces are to be designed to satisfy the operational requirements of the particular land use whilst proving a safe and convenient work environment. | The internal spaces of the hotel have been designed to meet the operational requirements of the hotel brand. | Yes |
| | C8 New buildings and the creation of new industrial units within close proximity to residential areas are to be designed to minimise any adverse effects on the amenity of residential areas by way of overshadowing, | The proposal is not located close to any residential dwellings. Notwithstanding, the addition has been designed to mitigate any adverse effects of the amenity of surrounding development. | Yes |

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| | overlooking, lighting, dust, noise or fumes. | | |
| | C9 Adequate waste removal handling and minimisation facilities are to be provided on site for all development to ensure these facilities are not utilising car parking areas. | The proposal will utilise the existing waste facilities that are at the southern end of the ground floor plan. This is consistent with the current arrangement. | Yes |
| | C10 For new development all loading and unloading facilities and the majority of car parking required for the development is to be provided at the rear or at the side of any buildings. | Car parking is provided in a manner that is generally consistent with the current approved arrangement. Car parking is provided at grade within the porte cohere area, within the basement level and at grade at the eastern end of the site. The proposal will make use of the existing loading area at the rear of the ground floor. | Yes |
| | C15 Building entrances are to be clearly defined and located so that visitors can readily distinguish the public entrance to each building. Access to each entrance is to be provided by a safe direct route, avoiding potential conflict with vehicles manoeuvring on site. | The proposed development will maintain the existing hotel entrance. | Yes |
| 6.3.4 - Building Design and Appearance | C1 The maximum building height is indicated in the Building Height Map attached to the Botany Bay Local Environmental Plan 2013 | The proposal provides a maximum building height of 43.2 metres which is below the 44 metre height limit within BBLEP 2013. | Yes |
| | C3 Compliance with the Civil Aviation Safety Authority requirements. | The proposal was referred to Sydney Airport who have provided conditional approval to the height of the proposed development. | Yes |
| | C4 The maximum height of a building must be consistent with the height of other buildings in the immediate vicinity | The height of the proposed development is comparable to other recently constructed buildings within the locality that are also subject to a 44m maximum. | Yes |

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| | C6 All rooftop or exposed structures including lift motor rooms, plant rooms, etc., together with air conditioning, ventilation and exhaust systems, are to be suitably screened and integrated with the building in order to ensure a properly integrated overall appearance. | All plant equipment will be suitably screened and integrated with the overall building appearance to reduce visual impact. | Yes |
| | C7 All development applications involving external building works must be accompanied by a schedule of finishes and a detailed colour scheme for all external walls. | The development application was accompanied by a schedule of materials which is acceptable. | Yes |
| | C10 Walls of new development must make use of non-reflective colours and materials to avoid glare. | The proposed materials are considered to be non-reflective and will therefore avoid glare. Further, a Reflectivity report was provided in support of the DA. | Yes |
| | C11 All elevations of a building fronting a public place, or visible from a rail line, public place or proposed road, must be constructed of face brickwork or other decorative facade treatment to Council's satisfaction | The elevations of the building are proposed to be constructed with a mixture of pre cast panels and aluminium mesh/louvres. Council is satisfied that the external façade materials are acceptable. | Yes |
| | C25 Entry to basement parking areas should be through security access via the main building. | No changes are proposed to the existing basement entry. | Yes |
| 6.3.5 - Setbacks | <p>C1 Setbacks are to be in accordance with the following:</p> <p>Front setback – 9 metres with a 3m landscaped setback Side setback – 2 metres Rear setback – nil to 3 metres</p> | <p>The proposal achieves the required 9m setback from Bourke Road. New landscaping has been incorporated within the front 3m as far as practically possible. Greater than 3m rear separation is provided to the existing Holiday Inn building.</p> <p>The proposal does not provide the required 2m setback along the eastern side boundary, adjacent to the leasehold land. The</p> | <p>Yes</p> <p>No, acceptable on merit</p> |

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| | | <p>proposed nil setback is considered to be acceptable in the site circumstances for the following reasons:</p> <ul style="list-style-type: none"> • The nil setback would be consistent with the alignment of the existing Holiday Inn development and would therefore be an acceptable outcome in the streetscape; • The non-compliant design is considered to be suitable in this instance, given the context of the development and the nature of the adjoining land corridor owned by Sydney Water. This corridor extends from Coward Street to the corner of Bourke Road and O'Riordan Street and has a minimum width of 10 metres. The land is zoned SP2 as it is host to beneath ground sewerage infrastructure. Above ground it is used for vehicular access/parking to the Holiday Inn in accordance with a long-term lease agreement. The setback as proposed does not cause any adverse impacts upon this parcel of land. | |
| 6.3.9 – Landscape | C9 Not less than 10% of the development site shall be landscaped. On sites over 2000m ² the front landscaped setbacks are additional to the 10% requirement. The majority of landscaping shall front the street/s to which the | The total amount of landscaped area is approximately 12.9% of the site area. The proposed development results in significantly improved landscaped outcomes throughout the site. This is predominately due to the | Yes |

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| | development has frontage and include side and rear landscaped areas. | provision of new landscaping around the perimeter of the site adjacent to the public verge on Bourke Road and O'Riordan Street. The overall quantum of landscaped area has been increased from existing. Council's Landscape Architect has reviewed the proposal and supports the development. | |
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Part 7F – Hotel and Motel Accommodation

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

| Control | Response | Complies |
|--|---|-----------------|
| C1 – The maximum stay permitted is 3 months. | A Plan of Management has been submitted with the application and is acceptable and conditioned within the consent. | Yes |
| C2 – The main access point is to be located at the main street frontage of the property. Access Points should be avoided at the boundaries of the property where and impact on noise or privacy could result for adjoining residences. | No changes are proposed to the existing main access point to the hotel, which is off Bourke Road. | Yes |
| C3 - The design of hotel/motel accommodation is to include a Porte cochere at the front of the building to accommodate buses, taxis and cars for drop off/pick up. | There is an existing porte cochere at the front of the site which is proposed to be retained as is. | Yes |
| C4 - Landscaping is to be used to soften and minimise noise impacts from courtyards, recreational areas and driveways on the surrounding area. | New landscaping has been incorporated around the perimeter of the site as well as at the level 1 outdoor podium area. | Yes |
| C5 – The minimum size for a visitor's room is 5.5m ² for the bedroom floor area for each person staying within the room. | The size of each of the proposed new rooms have been designed to achieve the minimum size requirements. | Yes |
| C6 - An adequate number of beds (each provided with a mattress and pillow) and | The design of each of the proposed new rooms are satisfactory in this regard. | Yes |

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| adequate storage space must be provided. | | |
| C7 – A small bar-type fridge is required in each sleeping room. | A condition of consent has been included to ensure compliance with this requirement. | Yes |
| C8 – A small kitchenette is permitted if adequate cupboards and shelves are provided. | The rooms do not contain kitchenettes. | N/A |
| C9 – Cooking appliances (other than a microwave and kettle) are not permitted. | Cooking appliances are not proposed to be installed in each of the new rooms. | Yes |
| C10- Bathrooms must be provided in accordance with the Building Code of Australia. | All rooms have separate bathrooms that have been designed in accordance with the BCA requirements. | Yes |
| C11 – The design and operation of hotel and motel accommodation must take into account possible noise impacts on adjacent properties and the surrounding area. | The design of the new rooms have been carefully cited away from the existing hotel rooms within the Holiday Inn. The site is positioned on a corner location and is not anticipated to generate any adverse noise impacts upon the surrounding area. | Yes |
| C12 – A Plan of Management (POM) is required to be submitted. The POM is a written report which describes how the ongoing operation of hotel and motel accommodation will be managed to reduce its impact upon the amenity of surrounding properties. | A Plan of Management has been submitted and is appropriately conditioned. | Yes |
| C13- The building is to comply with Parts C, D, and E of the BCA | A BCA capability statement has been included as part of the application which demonstrates compliance with the BCA. | Yes |
| C14 – Each room is to comply with Parts C, D E and F5 of the BCA so as to ensure there is adequate fire safety in the building and adequate sound insulation between each room. | A BCA capability statement has been included as part of the application which demonstrates compliance with the BCA. | Yes |

Part 8.7 Mascot Character Precinct

The proposed development is consistent with the requirements of the Mascot Character Precinct. The immediate area is undergoing transition from predominantly commercial and industrial warehouses to more modern commercial buildings and hotel developments. The increased density in the area is reflective of the site and surrounding sites proximity to Sydney Kingsford Smith Airport. New hotel developments have been approved and constructed or in the process of being constructed to service the growing demands for tourist and visitor accommodation in Sydney and in close proximity to the airport. Given the proposal involves an addition to an approved hotel on the site, the proposal is appropriate when considering the existing character of the area.

S.4.15(1)(a)(iv) - Provisions of regulations

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of AS2601:1991 Demolition of Structures when demolition of a building is involved. In this regard a condition of development consent can be imposed to ensure compliance with the standard. All relevant provisions of the Regulations have been taken into account in the assessment of this proposal.

S.4.15(1)(b) - Likely Impacts of Development

The likely impacts of the development have been outlined through the report and the proposal is found to be acceptable in its current form.

The proposed development involves the use of the leasehold land owned by Sydney Water. The application was referred to Sydney Water who did not raise any concerns subject to the imposition of conditions.

The proposed development will generate some additional overshadowing, however, the additional shadows would be cast over the road (Bourke Road and O'Riordan Street) and nearby commercial and industrial land uses. There would be no loss of residential amenity caused.

The site is in close proximity to Mascot Station which provides services along the T8 Airport and South Line including connections to the Domestic Airport, International Airport and the Sydney CDB. The proposed development provides a compliant amount of on-site car parking and will not result in any unreasonable additional traffic impacts upon the surrounding road network.

The construction impacts of the proposed development are to be managed through the provision of a construction management plan which is to be prepared before the issue of a construction certificate.

S.4.15(1)(c) - Suitability of the site

The proposed development is considered to be suitable for the site.

S.4.15(1)(d) - Public Submissions

In accordance with Part 2 of the Botany Bay DCP 2013 – Notification and Advertising, the application was placed on public exhibition for a minimum thirty (30) day period from 14 August 2018 until 21 September 2018. No objections were received as part of the notification period.

S.4.15(1)(e) - Public interest

It is considered that granting approval to the proposed development would not conflict with the public interest.

Section 7.11 Contributions

It is considered that the proposed development will increase the demand for public amenities within the area. In accordance with Council's Section 7.11 Contribution Plan 2016, a contribution of \$1,414,384.00 is payable. The site is located within the Mascot Station Precinct Area therefore contributions are based on the number of workers generated by the use. A condition of consent has been imposed.

Conclusion

Bayside Council received Development Application No. 2018/1165 on 3 August 2018 seeking consent for an Integrated Development for construction of a 12 storey hotel development addition consisting of an additional 204 rooms to provide a total of 456 rooms, basement car parking for 122 spaces and reconfiguration of existing loading dock and at grade car parking areas at 19 Bourke Road, Mascot.

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*. Should Sydney Water owners consent be provided prior to determination, the application is recommended for approval, subject to the conditions of consent attached.

Attachment

Conditions of consent

Premises: 19 Bourke Road, Mascot

DA No: DA-2018/1146

GENERAL CONDITIONS

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

| Drawing N° | Author | Dated Received |
|--|------------------|-----------------------|
| Site Plan DA-024 Rev 03 | Cox Architecture | 1/10/2019 |
| Existing & Demolition Plan Ground Level | Cox Architecture | 1/10/2019 |

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| DA-050 Rev 02 | | |
| Existing & Demolition Plan Mezzanine Level DA-051 Rev 02 | Cox Architecture | 1/10/2019 |
| Existing & Demolition Plan First Floor DA-052 Rev 01 | Cox Architecture | 1/10/2019 |
| Existing & Demolition Plan Basement Level DA-053 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Ground Level DA-100 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Mezzanine DA-101 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Level 01 DA-102 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Typical Level DA-103 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Roof/Plant DA-104 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Basement and Parking DA-105 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Floor Plan Ground Level DA-150 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Floor Plan Mezzanine DA-151 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Floor Plan Level 01 DA-152 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Typical Level DA-153 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Plant Level DA-154 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Roof Level DA-155 Rev 03 | Cox Architecture | 1/10/2019 |

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| Proposed Floor Plan Basement DA-156 Rev 03 | Cox Architecture | 1/10/2019 |
| Street Elevations DA-160 Rev 03 | Cox Architecture | 1/10/2019 |
| Street Elevations DA-161 Rev 02 | Cox Architecture | 1/10/2019 |
| Proposed Elevation North 200 DA-162 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Elevation South 200 DA-163 Rev 02 | Cox Architecture | 1/10/2019 |
| Proposed Elevation Bourke 200 DA-164 Rev 02 | Cox Architecture | 1/10/2019 |
| Proposed Elevation O’Riordan 200 DA-165 Rev 02 | Cox Architecture | 1/10/2019 |
| Proposed Sections DA-170 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Section AA DA-171 Rev 03 | Cox Architecture | 1/10/2019 |
| Proposed Section BB DA-172 Rev 02 | Cox Architecture | 1/10/2019 |
| Finishes DA-201 Rev 02 | Cox Architecture | 1/10/2019 |
| Landscape Details L801 | Oculus | 2/04/2019 |
| Legend L001 | Oculus | 2/04/2019 |
| Materials and Finishes Schedule L002 | Oculus | 2/04/2019 |
| Master Plant Schedule L003 | Oculus | 2/04/2019 |
| Site Plan L004 | Oculus | 2/04/2019 |
| Perspective Images and Graphic terrace section L005 | Oculus | 2/04/2019 |
| Surface Finishes and Levels Plan L200 | Oculus | 2/04/2019 |

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| Surface Finishes and Levels Plan L201 | Oculus | 2/04/2019 |
| Surface Finishes and Levels Plan L202 | Oculus | 2/04/2019 |
| Planting Plan Sheet 1 of 3 L500 | Oculus | 2/04/2019 |
| Planting Plan Sheet 2 of 3 L501 | Oculus | 2/04/2019 |
| Planting Plan Sheet 3 of 3 L502 | Oculus | 2/04/2019 |
| Sections & Elevations L700 | Oculus | 2/04/2019 |
| Sections & Elevations L701 | Oculus | 2/04/2019 |
| Landscape Details L800 | Oculus | 2/04/2019 |

| Reference Document(s) | Author | Date Received |
|--|--------------------------|----------------------|
| Plan of Management and Workplace Travel Plan | - | 03/08/2018 |
| Stage 1 Preliminary Site Investigation Dated 4 June 2018 | Alliance Geotechnical | 03/08/2018 |
| Stage 2 Detailed Site Investigation Dated 28 June 2018 | Alliance Geotechnical | 03/08/2018 |
| Geotechnical Investigation Report Dated 3 December 2018 | Alliance Geotechnical | 03/04/2019 |
| Arboricultural Impact Assessment Tree Protection Specification Dated 11 March 2018 | Tree iQ | 03/04/2019 |
| Noise Impact Assessment Dated 1 August 2018 | Acoustic Logic | 03/04/2019 |
| Traffic Impact Assessment Dated July 2018 | Traffix | 03/08/2018 |
| Energy and Water Efficiency Report Dated 1 August 2018 | Donnelley Simpson Cleary | 02/04/2019 |
| Waste Management Plan Dated 25 July 2018 Site Waste Minimisation and Management Plan | SDG | 03/08/2018 |

2. Any works undertaken within the Sydney Water owned land must not contravene the terms of the relevant lease agreement.
3. The materials and façade details approved under this consent and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S4.55 application and approval under the EP&A Act.
4. The recommendations made in the following reports shall be incorporated into the development and adhered to at all times:
 - a) Stage 2 Detailed Site Investigation, dated 28 June 2018 and prepared by Alliance Geotechnical; and
 - b) Geotechnical Investigation Report, dated 3 December 2018 and prepared by Alliance Geotechnical.

5. In order to ensure the design quality excellence of the development is retained:
 - i. A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to Bayside Council prior to issue of the Construction Certificate.

The design architect of the project is not to be changed without prior notice and approval of Bayside Council.

6. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:
 - a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems (including installation) proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
 - b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
7. The following shall be complied with:
 - a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
 - b) All air conditioning units shall be appropriately treated to ensure that they are concealed from view and compliant with Australian Standard AS1668.2. If they are located on balconies or in public, they are to be appropriately screened;
 - c) The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 "Access for People with Disabilities" and Australian Standard AS1428.1 (2001) – Design for Access and

Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans;

- d) The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1:2004; and
 - e) Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
8. This consent does not provide any approval for new signage.
9. The proposed development shall be designed, constructed and operated in compliance with the requirements of the Food Act 2003, Food Regulations 2004 and the Australian Standard AS 4674-2004 “Design, Construction and Fit out of Food Premises”.
10. 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 EXTERNAL AUTHORITIES

11. The following conditions imposed by the **Department of Infrastructure, Regional Development and Cities** are as follows:
- a) The building must not exceed a maximum height of 53.7 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lighting rods, any roof top garden plantings, exhaust flues etc.
 - b) The building must be obstacle lit by low intensity steady red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 – Aerodromes (MOS).
 - c) The proposed obstacle lighting system must incorporate an alarm system that will provide remote monitoring to notify the person responsible for the maintenance of the obstacle lighting. The designated person must be available 24 hours per day, 7 days per week. Immediate action must be taken to repair the obstacle lighting and notify Sydney Airport of any outage. The contact details of the person responsible for the maintenance of the obstacle lighting must be sent to Sydney Airport prior to the completion of the building, and must be kept up to date. In the event of the obstacle lighting being inoperable, the person responsible for the maintenance of the obstacle lighting is to immediately contact the Sydney Airport Airfield Operations Supervisor on 0419 278 208 or 9667 9824.
 - d) Following completion of the building, the Proponent must advise SACL, in writing, that the future owner(s)/manager(s) have been informed of their obligation to maintain the obstacle lighting in accordance with the conditions of this approval.

- e) The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-121.
- f) Separate approval must be sought under the Regulations for any equipment (i.e. cranes) required to construct the building. 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 Regulations. Noting that the Runway 16L approach surface over the site is approximately 58.8 metres AHD, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
- g) On completion of construction of the building, the Proponent must provide the airfield design manager with a written report from a certified surveyor on the finished height of the building.

12. The following conditions imposed by **Sydney Water** are as follows:

- a) The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.
- b) The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.
The [Tap in™](#) service provides 24/7 access to a range of services, including:
 - i) building plan approvals
 - ii) connection and disconnection approvals
 - iii) diagrams
 - iv) trade waste approvals
 - v) pressure information
 - vi) water meter installations
 - vii) pressure boosting and pump approvals
 - viii) changes to an existing service or asset, e.g. relocating or moving an asset.
- c) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that applicants apply early 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.

13. The following conditions are imposed by **Roads and Maritime Services** are as follows:

- a) A strip of land has previously been dedicated as Public Road by private subdivision (DP 792885, DP805038 & DP800299), along the Bourke Street and O’Riordan Street frontage of the subject property. Roads and Maritime has no other approved proposal that requires any part of the subject property for road purposes and therefore raises no objection on property grounds provided all buildings and structures, together within any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Bourke Road & O’Riordan Street boundary.
- b) A Construction Traffic Management detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
- c) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

- d) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Bourke Road or O’Riordan Street during construction activities.
- e) A construction zone will not be permitted on Bourke Road or O’Riordan Street.
- f) Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any changes are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site.

Details should be submitted to Suppiah Thillai: suppiah.thillai@rms.nsw.gov.au

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

- g) All works/signposting associated with the subject development (including public utility adjustment/relocation works) shall be at no cost to Roads and Maritime.

14. The following conditions imposed by **Water NSW** are as follows:

General Terms of Agreement

- a) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
- b) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
- c) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.
- d) WaterNSW prefers “tanking” (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
- e) If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access license with a zero share component.

15. The following conditions are imposed by **Sydney Trains** are as follows:

Engineering

- a) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains for endorsement the following items:
- i. Revised Geotechnical Report that includes additional ground investigation carried out on the site closest to the rail tunnel to confirm the ground condition and in particular to identify if any loose sand or soft clay that may be encountered. The geotechnical investigation shall be performed in accordance with section 8.1 of T HR CI 12051 of the ASA standard above and borehole locations are to be confirmed with Sydney Trains prior to them being undertaken.
 - ii. Details of the final ultimate horizontal load (to be kept to a minimum) are to be provided, which confirms within a final Potential Impact Assessment the lateral load on the piles foundation from a 12 storey building under wind load, and justification of any impact due to the potential lateral load from the piles foundation to the nearby existing Airport Line Tunnel.
 - iii. Complete set of final structural drawings, to include but not limited to:
 - a. Confirmation that the pile foundation has been restricted to 18m away from the tunnel.
 - b. Piling methodology (must ensure that excessive ground movement during construction nearby the existing tunnel must be prevented)
 - c. Piling platform design
 - iv. Confirmation that any heavy construction plant, temporary structures, scaffolding, crane and piling rig will be restricted from a 30 degree load spreading zone to the crown/side of the tunnel.
 - v. Any consequence loading on the tunnel shall be justified.
 - vi. Details as to how risk from groundwater drawdown and ground movement near to the existing tunnel shall be provided.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Supervision

- Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

Survey

- Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative.
- Prior to the commencement of any works a Registered Surveyor shall peg-out the common property boundary between the development site and RailCorp's land and easements. A

copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works.

- Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

Electrolysis

- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

Noise & Vibration

- The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

Construction

- No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into RailCorp/Sydney Trains property or easements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:

- Machinery to be used during excavation/construction.
- Demolition, excavation and construction methodology and staging

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- If required by Sydney Trains, a tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
- Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface team to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

Consultation

The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
 - Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains Engineering & Maintenance Interface team. In this instance the relevant interface team can be contacted via email on Central_Interface@transport.nsw.gov.au.

Inspections

- If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- If required by Sydney Trains, the Applicant must give Sydney Trains written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor land:
 - site investigations;
 - foundation, pile and anchor set out;

- set out of any other structures below ground surface level or structures which will transfer any load or bearing;
- foundation, pile and anchor excavation;
- other excavation;
- surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
- other concreting; or
- any other event that Sydney Trains has notified to the Applicant.

Documentation

- Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easements, unless agreed to be RailCorp. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

Other

- Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
- Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

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

16. 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.
17. Prior to the commencement of works, the applicant must inform Council, in writing, of:

- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - b) The name and permit number of the owner-builder who intends to do the work;
 - c) The Council also must be informed if: -
 - i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.
18. Prior to the commencement of works, separate permits are required to be obtained and approved by Council for all works including but not limited to road opening, road and footpath closure, stand and operate a registered vehicle or plant, occupy road with unregistered item, work zone, hoarding, shoring support (anchoring), tower crane operation, public land access, temporary dewatering, and any excavation and works proposed to be undertaken on public land.
19. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
20. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
21. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
22. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
- a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;
 - c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;
 - d) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
 - e) If the soil conditions required it:
 - i. Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-
 - ii. Adequate provision must be made for drainage.
23. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate: -

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

- Permit to erect hoarding on or over a public place, including Council's property/road reserve,
 - Permit to construction works, place and/or storage building materials on footpaths, nature strips,
 - Permit to install temporary ground anchors in public land,
 - Permit to discharge ground water to Council's stormwater drainage system,
 - Permit for roads and footways occupancy (long term/ short term),
 - Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
 - 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,
 - Permit to place skip/waste bin on footpath and/or nature strip, and
 - Permit to use any part of Council's road reserve or other Council lands.
 - 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.
24. A dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, shall be undertaken of all properties and Council/RMS infrastructure, including but not limited to all buildings, footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.
25. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with AS2601:1991 – 'Demolition of Structures', the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

- a) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- b) Induction training for on-site personnel;
- c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;

- e) Disconnection of Gas and Electrical Supply;
- f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- h) Waterproofing of any exposed surfaces of adjoining buildings;
- i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
- j) Working hours, in accordance with this Development Consent;
- k) Confinement of demolished materials in transit;
- l) Proposed truck routes, in accordance with this Development Consent;
- m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
- n) Sewer – common sewerage system ad08.

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

- 26. Prior to the issue of a Construction Certificate further construction details and specifications of the proposed green wall by a registered landscape architect, with maintenance details of the proposed structural, irrigation and natural elements shall be provided to the Principal Certifier. The documentation shall demonstrate that the green wall will be kept with a healthy tidy look at all times.
- 27. The energy and water efficiency initiatives set out in Part 4 of the Energy & Efficiency Report, Revision B dated 1 August 2018 prepared by Donnelley Simpson Cleary must be incorporated into the development. Details demonstrating compliance with this requirement shall be provided to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.
- 28. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.
- 29. Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Council or the Principal Accredited Certifier for assessment and approval. Design certification and drainage design calculations are to be submitted with the plans. Botany Bay DCP Part 10— Stormwater Management Technical Guidelines (SMTG) sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Botany Bay DCP Part 10 — Stormwater Management Technical Guidelines. All drawings shall correspond with the approved architectural plans.

The detailed design plans must incorporate, but not be limited to, the following:

- Incorporate the provisions generally made in the civil design report & plans prepared by Bonacci Group (NSW) Pty Ltd, Project No.: 10619 01C, revision B, dated 31 July 2018;
- A minimum capacity 3000L of Rainwater Tank(s) shall be provided for the development. The rainwater tank(s) must be designed to service outdoor

landscape irrigation/taps for landscaping within the development. In order to reduce pollutants entering the tank, a first flush device to divert minimum 1mm initial runoff from the roof area bypassing the tank shall be provided. Only roof water shall be directed to the rainwater tank. Overflow from the rainwater tank shall be directed to the site drainage system;

- The proposed stormwater infrastructure (surface pits and pipes) located on Sydney Water owned leased land (PT 1 DP 800299) requires approval from Sydney Water;
 - A WSUD Strategy and MUSIC model must be prepared and submitted for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement should meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011;
 - Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG;
 - The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the development; and
 - Detailed calculations including computer modelling supporting the proposal.
30. Any proposed subsurface structures must be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage must be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications must be included in the documentation accompanying the Construction Certificate.
31. 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 AusGrid, Sydney Water, Telecommunications Carriers) and Council in connection with:
 - i) The additional load on the system, and
 - ii) The relocation and/or adjustment of the services affected by the construction.
 - c) The Ausgrid lighting poles on O'Riordan Street will need to be decommissioned and new lighting poles shall be constructed satisfying V2 lighting requirements any other requirements as specified by Council and any other service provider,
 - d) Any above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and
 - e) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate.

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

32. A Public Domain Frontage Design must be prepared by suitably qualified professionals for assessment and approval by Council's Public Domain Team for all frontage works that are required to be constructed within the public domain and which are subject to approval pursuant to Section 138 of the Roads Act 1993.

The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping, irrigation, lighting. The Plan shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan

Public domain frontage works shall include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking and traffic devices.

A 'public domain frontage works application' must be submitted to Bayside Council's Customer Service Centre for assessment of all required works within the road reserve, upon payment of the relevant fee, prior to the issue of any Construction Certificate.

Note: Preliminary consultation with Council's public domain team is recommended.

33. All street trees have be supplied in a pot size supplied shall be not less than 200 litres. Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries. Trees provided shall conform to NATSPEC guide. O'Riordan Street shall include new street trees within the strip verge between access driveway and northern boundary, three (3) meters from driveway New street trees shall be included along the verge of O'Riordan Street, nine (9) meters from corner with Bourke Road. Tree species to be define in public domain brief after Frontage Works application is submitted.
34. Prior to the issue of any Construction Certificate, a Construction Management Program shall be submitted to both Sydney Water and the Principal Accredited Certifier for assessment and approval prior to the issue of any Construction Certificate. The program must detail:
 - a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
 - b) The proposed phases of construction works on the site and the expected duration of each construction phase,
 - c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
 - d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,

- e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
- f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
- g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
- h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,
- i) Proposed protection for Council and adjoining properties,
- j) How construction activities on the site will be managed to ensure that no undue safety risks are exposed to other users of the site (e.g. hotel patrons/staff etc.) during construction of the development,
- k) How construction activities on the site will be managed with respect to adjoining property owners and their operations to ensure negative impacts are minimised during construction of the development,
- l) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation,
- m) The location of any Construction Work Zone (if required) approved by Council's Traffic Committee, including a copy of that approval,
- n) Obtain Permits required under this consent, and
- o) Obtain approval from Sydney Water for any works or construction activities proposed/required to be conducted on their land during construction of the development.

35. Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the Principal Accredited Certifier for assessment and approval. The plan must:

- be prepared by a RMS accredited consultant,
- address, but not be limited to, the following matters:
 - ingress and egress of vehicles to the site;
 - loading and unloading, including construction zones;
 - predicted traffic volumes, types and routes; and
 - pedestrian and traffic management methods.
- 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, and
- if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

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

36. Prior to the issue of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
- A minimum of 20 bicycle parking spaces are to be provided for the development and designed in accordance with AS 2890.3:2015. Adequate end of trip facilities must be provided (toilets, showers, change room, lockers) for staff.
 - Pavement design for at grade car park shall be designed to withstand vehicular loads of a HRV vehicle.
 - At least twelve (12) accessible car parking spaces shall be provided and designed as specified in Australian Standard 2890.6 and as depicted on the plans.
37. Prior to the issue of any Construction Certificate, a qualified practicing chartered professional geotechnical engineer registered with the NER must:
- (a) Ensure that the construction methodology, parameters and all recommendations contained in the Geotechnical Investigation Report prepared by Alliance Geotechnical, report number 6557-GR-1-1 Rev A, dated 3rd December 2018, including further detailed geotechnical testing and analysis of the site as determined by the geotechnical engineer shall be implemented and relied upon during the preparation of the construction certificate documentation and the construction of the development,
 - (b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective, and
 - (c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure (including the Sydney Trains airport rail tunnel and large brick sewer infrastructure located adjacent to building). The report must be submitted with the application for a Construction Certificate for the relevant stage of works.
 - (d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.
 - (e) Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council, once the Construction Certificate is issued for the relevant stage of works.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

38. Prior to the issue of any Construction Certificate, the approved plans must be submitted to Sydney Water Tap inTM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap inTM online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>.

39. Any building/works/construction activities proposed to be constructed/undertaken over or near the existing Sydney Water pipeline or on Sydney Water owned land to facilitate the development are to be approved by Sydney Water. A copy of Sydney Water's approval and requirements are to be submitted to the Principal Certifier prior to issuing a Construction Certificate.
40. Prior to the issue of any Construction Certificate, a suitably qualified practitioner shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the adjacent Council drainage pipelines on Bourke Road. 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, and
 - (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, and
 - (c) Distance from the drainage pit shall be accurately measured, and
 - (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 prior to the commencement of any works. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

Note: If the existing pipe is full of debris preventing the effective inspection of the pit and pipe system, the contractor shall clear the pipe to a degree where CCTV inspection is possible at the applicant's expense.

41. Prior to the issue of a Construction Certificate, if neighbouring properties or roadway are to be utilised for excavation support, the legal rights of any adjoining properties must be respected including for permanent and temporary excavation supports. In this regard, the written permission of the affected property owners must be obtained and a copy of the owner's consent for excavation support or other material in adjacent lands must be lodged to the principal certifier. Where excavation support materials are proposed to be used in public land, an application must be made to Council for approval under Section 138 of the Roads Act 1993, via a permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified engineer, with supporting details addressing the following issues:

Demonstrate that any structures will not adversely affect public infrastructure, and the proposed supports within the road reserve are of an adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve.

All existing services must be shown on a plan and included on cross-sectional details where appropriate.

The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.

42. A Stage 3 – Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced contaminated land consultant and in accordance with:
- a. NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - b. NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and

c. State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

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

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

43. Where excavation support materials are proposed to be used in public land, an application must be made to Council for approval under Section 138 of the Roads Act 1993, via a permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified engineer, with supporting details addressing the following issues:

Demonstrate that any structures will not adversely affect public infrastructure, and the proposed supports within the road reserve are of an adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.

The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.

44. Prior to the issue of a Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
45. The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:-

| | | |
|----|----------------------------|----------------|
| a) | Footpath Crossing Deposit | \$792,056.14 |
| b) | Development Control | \$3,174.00 |
| c) | Section 7.11 Contributions | \$1,414,384.00 |

46. A Section 7.11 contribution of \$1,414,384.00 shall be paid to Council. The contribution is calculated according to the provisions contained within Council's adopted Former City of Botany Bay s7.11 Development Contributions Plan 2016 (Amendment 1) and having regard to the Ministerial Directive of 21 August 2012. The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained in the Contributions Plan. The contribution is to be paid prior to the issue of a Construction Certificate. The contributions are only used towards the provision or improvement of the amenities and services identified below:

| | | |
|----|----------------------------|----------------|
| a) | Community Facilities: | \$115,778.67 |
| b) | Recreation and Open Space: | \$1,194,506.27 |
| c) | Transport Facilities: | \$93,800.66 |
| d) | Administration: | \$10,298.40 |

| | |
|------------------|----------------|
| Total in 2019/20 | \$1,414,384.00 |
|------------------|----------------|

47. Prior to the issue of a Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of \$792,056.14 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupation Certificate has been issued.
48. Prior to the issue of a 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.
49. 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 AusGrid, Sydney Water, Telecommunications Carriers and Council),
 - c) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and
 - d) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of a Construction Certificate.

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

50. The building shall be constructed in accordance with *AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction* and clause 101 of SEPP (Infrastructure) 2007. All recommendations within the submitted Acoustic report shall be implemented. Details demonstrating compliance with this requirement shall be provided to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
51. The Principal Certifying Authority shall not issue a Construction Certificate until a detailed acoustic assessment /report of all mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners which meet the NSW EPA Industrial Noise Policy and Protection Of Environment Operations Act 1997 noise emission criteria for residential air-conditioners as specified in Acoustic Logic Consultancy Pty Ltd – Project Number: 20180978.1, Document Reference: 20180978.1/0108A/RO/AW 'Holiday Inn, Mascot Noise Impact Assessment' dated the 1 August 2018 has been carried out.

The acoustic assessment / report shall include at least the following information:

- a) The name and qualifications or experience of the person(s) preparing the report
- b) The project description, including proposed or approved hours of operation
- c) Relevant guideline or policy that has been applied
- d) Results of background and any other noise measurements taken from most noise affected location at the boundary line

- e) Meteorological conditions and other relevant details at the time of the measurements
- f) Details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details)
- g) A site map showing noise sources, measurement locations and potential noise receivers
- h) Noise criteria applied to the project
- i) Noise predictions for the proposed activity
- j) A comparison of noise predictions against noise criteria
- k) A discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures
- l) How compliance can be determined practically

The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants). It shall be submitted to the Principal Certifying Authority. All recommendations and/or noise mitigation measures (If applicable) shall be complied with.

- 52. Rooms and areas designated for the storage and washing of garbage receptacles shall be designed and constructed in accordance with the following requirements;
 - i) The floors and walls shall be constructed of a suitable material which is durable, smooth, resistant to corrosion, impervious to moisture and coved with a minimum radius of 25mm at the intersection of walls with floors.
 - ii) The floor shall be graded and drained to a floor waste gully connected to the sewerage system and traps of the premises in accordance with all Sydney Water requirements.
 - iii) Provide a hose tap connected to the water supply. Water used for cleaning garbage receptacles may be either potable or non potable water.
 - iv) The room shall be ventilated with either natural ventilation or alternatively mechanically ventilated in accordance with the requirements of Australian Standards AS 1668.
- 53. A physical sample board of the external materials to be used shall be submitted to Council for approval prior to the issue of a Construction Certificate. The materials must be of a high architectural quality and promote design excellence. The development must be built in accordance with the materials on the approved sample board. Any changes to the materials shall be approved by Council.
- 54. The use of the four (4) rooms on the western side of the ground floor plan as shown on *Proposed Ground Level DA-100* shall be annotated on the plans. No consent is granted for the use of these rooms for a purpose not related to the hotel use.

CONDITIONS WHICH MUST BE SATISFIED DURING WORKS

- 55. Trees 1-7 and 12 – 16 shall be retained and protected as identified within the Arboricultural Impact Assessment prepared by tree iQ dated 11 March 2018. The tree protection specification shall be adhered to at all times.
- 56. Planter boxes construction over a concrete slab shall be built in accordance with the following requirements:

- i) Contains an adequate soil depth. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - ii) A concrete hob or haunch shall be constructed at the internal joint between the sides and base of the planter to contain drainage to within the planter.
 - iii) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
 - iv) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - v) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
 - vi) All planter boxes shall be irrigated, and shall have the required depth to sustain the proposed planting.
 - vii) Contain a fully automated irrigated system shall be installed and maintained to ensure adequate water is provided to the podium/roofing landscaping.
 - viii) All areas at night shall be well lit.
 - ix) To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
57. For any water from site dewatering to be permitted to go to the stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.
- All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.
58. During demolition, excavation, construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any 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 land.
59. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

60. Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination, acid sulfate soils and remediation must be notified to Council and the accredited certifier immediately.
61. All remediation work must be carried out in accordance with:
 - a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
 - d) The Remedial Action Plan (RAP) required to be submitted prior to the issue of the Construction Certificate.
62. All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.
63. To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:
 - a) Office of Environment and Heritage (OEH) approved guidelines; and
 - b) Protection of the Environment Operations Act 1997; and
 - c) Protection of the Environment Operations (Waste) Regulation 2014.

All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
64. Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.
65. 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;
 - b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
 - c) Protection of the Environment Operations Act 1997.
66. All contractors shall comply with the following during all stages of demolition and construction:
 - A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.

- A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
 - A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
67. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
68. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
69. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.
Note: The Applicant may be liable to prosecution under the Environmental Planning and Assessment Act 1979 for a breach of an approval condition, or under the Protection of the Environment Operations Act 1997, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes or waterways. The Applicant shall ensure that its employees, agents or sub-contractors understand and maintain sediment control measures.
70. Temporary and permanent dewatering is not permitted on this site without NSW-EPA approval.
71. During demolition, excavation, construction and any associated delivery 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.
72. 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 afterhour's contact telephone number.
 - b) Any such sign is to be removed when the work has been completed.
73. The demolisher shall comply with Australian Standard 2601 - 2001 "Demolition of Structures".
74. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
- a) Protection of site workers and the general public.
 - b) Erection of hoardings where appropriate.
 - c) Asbestos handling and disposal where applicable.
 - d) Any disused service connections shall be capped off.
 - e) The disposal of refuse is to be to an approved waste disposal depot.
75. 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) Occupational Health and Safety Act, 2000;
 - b) Occupational Health and Safety Regulation 2001;
 - c) Protection Of the Environment Operations Act 1997 (NSW); and
 - d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).
76. Any material containing asbestos found on site during the demolition process the shall be removed and disposed of in accordance with:
- a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m2 of bonded asbestos and/or any friable asbestos;
 - b) Protection of the Environment Operations Act 1997;
 - c) Protection of the Environment Operation (Waste) Regulation;
 - d) DECC Waste Classification Guidelines 2008.
 - e) No demolition materials shall be burnt or buried on the site.
77. The demolition and disposal of materials incorporating lead such as lead paint and dust shall be conducted in accordance with:
- a) AS2601-2001 - Demolition of structure.
 - b) AS4361.2-1998 – Guide to Lead Paint Management-Residential and Commercial Buildings
78. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.
79. No demolition materials shall be burnt or buried on the site.
- 80.
- a) To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall: -

- i) 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.
 - ii) Negotiate with the utility authorities (eg Ausgrid, Sydney Water and Telecommunications Carriers) and Council in connection with: -
 - 1 The additional load on the system; and
 - 2 The relocation and/or adjustment of the services affected by the construction.
 - b) Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.
81. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Council's road reserve must also have prior approval of Council.
82. 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.
83. 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.
- 84.
- 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, piling, 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.
85. The following shall be complied with during construction and demolition:
- a) Construction Noise
Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:
The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

- c) Time Restrictions
 - i) Monday to Friday 07:00am to 05:00pm
 - ii) Saturday 08:00am to 01:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
- d) Silencing
All possible steps should be taken to silence construction site equipment.

86. The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.

Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.

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.

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.

87.

- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
- b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. 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 enter Council's land.
- c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- e) Building 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.

88. During demolition, excavation and construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any

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

89. Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice. A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.

Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, principal contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

Note: Professional engineer has the same mean as in Clause A1.1 of the BCA.

Note: Building has the same meaning as in section 4 of the Act i.e. "building includes part of a building and any structure or part of a structure".

Note: Supported land has the same meaning as in section 88K of the Conveyancing Act 1919.

90. Construction Operations:
- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
 - b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or

- other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
91. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
92. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:
- After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
 - Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
 - Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.
 - On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

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

93. The following conditions must be complied with prior to the issue of any Occupation Certificate:
- All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.
 - A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
94. A Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:
- NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
 - State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report shall be submitted to the

Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority). The report is to be submitted after completion of remediation works and prior to the issue of any Occupation Certificate.

95. Prior to the issue of an Occupation Certificate, a design verification statement shall be submitted to the principal certifier, certifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Clause 6.16 Design Excellence of Botany Bay Local Environmental Plan 2013.
96. Prior to the issue of any Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

97. Prior to issue of any Occupation Certificate the applicant shall submit to the Principal Certifying Authority (PCA) an acoustic compliance report to verify that the measures stated in the 'Acoustic Logic Consultancy Pty Ltd – Project Number: 20180978.1, Document Reference: 20180978.1/0108A/RO/AW 'Holiday Inn, Mascot Noise Impact Assessment' dated the 1 August 2018' and all other noise mitigation measures associated with the mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners have been carried out and certify that the construction meets the above requirements. If Council is not the PCA, a copy shall be submitted to Council concurrently. The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
98. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to the issue of any Occupation Certificate of the development and release of damage deposit.
99. The public footpaths on Bourke Road and O'Riordan Street shall be constructed in accordance with the approved Public Domain Plan and Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications. Hold points and Council inspections are required after formwork setback and to prior pouring the concrete blinding slab, at the commencement of paving works and at final completion as a minimum. Pavers shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).
100. Prior to the issue of any Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.

101. Prior to the issue of any Occupation Certificate, the Principal Certifier must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved construction plans, AS/NZS 2890.1, AS2890.2 and AS/NZS 2890.6, line marked and all signage relating to car parking erected. The car parking and vehicular manoeuvring areas (both existing and new constructed) are to be clearly and appropriately marked/line marked/signposted indicating all the vehicular movements on the site. The internal road network, pedestrian facilities and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted and line marked prior to the issuing of an Occupation Certificate. Signage and line marking shall comply with Australian Standards, AS1742, Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999. Certification must be provided by a suitably qualified traffic engineer certifying the design of the completed works prior to any occupation certificate being issued.
102. Prior to the issue of any Occupation Certificate, a minimum of two hundred and four (204) off-street car parking bays shall be provided on the site and Sydney Water owned land for the hotel use in accordance with the approved plans. All spaces are to be line marked and numbered appropriately. Twenty one (21) of these parking spaces are to be allocated solely for people employed in connection with the hotel use (20 spaces for employees and 1 space for manager).
103. Prior to the issue of any Occupation Certificate, a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Botany Bay DCP Part 10 Stormwater Management Technical Guidelines. The certificate shall include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
104. Prior to issue of any Occupation Certificate, a registered plumber or other suitably qualified professional is to check the existing stormwater system for the existing building and shall provide a certificate stating that the system is satisfactory and in good working condition. If the existing system or any element of the system cannot be certified as being satisfactory and in good working condition then the substandard section of the existing system is to be renewed.
105. Prior to the issue of any Occupation Certificate, a suitably qualified practitioner undertake a closed circuit television (CCTV) inspection, and then report on the post construction condition of Council drainage infrastructure adjacent to the site on Bourke Road. 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, and
 - 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, and
 - c) Distance from the manholes shall be accurately measured, and
 - 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 for review. Any damage to the culvert / 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 to this condition being appropriately satisfied) and submitted to the Principal Certifier.

106. Prior to the issue of any Occupation Certificate, a Workplace Travel Plan shall be developed and submitted to Council for approval 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 Workplace Travel Plan shall be generally in accordance with NSW Premier's Council for Active Living's "Workplace Travel Plan Guidelines - Final Report (April 2010)". The plan shall include, but not be limited to, 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 in the convenient locations;
- f) Adopt an implementation strategy and set success measures; and
- g) Develop Transport Access Guides (TAGs) to Roads and Maritime Services (RMS) requirements for staff and visitors about information on how to reach the site via public transport, walking or cycling.

The approved workplace travel plan and TAGs must be prominently displayed within the staff communal areas of the development.

107. Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works, at no cost or expense to Council:

- On Bourke Road and O'Riordan Street, adjacent to development, remove existing damaged public domain improvements where required by Council and replace with any required tree planting and upgraded public domain improvements as specified by Council in accordance with Council's Infrastructure Specifications, and
- On O'Riordan Street, adjacent to development, demolish existing footpath and construct new footpath as per Council's Infrastructure and Landscape Architect specifications, and
- On Bourke Road, adjacent to development, demolish existing footpath and construct new paved footpath full width as per Council's Infrastructure, Mascot Town Centre and Landscape Architect/Tree Arborist specifications at no cost to Council, and
- On Coward Street, adjacent to 183 Coward Street (PT 1 DP 800299), reconstruct existing concrete vehicular crossing for the full length of the property to the same width as existing in accordance with Council's Infrastructure Specifications. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter, and
- On Bourke Road and O'Riordan Street, adjacent to development, reconstruct damaged kerb and gutter where required by Council in accordance with RMS infrastructure specifications.

All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be constructed to the satisfaction of Bayside Council.

108. Prior to the issue of an Occupation Certificate, the underground placement of all low and/or high voltage street electrical mains in the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense, to the satisfaction of the asset owner. The works shall be completed in accordance with Ausgrid's requirements and approved electrical design.
109. Prior to the issue of an Occupation Certificate, a positive covenant pursuant to the Conveyancing Act 191 shall be created on title of the relevant lots to provide for the ongoing maintenance of the green wall, ensuring that it is kept green and tidy at all times.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

110. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of 24 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, bi-annual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. . Maintenance includes periodic watering at a frequency to sustain adequate growth, annual feeding and weed removal but does not include trimming or pruning of the trees under any circumstance.
111. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking, the rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.
112. The operation of the development and movements of vehicles shall comply with the following requirements:
- a) All vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction;
 - b) Loading and unloading activities associated with the delivery shall take place wholly within the dedicated loading areas;
 - c) All garbage collection activities shall take place and be wholly undertaken within the site in the dedicated loading areas;
 - d) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times;
 - e) The maximum size of vehicle accessing the site shall be limited to a 12.5m long Heavy Rigid Vehicle (HRV) (as denoted in AS2890.2).
 - f) The stacked parking approved on the site shall be operated by a valet service provided to hotel patrons, visitors and guests. At no time shall hotel patrons, visitors or guests be permitted to enter the stacked at-grade stacked parking areas to park, drive or retrieve vehicles.
113. The approved Workplace Travel Plan shall be implemented throughout the lifetime of the use of the development. 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. At all times the approved Workplace Travel Plan shall be fully complied with.

114. A shuttle bus is required to service the Hotel and must be provided to transport occupants to and from the development site to the Sydney Airport at regular intervals on a daily basis in accordance with Appendix B of the Traffic Impact Assessment prepared by Traffix, ref: 17.594r02v02 and dated July 2018. Should the shuttle bus no longer be provided, for whatever reason, a separate development application shall be submitted to Council to provide an alternative travel and parking arrangement for the use.
115. The sub-leasing of off-street car parking spaces on the site required by Council for the hotel use is strictly prohibited.
116. Should the use of the leasehold land owned by Sydney Water no longer be available (i.e. – if the lease is not renewed or it is terminated/cancelled), the amount of car parking required by this consent shall be provided elsewhere on site. A separate application is to be submitted to Council.
117. The operations of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
118. The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997 and shall be controlled in accordance with the requirements of this Act.
119. The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act 1997.
120. The hotel development shall at all times be operated in accordance with the approved Plan of Management, Workplace Travel Plan and Hotel Internal Waste Management Plan submitted to Council with the DA on 3 August 2018.
121. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
122. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

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

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

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