

Our Ref: DA-2021/637 PAN-181669
Contact: Fiona Prodromou 9562 1672

Morehuman Pty Limited
Unit 1303, 79 Grafton Street
BONDI JUNCTION NSW 2022

NOTICE OF DETERMINATION

Issued in accordance with section 4.16 of the *Environmental Planning and Assessment Act, 1979*

Application No:	DA-2021/637
Property:	50-52 Baxter Road, MASCOT NSW 2020 (Lot 3 DP 1263396, Lot 2 DP 1263396)
Proposal:	Demolition of existing structures, removal of trees and construction of two 2 x twelve (12) storey hotels, being a 300 room hotel on Lot 2 and a 288 room hotel on Lot 3; restaurant and bar on Level 11 of Lot 3, roof top terraces with associated site works, landscaping and signage zones
Authority:	Sydney Eastern City Planning Panel
Determination	Deferred Commencement
Date of determination:	
Date consent commences:	
Date consent lapses:	

DEFERRED COMMENCEMENT CONDITION

This consent is not to operate until the Applicant/Developer satisfies the Council, that it has obtained the relevant owners consent as to the following matter and written confirmation / evidence has been forwarded to Council.

- a) Owners consent must be obtained from 56 Baxter Road (Lot 1 DP 1263396) to change the location and terms of the existing Right of Carriageway 12.5 wide (D) easement as required in Stage 1 to support the development of Stages 2 & 3 of DA-2021/637.

Postal address
PO Box 21, Rockdale NSW 2216
ABN 80 690 785 443

Bayside Customer Service Centres
Rockdale Library, 444-446 Princes Highway, Rockdale
Westfield Eastgardens, 152 Bunnerong Road, Eastgardens

E council@bayside.nsw.gov.au
W www.bayside.nsw.gov.au
T 1300 581 299 | 02 9562 1666

The period of the Deferred Commencement is twelve (12) months from the date of determination. It is important we hear from you about the outstanding matter above as soon as possible so as to avoid any other delay.

Upon receiving written notification from Council that the above requirement has been satisfied, your consent will become operable and will be subject to the following conditions. The above development is approved subject to the following conditions:

The consent was satisfied on _____

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	Author	Dated
Architectural Plans		
Overall Site		
A012 Demolition Plan Issue A	PBD Architects	03/12/2021
A020 Site Plan Issue C		19/08/2022
A090 Staging Plan Issue D		19/08/2022
A091 Staging Diagram Issue A		
A525 Subfloor Plan Issue C		
A520 Excavation Plan Issue B		03/12/2021
A527 Metal Screen and Louvres Details Issue A		17/06/2022
A100 Ground Floor Plan Issue H		19/08/2022
A101 Level 1 Plan Issue J		
A102 Level 2 Plan Issue J		
A103 Level 3 Plan Issue F		
A104 Level 4, 6, 8 & 10 Plan Issue H		
A105 Level 5 Plan Issue H		
A106 Level 7 & 9 Plan Issue H		
A107 Level 11 Issue G		
A108 Roof Plan Issue E		
A150 Typical Hotel Room Issue B		11/05/2022
A151 Typical Accessible Hotel Room Issue B		19/08/2022
A200 North Elevation Issue E		
A201 East & West Elevation Issue E		
A202 South Elevation Issue D		15/07/2022
A203 Internal Elevations Issue D		19/08/2022
A300 Section 01 Issue C		
A301 Section 02 and 03 Issue B		
A303 Driveway Section Issue C		03/12/2021
A315 Southern Boundary Deflection Wall Issue A		
52 Baxter Road (Lot 2)		
A001 Project Summary Sheet – 52, (Lot 2) Issue C	PBD Architects	15/07/2022
A120 Ground Floor Plan Issue D		

Drawing	Author	Dated
A121 Level 1 Plan Issue D		19/08/2022
A122 Level 2 Plan Issue D		
A123 Level 3 Plan Issue C		
A124 Level 4. 6. 8 & 10 Plan Issue C		
A125 Level 5 Plan Issue C		
A126 Level 7 & 9 Plan Issue C		
A127 Level 11 Issue C		
A128 Roof Plan Issue C		
A220 North Elevation Issue D		
A221 East / West Elevation Issue D		
A222 South Elevation Issue C		15/07/2022
A223 Signage Elevation Issue D		19/08/2022
A302 Section 04 Issue B		19/08/2022
A304 Driveway Section 01 Issue A (Loading Dock)		03/12/2021
A305 Driveway Section 02 Issue B (Driveway Ramp)		11/05/2022
A306 Driveway Section 02 Issue B (Driveway Ramp)		
A320 Lot 2 – Section 01 Issue C		19/08/2022
A321 Lot 2 – Section 04 Issue B		
A322 Lot 2 – Detailed Wall Section Issue B		
A400 External Material Finishes Schedule Lot 2 Issue D		
50 Baxter Road (Lot 3)		
A002 Project Summary Sheet - 50 (Lot 3) Issue D	PBD Architects	19/08/2022
A130 Ground Floor Plan Issue E		
A131 Level 1 Plan Issue E		
A132 Level 2 Plan Issue E		
A133 Level 3 Plan Issue D		
A134 Level 4. 6. 8 & 10 Plan Issue C		
A135 Level 5 Plan Issue C		
A136 Level 7 & 9 Plan Issue C		
A137 Level 11 Plan Issue C		
A138 Roof Plan Issue C		
A230 North Elevation Issue D		15/07/2022
A231 East & West Elevation Issue D		
A232 South Elevation Issue C		19/08/2022
A223 Signage Elevation Issue D		03/12/2021
A307 Section 03 Issue A (Loading Dock)		03/12/2021
A308 Section 04 Issue (Driveway Ramp)		
A309 Driveway Section 04 Issue A (Driveway Ramp)		
A310 Driveway Section 05 Issue A (DrivewayRamp)		03/12/2021
A330 Lot 3 - Section 01 Issue C		19/08/2022
A331 Lot 3 – Section 02 Issue B		19/08/2022
A332 Lot 3 – Section 03 Issue B		
A333 Lot 3 - Detailed Wall Section Issue B		
A401 External Material Finishes Schedule Lot 3 Issue D		

Landscape Plans		
L01 – L22 Landscape Concept Plan Rev D	Habit8	21/06/2022
Miscellaneous		
Sediment & Erosion Control Plan 21V40_DA_SE01 Rev 02		29/06/2022
Sediment & Erosion Control Typical Sections & Details 21V40_DA_SE02 Rev 02		29/06/2022

2. Staging of Works

This consent permits the staged issue of Construction Certificates, provided all conditions relevant to each stage of works, as specified in the table below, have been satisfied prior to the release of a Construction Certificate for that stage.

Staging	Details
Stage 1	Construction of shared amenities including the Porte cochere and the underground council stormwater pipe on lots 2 & 3.
Stage 2	Construction of a twelve (12) storey 300 room hotel on Lot 2 (52 Baxter Road - Lot 2 DP 1263396)
Stage 3	Construction of a twelve (12) storey 288 room hotel with restaurant and bar on Lot 3 (50 Baxter Road - Lot 3 DP 1263396)

Stages 2 and 3 cannot commence until a Final Occupation Certificate is obtained for Stage 1

REASON

To ensure development is staged in a manner that complies with the provisions of the Environmental Planning and Assessment Act 1979

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.
5. Further alterations and/or additions to the subject building, including the relocation of the fire booster valves and/or provision of an electricity substation, the fitting of any form of doors and/or walls, shall not be undertaken without first obtaining approval from Council under Section 4.55 of the EP&A Act. This includes the fitting of any form of doors and/or walls.
6. Balconies and car parking spaces shall not be enclosed at any future time without prior development consent.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. No further excavation, backfilling or retaining walls can be carried out or constructed other than those identified on the approved drawings which form part of this consent unless it is otherwise permitted as exempt or complying development

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9. The materials and façade details approved under condition 1 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.
 10. All approved works shall be carried out inside the confines of the building and not in adjacent forecourts, yards, access ways, car parking areas, or on Council's footpath

DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application.

11. Water NSW

1. Approval must be obtained pursuant to S90(2) of the Water Management Act 2000 for any structure and/or works which intercept the groundwater table and require the extraction of groundwater from the aquifer (Water Supply Work approval).
2. An authorization under the relevant water legislation, such as a Water Access License (WAL), shall be obtained for the take of groundwater as part of the activity.
3. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site.
4. Any requirements from Water NSW relating to excavation works to be undertaken on site shall be satisfied, and written evidence of the satisfaction of the aforementioned shall be submitted to Bayside Council Director City Futures (or their delegate) and PCA, prior to any works occurring or any Construction Certificate being issued for the development.

12. Operation of Vehicular Premises

The operation of the development and movements of vehicles shall comply with the following requirements:

- a) All vehicles must enter and exit the site in a forward direction.
- b) All commercial vehicles (including deliveries and garbage collection) shall enter the site in a forward direction and exit the site in a forward direction.
- c) All loading/unloading and garbage/waste collection activities shall take place on-site wholly within the dedicated loading areas and not from public places, public streets, or any road related area (e.g., footpath, nature strip, road shoulder, road reserve).
- d) The maximum size of vehicle accessing the porte-cochere shall be limited to a 12.5m long HRV Vehicle (as denoted in AS2890.2).
- e) The maximum size of vehicle accessing the loading dock shall be limited to an 8.8m long Medium Rigid Vehicle (MRV) (as denoted in AS2890.2:2018).
- f) The maximum size of vehicle accessing the car park shall be limited to a Van (B99 vehicle as denoted in AS2890.1:2004).
- g) All maneuvering movements of vehicles shall be carried out wholly within the site and vehicle maneuvering area shall be kept clear at all times.

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- h) Parking spaces must not be enclosed without further approval of Bayside Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS/NZS2890.1.
 - i) All vehicles shall be parked in the marked parking bays. All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.
 - j) The pick-up/drop-off area (porte-cochere) shall be used for the temporary parking of vehicles/coaches only.

REASON

To manage site operations so that adverse impacts are minimised.

13. Ongoing Use Mechanical Parking Facility

The Operation and Management Plan for the mechanical/electronic parking systems (turntable), approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times. The systems shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the systems at all times.

REASON

To manage and maintain the mechanical parking facility so that approved on-site parking remains available at all times.

14. No Encroachment onto Drainage Easements/Overland Flow Path

There shall be no encroachment of paths, fencing or other improvements onto the drainage easements without the approval of Bayside Council. The overland flow path and flood storage present on this site shall not be obstructed, restricted or altered without the approval of Bayside Council.

REASON

To ensure that overland flow paths and easements remain unrestricted.

15. Maintenance of Stormwater Drainage System

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. Rainwater tanks 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 of to the sewer.

REASON

To protect waterways and minimise adverse impacts to the environment.

16. Green Travel Plan and Transport Access Guide

The Workplace “Green” Travel Plan and Transport Access Guide shall be monitored and reviewed annually in order to revise and improve the plan to achieve the targets on the number of staff to travel by public transport, cycling and walking. Copy of the annual review shall be submitted to Bayside Council. In order to ensure the certainty to implement Green Travel Plan for all future tenants of the site, a copy of the green travel plan and transport access guide shall be part of the lease agreement for all tenants.

REASON

To reduce car dependency.

17. Maintenance of Wastewater and Stormwater Treatment Device

During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

REASON

To protect sewerage and stormwater systems.

18. Flooding

The operation of the development shall comply with the following requirements:

- a) Materials which may be damaged by flood waters shall be stored, or able to be stored, at or above 500mm above the 1% Annual Exceedance Probability (AEP) Flood Level.
- b) The areas below the building shall remain clear of obstructions up to the 1% AEP flood level as shown on the approved plans. Air conditioning units, electrical connections to hot water tanks, and other items that may be damaged by flood waters, shall be set at or above 500mm above the 1% AEP flood level.
- c) No Fill is permitted anywhere on the site.
- d) There is to be no storage of items or obstruction of the voids located below the building.
- e) The use of the site is to reflect the flood risk.

19. Workplace Travel Plan

The Workplace “Green” Travel Plan shall be prepared, 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. The Workplace Travel Plan (as revised from time to time) must be implemented by the Applicant for the life of the development.

20. Shuttle Bus

A shuttle bus is required to service the Hotel and must be provided to transport occupants to and from the development site to Sydney Airport and the City at regular hourly intervals from 5am – 11pm, 7 days a week. If 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 development.

21. Safer by Design

To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:

- a) CCTV should be installed and operational at entry / exit points covering all persons entering and exiting building. CCTV should cover car park / surrounding building and isolated areas.
- b) Adequate lighting to be used throughout the carpark and along the frontage of the hotel property to create visibility at night and to reduce opportunity for hidden areas.
- c) All shrubs at ground level to be no higher than 1 metre, to ensure visibility and clear sight lines can be maintained.
- d) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.

22. Hours of Operation

The hours of operation of the hotel shall be 24 hours a day, 7 days per week.

23. Staffing

The maximum number of persons working within both hotels shall be limited to two hundred and five (205).

24. Signage Zones

Signage zones are not permitted to incorporate content and content, wording, graphics or otherwise is subject to a separate development consent.

- 25.** Signs or goods shall not be displayed or placed on the public footpath or any other part of the public road at any time without Council's consent.

26. Neighbourhood Amenity

Signs shall be appropriately located within the hotel advising patrons of nearby residences and seeking quiet and orderly ingress and egress from the premises. The proprietors of the hotel shall ensure that staff give appropriate directions to, and take reasonable steps to, control noisy or offensive behaviour of patrons entering or leaving the hotel.

27. External Cladding

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.

28. Non Reflective Materials

Walls must be of non-reflective colours and materials to avoid glare. The maximum reflectivity of any glazing is not to be greater than 20% to avoid nuisance from glare.

29. Rail Safety

- a) No light spillage is to occur within the rail corridor that may create a distraction, impact on train driver or cause confusion with the signalling system.
- b) No rubbish shall be dumped or in any way affect the ARTC corridor.
- c) In the event any hotel maintenance works require personnel or equipment to hang over the rail corridor, suitable rail protection will be put in place as approved by the ARTC.
- d) All services for the development shall be provided strictly via the Baxter Road frontage of the site.
- e) Nil under boring to the southern side of the site under the rail corridor is permitted.

30. The kitchen and food preparation areas of the 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”

31. The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the Protection of the Environment Operations Act 1997.

32. Noise

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.

- 33.** Temporary dewatering of the site is not permitted without separate approval from NSW EPA and Water NSW.

- 34.** All proposed lights shall comply with the Australian Standard AS4282 2019 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.

35. Design Excellence

In order to ensure design excellence is retained:

- a) A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project
- b) 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
- c) 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.

36. Design Excellence

To ensure design excellence is achieved, as required by Clause 6.16 of Botany Bay Local Environmental Plan 2013, prior to the issue of any construction certificate entailing any works above basement levels including public domain works, the following must be prepared by the registered architect commissioned for the construction of the project:

- a) Two (2) physical sample boards containing original samples and swatches of all external materials and colours including:
 - i) wall and roof cladding;
 - ii) columns located in front of the corner retail tenancy (including vertical elements attached to columns);
 - iii) balustrading;
 - iv) louvres;
 - v) glazing;

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- vi) window edge treatments;
 - vii) paving/surface in front setback areas;
 - viii) driveway;
 - ix) footpaths;
 - x) retaining wall details;
 - xi) roof top garden (including all surface treatments).
- b) Full coloured elevational details at a minimum scale of 1:10;
 - c) Sections through relevant façade elements, public domain stairs, planter boxes at a minimum scale of 1:10.

The boards, elevations and sections are to be submitted and stamped as approved by the Director City Futures (or delegate) prior to the issue of any Construction Certificate entailing any works above basement levels. The Construction Certificate shall be precisely consistent with these approved materials. Any modifications to the approved materials under this condition require submission and approval of a S4.55 application.

37. Landscape

- a) The landscaping shall be maintained for the life of the development. All soft landscape areas are to be maintained in accordance with the approved Maintenance Schedule provided as part of the landscape documentation. Where vegetation approved as part of this consent dies, it must be replaced with new landscaping that achieves a similar height and form to that approved under the landscape plan.
- b) New street trees shall be maintained by the Applicant / Owner / Strata Corporation for a period of twelve (12) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties; to sustain adequate growth and health. Maintenance does not include trimming or pruning of the trees under any circumstances.
- c) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
 - i) Soil depths must be in accordance with Council's DCP and associated Technical Specifications. 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 join between the sides and base of the planter to contain drainage to within the planter.

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- 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) Planter boxes must be an external finish that is consistent with the character of the colour schemes and finishes of the building (e.g. with a suitable paint, render or tile to match the character of the approved building).
 - vi) All planter boxes shall be provided with a fully automated drip irrigation system.
 - vii) Any subsurface drainage requirements are in addition to the minimum soil depths quoted above
 - viii) All planter boxes shall have the required depth to sustain the proposed planting, as detailed below:
 - Trees over 8 meters: Minimum soil depth 1.3 metre.
 - Medium trees (8 metre canopy diameter at maturity): Minimum soil depth one (1) metre.
 - Small trees (4 metre canopy diameter at maturity): Minimum soil depth 800mm.
 - Shrubs: Minimum soil depths 500-600mm.
 - Groundcover: Minimum soil depths 300-450mm.
 - d) Irrigation. 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.

38. Retaining Walls

Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.

39. Waste Management

- a) Services or utility systems shall not be located in the garbage rooms
- b) Hot and cold water hose cocks shall be installed to the garbage rooms.
- c) All waste shall be collected from within the subject site within the approved loading / unloading bay.
- d) The building manager is to ensure that the scheduling of all loading/unloading activities enables the dedicated loading / unloading space on site to be vacant during waste collection time.
- e) Waste shall be compacted at a maximum ratio of 2:1.

All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan and conditions of this consent.

40. Acoustic

Adopt and implement all recommendations contained in the acoustic report prepared by Renzo Tonin dated 21 December 2021.

41. Plan of Management (POM)

Both POM for hotels upon Lot 2 & Lot 3 shall be revised to incorporate the following matters.

- a) POM for Lot 3 to be revised to incorporate acoustic recommendations and restrictions of the Acoustic Report referred to in conditions of this consent, specifically in relation to restrictions of use for the rooftop bar.
- b) Both POM be revised to;
 - i) correctly detail the size of hotel rooms in 2.1.5 of the POM as per the approved development.
 - ii) clarify laundering processes, waste collection / times / frequency, deliveries, shuttle bus timetable service, staff car parking & flooding evacuation procedures
 - iii) incorporate recommendations of Wind Report prepared by VIPAC and dated 1 December 2021.
 - iv) Confirm staffing numbers and detail staffing roster.
 - v) Detail management of use of port de cohere.

Both hotels shall at all times be operated in accordance with the approved Plan of Management (PoM). A copy of the the approved PoM shall be displayed in back of house areas and the staff office on site at all times.

A copy of the Plan of Management must be displayed on site at all times and made available to all staff and/or occupants. A copy of the PoM shall be made freely available to neighbouring property owners and local residents, if requested.

The PoM shall be reviewed annually. Any amendments to the Plan of Management will require a separate approval from Council. If the Plan of Management is updated following the review, the operator is required to:

- i) ensure that the amended PoM is consistent with all conditions of this consent
- ii) submit a copy of the amended Plan of Management to Council for review and approval within 7 days of completion;
- iii) include comments provided by Council where the POM is to be updated.

EXTERNAL AUTHORITIES

42. Sydney Airport Corporation Limited

The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated 17 February 2022 and must be complied with.

The approved height of 49.6m AHD and is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

Note: Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed “controlled activity” and is punishable by a fine of up to 50 penalty units.

For further information on Height Restrictions please contact SACL on 9667 9246.

43. ARTC

a) Derailment Protection

To mitigate derailment risk, the development must be designed and constructed so that supporting elements comply with the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100. Under AS5100, a deflection wall is required in certain circumstances. We note the development application proposes construction of a deflection wall. To ensure that the deflection wall is sufficiently engineered and complies with AS5100, ARTC suggests that a derailment risk assessment be prepared by the applicant and approved by ARTC. And then a structural engineering report obtained by the applicant and approved by ARTC which demonstrates that the deflection wall will comply with AS5100 and the recommendations of the derailment risk analysis. No construction certificate ought to be issued until the Principal Certifying Authority is satisfied that this has been done and outcomes reflected in the construction drawings. The deflection wall must be constructed entirely within the proposed development site property boundary and not within any part of the rail corridor.

b) Visual Issues

The proposed development is located in close proximity to the rail corridor and has the ability to involve lights shining or sun reflected onto the rail corridor, which might be dazzling or distracting to any train driver and create a safety risk. The development should be carried out in accordance with the relevant Australian

Standard(s) and ARTC requires any direct or reflected light from the site that creates a risk to safety to be addressed by the applicant.

c) Fencing and Safety

The proposed development shall incorporate appropriate fencing and/or relevant screening to prevent unauthorised access to the rail corridor and to mitigate the risk of any object falling or being projected into the rail corridor.

The applicant liaise with, and obtain ARTC's approval in relation to the design and method of erection of fencing between the development and rail corridor prior to the fencing work being undertaken. All work shall be at no cost to the ARTC.

d) Stormwater

All stormwater from the development is adequately managed and directed away from the rail corridor.

e) Maintenance

Any required cleaning, repairs and/or maintenance must be facilitated without entry of any equipment or persons into the rail corridor or airspace. A Maintenance Plan shall be prepared, submitted to for review and approved by ARTC, prior to the issue of any Occupation Certificate.

A copy of the approved Maintenance Plan shall be provided to Council and must be implemented for the lift of the development.

f) Survey

Prior to the commencement of any works, a Registered Surveyor shall locate the boundary of the rear of the site adjoining the corridor and peg it to reduce the risk of trespass, or the development encroaching into the rail corridor during construction. ARTC shall be provided with a copy of the survey to review its accuracy, the accuracy of the boundary surveying pegs and to accurately determine the distance between the development, the existing and proposed rail infrastructure in the rail corridor.

g) Excavation and Construction

Should excavation exceeding a depth of 2m be proposed within 25m of the track, the development application will require additional review by ARTC and further details will need to be provided to ARTC. Prior to any excavation ARTC a geotechnical report shall be provided to ARTC for review and endorsement. Details of construction methodology and proposed measures to ensure the cut batter stability, and stability of the rail corridor is maintained shall be detailed.

h) Access to Rail Corridor

ARTC's written approval is required prior to **any** proposed access to the rail corridor by the applicant. Further consultation with ARTC must occur if construction will involve the use of cranes that could have the potential to affect the rail corridor, or involve any access onto ARTC's land or air space. For these works, a Third Party Access application must be submitted to and approved by ARTC and any condition of that approval must be complied with. The ARTC Third Party access application can be found at: <https://www.artc.com.au/work/external-parties/> The applicant will need to adhere to ARTC's Third Party Projects process including paying all ARTC costs liable and entering into an appropriate Licence/Agreement for the applicant to construct the works.

44. Sydney Water

Water Servicing

- Potable water servicing may be available via a DN100 CACL watermain (laid in 1908) on Baxter Road.
- However, it is likely that the proponent may need to replace the main or construct a parallel main.
- Amplifications, adjustments, and/or minor extensions may be required.

Wastewater Servicing

- Wastewater servicing is currently unavailable to this property.
- Extensions of Sydney Water assets will be required to service this property. Further details will be covered under the Section 73 stage.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions must be satisfied prior to the issue of the Construction Certificate.

45. Payment of Fees & Security Deposits - Stage 1

Before the issue of a construction certificate for Stage 1, the applicant must make all of the following payments to Bayside Council and provide written evidence of these payments to the Principal Certifier:

Soil and Water Management Sign Fee	\$22.00
Builders Damage Deposit (Security Deposit)	\$61,353.00

The security deposit payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the *Roads Act 1993*). The amount payable must be in accordance with council's fees and charges at the payment date.

Note: At the completion of the project only security deposits can be refunded, fees and contributions are non-refundable.

REASON

To ensure any damage to public infrastructure is rectified and public works can be completed.

46. Payment of Fees & Security Deposits - Stage 2

Before the issue of a construction certificate for Stage 2, the applicant must make all of the following payments to Bayside Council and provide written evidence of these payments to the Principal Certifier:

Soil and Water Management Sign Fee	\$22.00
Section 7.11 Contributions	\$377,735.05
Builders Damage Deposit (Security Deposit)	\$105,570.00

The security deposit payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the *Roads Act 1993*). The amount payable must be in accordance with council's fees and charges at the payment date.

Note: At the completion of the project only security deposits can be refunded, fees and contributions are non-refundable.

REASON

To ensure any damage to public infrastructure is rectified and public works can be completed.

47. Payment of Fees & Security Deposits - Stage 3

Before the issue of a construction certificate for Stage 3, the applicant must make all of the following payments to Bayside Council and provide written evidence of these payments to the Principal Certifier:

Soil and Water Management Sign Fee	\$22.00
Section 7.11 Contributions	\$377,735.05
Builders Damage Deposit (Security Deposit)	\$111,843.00

The security deposit payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the *Roads Act 1993*). The amount payable must be in accordance with council's fees and charges at the payment date.

Note: At the completion of the project only security deposits can be refunded, fees and contributions are non-refundable.

REASON

To ensure any damage to public infrastructure is rectified and public works can be completed.

48. Construction Site Management Plan for Stages 1, 2 & 3

Before the issue of a construction certificate for Stages 1, 2 and 3, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the Principal Certifier. The plan must include the following matters.

- Location and materials for protective fencing and hoardings to the perimeter on the site.
- Provisions for public safety.
- Pedestrian and vehicular site access points and construction activity zones.
- Details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site.
- Protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable).
- Details of any bulk earthworks to be carried out.
- Location of site storage areas and sheds.
- Equipment used to carry out all works.
- A garbage container with a tight-fitting lid.
- Dust, noise and vibration control measures.

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- Location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

REASON

To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

49. Reports

The recommendations of the following consultant reports shall be detailed upon construction certificate plans and implemented on site for the relevant stage of works.

- Access - prepared by ABE Consulting dated 17/12/2021
- Acoustic - prepared by Renzo Tonin & Associates dated 21 December 2021
- Geotechnical – prepared by Douglas Partners dated 15/12/2021 and 23/02/22
- Wind Report - prepared by VIPAC and is dated 1 December 2021
- BCA Report – Building Control Group dated 16/12/2021

50. Design Amendments for Stages 1, 2 & 3

Before the issue of any construction certificate for Stages 1, 2 & 3, the certifier must ensure the approved construction certificate plan (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Bayside Council:

- a) The wall and door separating the loading dock and the waste room is to be deleted for each hotel.
- b) The roller shutter and vertical batten screen proposed for the loading docks are to be deleted. A secure access door shall be provided at the top of the steps that lead to the BOH to provide security for the hotels.
- c) Sufficient headroom clearance is to be provided above the pipe and therefore, the solid deflection wall located directly over the pipe is not supported. This railway deflection wall is only permitted to be provided at a height of 4.5m above ground level at the location of the 6.5m wide easement. Removable louvres will be permitted to provide security at the boundary in lieu of a solid wall.
- d) The column in the middle of the loading dock driveway for Stage 3 shall be shifted east to not obstruct access to the loading dock.
- e) The columns located within the 6.5m wide easement are to be deleted/relocated.
- f) All permanent building structures shall be setback outside of the 6.5 easement (for a height of 4.5m above ground) and a minimum of 1m away from the pipes. All other structures that are permitted to remain within the 6.5m easement are to be constructed to be easily removable.

Written acknowledgement must be obtained from Bayside Council demonstrating that the required design changes have been made to the architectural plans to the satisfaction of Bayside Council.

REASON

To require minor amendments to the approved plans and supporting documentation following assessment of the development.

51. Construction of Council pipe below the site for Stage 1

Prior to the issue of any Construction Certificate for Stage 1, the following items must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council:

- a) The exact location, dimensions, and depth (including invert, obvert etc.) of the council pipe/culvert needs to be accurately determined and surveyed by a registered surveyor. The stormwater infrastructure needs to be physically exposed. Recent council CCTV data indicates the council owned stormwater infrastructure traversing through Baxter road is a rectangular box culvert 1800mm wide and 750mm high. The exact location, depth and dimensions of the stormwater infrastructure are to be shown on the architectural plans.
- b) A duplicate culvert within property to the same dimensions and depth as the existing infrastructure (running parallel to the existing culvert) shall be constructed by the applicant as part of this development. The stormwater infrastructure shall be designed to terminate with a stub at the boundary of the site with the railway and be connected to the existing pipe/culvert at the Baxter Road end. The duplicate culvert is to have a small connection to the existing culvert at the railway end of the property to allow for the pipe to drain via gravity. Detailed design of the duplicate council stormwater pipe is to be prepared by a civil engineer registered with the National Engineering Register (NER) along with engineering certification is to be provided to the satisfaction of Bayside Council.
- c) Widen easement to cover both pipes with a 6.5m wide easement width.
- d) Sufficient headroom clearance is to be provided above the pipe and therefore, the solid deflection wall located directly over the pipe is not supported. This railway deflection wall is only permitted to be provided at a height of 4.5m above ground level at the location of the 6.5m wide easement. Removable louvres will be permitted to provide security at the boundary in lieu of a solid wall.
- e) It needs to be demonstrated that sufficient cover is provided on top of the culvert given the cut required for the porte-cochere.
- f) Detailed analysis needs to be provided regarding the porte-cochere design and the potential loading to be experienced by Council stormwater pipe. The porte-cochere needs to be designed to ensure the council stormwater pipe is protected from loading of vehicles to the satisfaction of Bayside Council.
- g) All permanent building structures shall be setback outside of the 6.5 easement (for a height of 4.5m above ground) and a minimum of 1m away from the pipes. All other structures that are permitted to remain within the 6.5m easement are to be constructed to be easily removable.

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- h) Prior to the issue of any Construction Certificate, any footings or excavation to be located or undertaken adjacent to Bayside Council's stormwater pipeline must be designed to address the following requirements:
- i) All footings and excavation must be located outside of the easement boundaries, and
 - ii) Footings must extend to at least 300mm below the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock, and
 - iii) If permanent excavation is proposed below the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided.

REASON

To protect Council's infrastructure.

52. Stage 2 and / or 3 Cannot Commence until Stage 1 is Completed to Bayside Council Satisfaction.

Prior to the issue of any construction certificate for Stage 2 & 3, a final occupation certificate must be obtained for Stage 1, the new duplicate council stormwater pipe is constructed, all easement modifications must be registered onto the title of the property and written consent from the Director City Futures (or delegate) of Bayside Council must be obtained.

53. Gas Meter / Hydrant Booster Modifications

Prior to the issue of any Construction Certificate, the following amendments shall be made to the construction certificate plans:

- a) Gas meters and the fire hydrant booster for both hotels shall be provided as exposed pipework within landscaped planters at ground level. The enclosure of the aforementioned service structures is not permitted.

The above changes shall be made to the satisfaction of Bayside Council prior to the issue of the relevant Construction Certificate for Stage 2 and Stage 3.

54. Car Parking Details for Stages 1, 2 & 3

Before the issue of the relevant construction certificate for Stages 1, 2 & 3, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the Principal Certifier's satisfaction, that it complies with the relevant parts of *AS 2890 Parking Facilities – Off-Street Carparking* and Council's development control plan.

REASON

To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.

55. Utilities and Services for Stages 2 & 3

Before the issue of the construction certificate for Stages 2 & 3, the applicant must submit the following written evidence of service provider requirements to the certifier:

- a) a letter of consent from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b) a response from Sydney Water as to whether the plans proposed to accompany the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.
- c) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

REASON

To ensure relevant utility and service providers requirements are provided to the certifier.

56. Erosion & Sediment Control Plan for Stages 1, 2 & 3

Before the issue of a construction certificate for Stages 1, 2 & 3, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the Principal Certifier:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

REASON

To ensure no substance other than rainwater enters the stormwater system and waterways.

57. Dilapidation Report for Stage 2

Before the issue of a Construction Certificate for Stage 2, a suitably qualified Engineer must prepare a Dilapidation Report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the Certifier. If the Engineer is denied access to any adjoining properties to prepare the Dilapidation Report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the Certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

This dilapidation report for Stage 2 shall include, but not be limited to, the following properties:

(a) 56 Baxter Road MASCOT

The report shall be prepared at the expense of the Applicant and a copy of the Dilapidation Survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Principal Certifier prior to commencement of any works. The insurance cover shall be a minimum of \$10 million.

A copy of the Pre-Construction Dilapidation Report is to be provided to the adjoining properties (subject of the Dilapidation Report), a minimum of five (5) working days prior to the commencement of work. Evidence confirming that a copy of the Dilapidation Report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00 am and 6.00 pm.

REASON

To establish and document the structural condition of adjoining properties and public land for comparison as building work progresses and is completed.

58. Detailed Design Stormwater Management Plan for Stages 1, 2 & 3

Prior to the issue of any Construction Certificate for Stages 1, 2 & 3, detailed drainage design plans for the management of stormwater (prepared by a civil engineer registered with the NER) are to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines 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.

The detailed drainage design plans shall incorporate the provisions detailed below:

- a) A minimum 30m³ rainwater tank system shall be provided for each hotel (60m³ total). Each rainwater tank shall be designed to be connected to all toilet flushing and landscape irrigation in the development for non-potable stormwater re-use. Only non-trafficable roof area shall drain into the rainwater tank.
- b) The rainwater tanks shall be located wholly below ground. The rainwater tanks shall be designed to be fully "tanked" to prevent the ingress of groundwater. The rainwater tank shall be designed to resist the hydrostatic forces of the groundwater.
- c) All surface and car park runoff shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted.

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- d) A stormwater quality improvement device(s) shall be provided in accordance with section 16 of Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines.
 - e) MUSIC modelling shall be submitted demonstrating that the stormwater design for the development meets or exceeds the stormwater pollutant reduction targets contained with Botany Bay DCP Part 3G section 3G.4 control C2.
 - f) Heavy duty drainage grates shall be provided on each driveway at the boundary.

REASON

To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.

59. Structural Certification for Flood Prone Land for Stages 1, 2 & 3

Prior to the issue of the Construction Certificate for Stages 1, 2 & 3, a suitably qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris, and buoyancy in a 1% AEP flood event. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood event, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood level.

REASON

To ensure the development meets flood planning requirements.

60. Flow Through Fencing

Prior to the issue of the Construction Certificate, flow through open form fencing is required for all new boundary fencing and all new internal fences and gates up to the 1% AEP flood level. This requirement shall be reflected on the Construction Certificate plans and supporting documentation. Details of approved types of fencing can be obtained from Council.

61. Flow Through Building Foundation for Stages 2 & 3

The proposed building floors shall be designed to be suspended with a void below up to at least the 1% AEP flood level (RL 6.067m AHD) as shown on the approved plans. Horizontal/vertical louvers with minimum 80mm gap shall be provided around the suspended floor to avoid pet animal/children being trapped under the building. No fill is permitted below the suspended floors. These requirements shall be reflected on the Stage 2 & 3 Construction Certificate plans and supporting documentation.

62. Detailed Flood Risk Management Plan for Stages 2 & 3

Prior to the issue of the Construction Certificate for Stages 2 & 3, a Flood Risk Management Plan, prepared by a suitably qualified Civil Engineer, must be provided for the development. The flood risk and flood hazard on the site and its surrounds shall be assessed for the 1% AEP and PMF flood events. The management plan

must make provision for, but not be limited to, the following:

- a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development, and
- b) Flood warning signs / depth indicators for areas that may be inundated, and
- c) A flood evacuation strategy, and
- d) A flood awareness strategy, and
- e) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
- f) Address how the hotel building and its management will provide for emergency egress (via land) for development to the east of the site in its operations (via the “breakthrough” in the carpark) during a 1% AEP flood event, and
- g) Address how emergency egress from the site will be provided for in a PMF flood event, and
- h) A copy of flood risk management plan needs to be provided to the SES.

REASON

To ensure the development meets flood planning requirements and minimise risk to personal safety and property.

63. Flooding Requirements for stages 1, 2 & 3

Prior to the issue of the Construction Certificate for stages 1, 2 & 3, details are to be submitted to the satisfaction of Bayside Council demonstrating compliance with the following:

- a) Storage of Materials Damaged by Flood
Materials which may be damaged by flood waters shall be stored, or able to be stored, at or above 500mm above the 1% Annual Exceedance Probability (AEP) Flood Level.
- b) Area below building to Remain Clear
The areas below the building shall remain clear of obstructions up to the 1% AEP flood level as shown on the approved plans. Air conditioning units, electrical connections to hot water tanks, and other items that may be damaged by flood waters, shall be set at or above 500mm above the 1% AEP flood level.
- c) No Fill Permitted
No Fill is permitted anywhere on the site. The construction certificate plans must clearly show that no fill is proposed as part of the development for Stages 1, 2 & 3
- d) Flood proofing

The turntable, substations and disabled chair lift shall be designed to be flood proofed up to the 1% AEP flood level + 500mm.

- e) The construction certificate plans are to demonstrate the connection from 52 Baxter Road to 56 Baxter road via the fire door on the boundary.
- f) The voids below the building shall be designed to be easily maintainable and suitable maintenance access shall be provided for in the detailed design of the development.
- g) The subfloor needs to be accessible via maintenance workers & vehicles. A minimum of two access points for each hotel will be required to be provided at surface level to enable personnel to access the subfloor area for maintenance. An access hatch from the ground floor shall also be provided for the hotel on 52 Baxter Road. The size and location of the access points needs to be clearly described and shown on the plans. Some details shall be provided as to how exactly the areas will be maintained and what vehicles can be used to access and maintain the subfloor area. Details need to be provided to the satisfaction of Bayside Council.
- h) The treatment of the surface finish of the subfloor needs to be detailed, it needs to be designed to prevent weeds and other growth from growing below the building.
- i) A maximum of 30-50% of the frontage is to be solid with the remainder being flow through open form (either completely open or provided with louvres as appropriate). The eastern building interface at the boundary with 1008 Botany Road is to be completely open form.
- j) Flow through openings need to be provided at regular intervals (up to the 1% AEP flood level) along the deflection wall.
- k) Provide a shelter in place refuge area within the development above the probable maximum flood (PMF). On-site shelter place refuges shall be designed with a plan for self-sufficiency to cater for the maximum number of people reasonably expected on the development site. This plan must include a storage area for food, torch, batteries, first aid kit, generator, and self-directing signs. An engineer's report shall be provided to certify that an area of refuge is available to accommodate the expected maximum population the site could accommodate.

64. Traffic & Parking Requirements for Stages 1, 2 & 3

Prior to issue of the Construction Certificate for stages 1, 2 & 3:

- a) A longitudinal driveway profile for each driveway associated with the proposed stage shall be submitted to Principal Certifier for assessment and approval. The profiles shall start in the centre of the road and be along the critical edge (worst case) of the driveways. Gradients, transitions, and headroom clearances shall be in accordance with AS 2890.2:2018 for a HRV vehicle for the porte-cochere and AS 2890.2:2018 for a MRV vehicle on the loading dock driveway. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%), headroom clearances and lengths. The existing boundary levels shall be clearly shown on the profile, any change to the existing boundary levels requires approval from Bayside Council.
- b) The driveway crossings shall comply with the following:

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- i) For Stage 1, the minimum width of each driveway crossing shall be 7.8 metres at the boundary and 13.7 metres at the kerb.
 - ii) For Stage 2, the width of the driveway crossing for the loading dock shall be 7m and the width of the driveway crossing for the entry to the car park shall be 4m.
 - iii) For Stage 3, the width of the combined driveway crossing for the car park and the loading dock shall be 14.7m.

Details shall be shown on the Construction Certificate plans.

REASON

To ensure the development meets the relevant standards

65. Detailed Parking Facility Design Requirements and Certification for stages 1, 2 & 3

Prior to the issue of any Construction Certificate for stages 1, 2 & 3, the construction certificate plans and supporting documentation shall demonstrate compliance with the following:

- a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:
 - i) The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and
 - ii) All vehicles are to enter and exit the site in a forward direction, and
 - iii) The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6, and
 - iv) Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1, and
 - v) For stage 2 a total of 56 bicycle parking spaces and 8 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively, and
 - vi) For stage 3 a total of 80 bicycle parking spaces and 2 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively, and
 - vii) The walls on the common boundary of 50 and 52 Baxter Road on levels 1 & 2 are to be designed to be temporary walls that can be easily removed when both Stages 2 & 3 are complete. Detailed design of these temporary walls is to be provided prior to the issue of the construction certificate for stage 2 or 3, whichever occurs first.
- b) Compliance with AS2890.2 Commercial (Service) Vehicle Parking:

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- i) Loading and unloading within the loading docks on the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the MRV from AS2890.2:2018, and
 - ii) Drop-off/Pick-up within the porte-cochere shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the 12.5m long HRV from AS2890.2:2018, and
 - iii) The design of the parking facility (including driveways/access ramps/vehicular crossings etc.) shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and
 - iv) All service and coach vehicles shall enter and exit the property in a forward direction, and
 - v) Swept path analysis shall be provided for manoeuvring of MRV commercial vehicle(s), depicting a forward entry and forward exit manoeuvre to/from the site via the loading dock(s) proposed within the development, and
 - vi) Swept path analysis shall be provided for manoeuvring of HRV commercial vehicles (bus/coach), depicting a forward entry and forward exit manoeuvre to/from the site via the porte-cochere(s) proposed within the development, and
 - vii) A longitudinal section plotting headroom clearance along the travel path of the service vehicle(s) is to be provided. It must be demonstrated that a safe headroom clearance of 4.5m is achieved along the along the entire travel path, parking, and manoeuvring areas of the HRV within the development. Furthermore, it must be demonstrated that a safe headroom clearance of 4.5m is achieved along the along the entire travel path, parking, and manoeuvring areas of the MRV within the development, and
 - viii) The entire ground level driveway (porte-cochere pick-up/drop off area), must have an unobstructed headroom clearance of at least 4.5m to accommodate HRV coach (bus) vehicles, and
 - ix) All waste collection must be undertaken on-site, no bins/waste are permitted to be presented to the street for collection.
 - x) Pedestrian sightlines for vehicles exiting the site are to comply with AS2890.2.

The design of the entire car parking facility is to be certified by a Civil Engineer registered with the National Engineering Register (NER) as being strictly in accordance with the abovementioned requirements and the Australian Standard 2890 parking facilities series.

REASON

To ensure compliance with the relevant Australian Standard.

66. Mechanical Parking Facility System – Detailed Design for Stages 2 & 3

Prior to the issue of the Construction Certificate for Stages 2 & 3, the design of the mechanical parking facility system(s) proposed (mechanical turntable systems) must address the following criteria:

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- a) Ensure operating noise and vibration levels are limited to acceptable levels in accordance with appropriate standards and any plant equipment is housed in noise attenuating housing as required/appropriate;
 - b) Provide detailed design and manufacturer specifications for the mechanical parking facility system(s) required within the development. A detailed design certificate from an experienced/practicing and qualified manufacture designer/installer that confirms that the mechanical parking facility system(s) are functional, workable, fit for purpose and are designed in accordance with the relevant Australian standards shall be provided;
 - c) Provide operational details/management plan of the entire facility, demonstrating safe and functional access for all users, including details of safety protection systems for users and non-users; and

The design must be certified by an engineer registered with the National Engineering Register (NER).

REASON

To ensure the mechanical parking facility is designed and constructed in accordance with specifications and relevant standards.

67. Geotechnical Certification for Stages 1, 2 & 3

Prior to the issue of the Construction Certificate for stages 1, 2 & 3, a suitably qualified Geotechnical Engineer must:

- a) Review and ensure the appropriate construction methodology, parameters, and recommendations in the geotechnical report prepared by Douglas Partners, project 211099.00 R.002.Rev0, dated 15 December 2021 & 23/02/2022, have been implemented and relied upon during the preparation of the Construction Certificate plans and documentation, and
- b) Provide detailed recommendations to allow the satisfactory implementation of the works as applicable.
 - i) The appropriate means of any excavation/shoring is to be determined and detailed, considering the proximity to adjacent property and structures,
 - ii) Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated,
 - iii) Review and certify the proposed method to temporarily and permanently support any excavation adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site),
 - iv) An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages
- 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, and

- d) Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective, and
- e) Inspect the works as they progress at frequencies determined by the Geotechnical Engineer (where necessary).

The professional recommendations of the report shall be implemented in full during the relevant stages of excavation and construction.

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*.

REASON

To ensure that structural designs are adequate and that damage to adjoining land is minimised.

68. Frontage Works Application for Stages 1, 2 & 3

Prior to the issue of any Construction Certificate for Stages 1, 2 & 3, an application for Frontage Works (Public Domain Construction – Frontage / Civil Works Application) shall be made to Bayside Council's Customer Service Centre for assessment of all required works within the road reserve. A fee is payable to Bayside Council in accordance with Council's adopted fees and charges.

Prior to the commencement of the public domain works for each stage, a Public Domain Frontage Design package must be prepared by suitably qualified professionals for all frontage works that are required to be constructed within the public domain that are subject to assessment and approval pursuant to Section 138 of the *Roads Act 1993*. Public domain frontage works can include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking, and traffic devices to address and satisfy relevant development consent conditions. All frontage works shall be in accordance with Bayside Council technical manuals, specifications, master plans, town centre plans, Australian Standards, and standard design drawings.

A public domain performance bond is to be provided to Bayside Council prior to the issue of the Final Occupation Certificate for Stages 1, 2 & 3. The performance bond is calculated by Bayside Council as part of the frontage works process as per Bayside Council's adopted fees and charges. The performance bond will be kept for a period of 12 months after the completion of all external works and the issuing of a Final Occupation Certificate (defects liability/street tree maintenance period). The bond may be applied by Bayside Council to rectify defective/non-conforming public domain works and the establishment and maintenance of landscaping & street trees. Bayside Council is entitled to recover any monies expended more than the bond amount in undertaking such works.

REASON

To ensure that public domain works are designed and constructed in accordance with relevant requirements and standards.

69. Utilising Neighbouring Properties and Public Land for Excavation Support

Prior to the issue of the Construction Certificate for the relevant stage of works, 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 the relevant road authority 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.

If it is necessary to excavate below the level of the base of the footings of the adjoining structures, the person acting on the consent shall ensure that the owner/s of the structures is/are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

70. Sustainability for Stages 2 & 3

Prior to the issue of the relevant Construction Certificate for stages 2 and 3, the applicant is to demonstrate the use of the following sustainability measures within the development:

- a) Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the coverage of available non-trafficable space on the rooftop. A storage battery is to be provided. This solar power shall be utilised in the hotel to reduce the hotels demand for electricity from the grid.
- b) Rainwater tank connected to all toilet flushing and landscape irrigation for non-potable stormwater re-use.
- c) Sensor controlled and zoned internal lighting within the building's car park and common areas.
- d) Electric hot water and electric appliances are to be utilised instead of gas.

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- e) Use of admixtures in concrete to minimise cement and reduce embodied carbon.
 - f) Separate circuiting for temporary power to minimal stair and corridor lighting.
 - g) Use of LEDs and other low energy flicker free lighting resources.
 - h) Provision of Electric Vehicle (EV) charging car parking spaces. At least 16 car parking spaces in Stage 2 and 17 car parking spaces in Stage 3 must be designed to be equipped with EV charging facilities. The EV charging systems shall be provided as 'Level 2' charging infrastructure with a power range of 7kW-22kW or greater, as defined by NSW Electric and Hybrid Vehicle Plan Future Transport 2056.

The above measures shall be implemented on site prior to the issue of the Final Occupation Certificate for stages 2 & 3.

71. Emergency Management Plan

An emergency management plan is to be prepared to address the emergency egress of people from the neighbouring sites during all flood events up to and including the 1% AEP and PMF flood events. The emergency management plan is to be submitted to for assessment and approval by Bayside Council prior to the issue of any Construction Certificate for stages 2 & 3.

- 72.** For work costing \$25,000 or more, a Long Service Levy shall be paid to the Long Service Corporation or Council prior to each stage of work, with evidence of payment submitted to the Principal Certifier prior to the issue of any Construction Certificate.

73. Awnings over Council Land

Prior to issue of a Construction Certificate for the relevant stage of works, details of the approved awnings to hotel lobbies, including plans and sections, must be provided to the Principal Accredited Certifier (PCA). Awnings shall be consistent with the approved development application plans unless specifically varied below. The details must include:

- a) A minimum setback of 600mm from the face of the kerb, minimum soffit height 3.3m and a maximum step of 900mm for sloping sites. The awnings must be entirely self-supporting; posts are not permitted, and
- b) All stormwater is to be collected and connected to Council's street gutter. Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure. Awning downpipes shall be concealed from the street, and
- c) The design and certification by a Structural Engineer registered with the National Engineering Register (NER) for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load, and
- d) The awning(s) must be constructed of non-combustible materials, and
- e) Lighting is required and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the awning and be

integral to its structure with all wiring and conduits concealed, and

Subject to compliance with the requirements above, Bayside Council grants approval pursuant to Section 138 of the Roads Act 1993. Council's approval remains whilst the structure is in place and the structural stability of the awning is not compromised. Maintenance of the awning is the responsibility of the owner of the land.

74. Public Utility Adjustment – Undergrounding & Lighting

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 will need to be decommissioned and new underground supplied lighting poles shall be constructed satisfying V2 lighting requirements and any other requirements as specified by Council, RMS and any other service provider,
- d) All above ground utilities must 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 relevant Construction Certificate.
- f) All low and high voltage street mains in the street/s adjacent to the development must be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns. The applicant shall confer with Ausgrid to determine Ausgrid requirements. Written confirmation of Ausgrid's requirements shall be obtained 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 Bayside Council and service authorities are to be the responsibility of the developer.

Where the road reserve along the frontage(s) of the site is congested with underground utility services and/or street trees, the person acting on the consent must design the undergrounding works around the congestion to the requirements of Ausgrid and Bayside Councils landscape architect/arborist.

In the event that further undergrounding of utilities is required beyond the frontages of the development site (e.g. across a road) to support the required

undergrounding along the site frontage(s), these works must also be carried out at no cost or expense to Bayside Council.

In the event that any existing street trees are lost as a result of trenching related to undergrounding works, suitable replacements must be planted in keeping with Bayside Council's street tree masterplan and landscape architect requirements.

75. Construction Management Plan

Prior to the issue of a Construction Certificate for the relevant stage of works, a Construction Management Program shall be submitted to, assessed and approved by the Principal Accredited Certifier prior to the issue of any Construction Certificate. The program must detail, but not be limited to, the following:

- 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 adjoining properties and how construction activities will be managed in close proximity to the adjoining rail line to ensure no disruptions and undue safety hazards are created as a result of construction activities, and
- j) The location and operation of any on site crane. Please note that a crane will require prior approval from Sydney Airports Corporation, and

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- k) The location of any Construction Work Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
 - l) Obtain Permits required under this consent.

76. Service Diagram

Prior to the issue of any Construction Certificate for the relevant stage of works, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

77. Sydney Water Tap In for Stages 1, 2 & 3

Prior to the issue of the Construction Certificate for Stages 1, 2 & 3, 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>

REASON

To ensure compliance with Sydney Water requirements.

78. Detailed Landscape Plan

Prior the issue of the Construction Certificate for the relevant stage of works, amended landscape plans must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council. The amended plans shall be generally in accordance with the approved Landscape Plan and must comprise detailed landscape construction documentation (plans and specifications). The detailed plan shall include, but not be limited to, the following:

- a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.
- b) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be capable to sustain the growth of proposed planting.
- c) Maximise the proposed planting in planter boxes, include canopy trees where feasible to mitigate the loss of existing mature trees on site and to provide a level of amelioration to the buildings.
- d) Location of existing and proposed structures on the site including, but not limited to proposed planting, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features.

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- e) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - f) Replace Olea Europea with a more appropriate plant to the proposed built environment.
 - g) Peripheric planters above structures shall include small leave screening shrubs to reach a minimum high of 1000mm, with cascading species along frontages of planters.
 - h) Details of proposed vertical planting along the façade. Structures and planting shall be accessible for maintenance tasks, and built with good quality materials resistant to outdoor exposure.
 - i) If any retaining wall is required along the interface with the public space, this shall not exceed the height of a public seat, 400mm, from the public domain level. If deep soil is available natural ground levels are preferred to maximize lateral root growth.
 - i) Areas of paving, schedule of materials, edge treatments, tactile and sectional construction details.
 - ii) Details of all fencing, privacy screening, arbors and the like- elevations and materials, impacting or visible to public domain areas.

79. Landscape Frontage Works Application

Prior to the issue of a Construction Certificate for the relevant stage of works, the applicant must submit a Frontage Works Application (Public Domain Construction – Frontage / Civil Works Application) to Bayside Council.

Prior to the commencement of public domain works, a public domain landscape improvements plan shall be submitted to Bayside Council for assessment and approval. The plans 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 and irrigation. The landscape plan must indicate locations of lighting poles, underground services, stormwater infrastructure etc. The design shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Specifications shall be as follow unless otherwise is specified by Council:

- a) New street trees shall be supplemented with the installation of Structural soil modules stratavault or equivalent. Structural installation shall cover a minimum of 10sqm. for each new tree.
- b) All trees shall be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- c) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.

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- d) All street trees have to be supplied in a pot size not less than 200 Litre, height above container 3.5meters, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 meters Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries. Trees provided shall conform to NATSPEC guide. The number of street trees shall be maximised, to deliver a green buffer along the façade of the proposed building, and mitigate wind effects in the area.
 - e) Each new Street tree shall include a 50mm diameter slotted watering pipe with geotextile sleeve around rootball connected to watering grate (or kerb hole if WSUD option used) Root Rain Urban or equivalent
 - f) Root barriers shall be specified to be installed in all street trees along both kerb and footpaths as required.

Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.

Note: Only one frontage works application needs to be submitted for the development consent.

80. Sculpture

Prior to the issue of any Construction Certificate for Stage 2, details of the sculpture at ground level within the landscaped planter of the port de cohere, shall be submitted to Councils Director City Futures (or his delegate) for approval.

81. S7.11 Contributions - Stage 2

A Section 7.11 contribution of \$377,735.05 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges.

The contribution is to be paid prior to the issue of any Construction Certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels).

Note: The S94 contributions stated above are subject to periodic review. If the contributions are not paid within the quarter in which the consent is granted, the contributions payable will be indexed between the date of the consent and the date of payment based on movements in the Consumer Price Index.

82. S7.11 Contributions - Stage 3

A Section 7.11 contribution of \$377,735.05 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges.

The contribution is to be paid prior to the issue of any Construction Certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels).

Note: The Section 7.11 contributions stated above are subject to periodic review. If the contributions are not paid within the quarter in which the consent is granted, the contributions payable will be indexed between the date of the consent and the date of payment based on movements in the Consumer Price Index.

83. Address

Prior to the issue of a Construction Certificate for the development, an application for Property Address Allocation and associated fee are required to be submitted to Council. All new addresses will be allocated in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy. The form is available for download at:

<https://www.bayside.nsw.gov.au/services/developmentconstruction/buildingoralteringproperty/commonlyusedforms>

The general principles of addressing in NSW are described in the NSW Addressing User Manual, Ch.6 Addressing Principles. The manual is available for download at:

http://www.gnb.nsw.gov.au/_data/assets/pdf_file/0007/199411/NSW_AUM_July2018_Final.pdf

84. Tree Removal

Consent is granted for the removal of trees nominated within the Arborist Report prepared by "Growing My Way" dated 14/12/2021.

85. Acid Sulfate Soils

The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the Acid Sulfate Soil Management Plan prepared by Douglas Partners and dated June 2022.

86. Access

Compliance with Council's Development Control (DCP) 2013 in relation to requirements for access. Compliance with this condition will require the design and fitout of commercial areas to be in accordance with Australian Standard 1428.12009.

Note: Compliance with Council's Development Control Plan (DCP) 2011 and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act (DDA) 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

87. Ausgrid

The applicant shall confer with Ausgrid to determine if;

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- a) an electricity distribution substation is required.
 - b) if installation of electricity conduits in the footway is required.
 - c) satisfactory clearances to any existing overhead High Voltage mains will be affected.

Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.

- 88.** The reflectivity index of glazing and finishing materials used on the facades and roof of the building shall not exceed 20%. Details demonstrating compliance with the above requirement shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate for the relevant stage of works.

89. External Lighting

All proposed lighting shall comply with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting. In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads or the freight rail line.

90. Aircraft Noise

Prior to issue of a Construction Certificate for the relevant stage of works, the measures required in the acoustical assessment report prepared by Renzo Tonin dated 21 December 2021 shall be included in the construction drawings and in accordance with the provisions of AS 2021 – 2015: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction.

91. Rail / Traffic Noise

The development must be constructed to ensure compliance with the recommendations of the approved acoustic report and to meet the relevant provisions of Australian Standard AS 2107:2000 Recommended design sound levels and reverberation times for building interiors. Compliance with this condition must be achieved within the approved building envelope, form and design.

Any variations to the approved plans externally to achieve compliance must be the subject of a Section 4.55 application to modify the approved plans. Details of the provisions must be provided on the Construction Certificate plans submitted to the Principal Certifier prior to the release of a Construction Certificate.

92. Traffic Management Plan

Prior to the issue of a Construction Certificate for the relevant stage of works, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be submitted to the Principal Certifier for approval. The plan shall:

- be prepared by a TfNSW accredited consultant,

- 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.

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.

93. Environmental Health

- a) A copy of Permission to Discharge Trade Waste Water shall be obtained from Sydney Water prior to the discharge of trade waste water to the sewer system. A copy shall be provided to Principal Certifying Authority (PCA) prior to issuing a Construction Certificate for the relevant stage of works. A copy shall also be provided to Council if Council is not the PCA
- b) The mechanical exhaust ventilation system shall be installed in the kitchen and food preparation areas where cooking and heat producing processes are conducted. All equipment producing heat or steam shall be placed wholly under the ventilation canopy. The ventilation system shall be designed and installed by an appropriate qualified person in accordance with Australian Standards AS1668.1 1998 & 1668.2 2002.
- c) An extraction system shall be provided where there is any dishwasher and other washing and sanitising equipment that vents steam into the area to the extent that there is or is likely to be condensation collecting on the walls and ceiling.
- d) All walls within the kitchen, food preparation, storage and display areas shall be of solid construction. Walls in food preparation areas shall be finished with one or a combination of glazed tiles, stainless steel, aluminium sheeting, laminated thermosetting plastic sheeting, polyvinyl sheeting with welded seams or similar impervious material which is adhered directly to the wall. The finishing materials of the wall surfaces shall provide a smooth even surface free from buckles, ledges, fixing screws, picture rails, open joint spaces, cracks or crevices.
- e) The floors within the kitchen, food preparation, storage and bar area shall be constructed of a suitable material which is nonslip, durable, resistant to corrosion, nontoxic, non-absorbent and impervious to moisture. Floors which drain to a floor waste shall be evenly graded (at least 1:100) so that water falls to the floor waste.
- f) Plinths shall be of solid construction, at least 75 mm high, have an impervious finish, be rounded at all exposed edges, coved at the intersection of the floor and wall to a minimum radius of 25 mm.
- g) The surface finish of the ceiling shall not be perforated and shall be finished in an impervious material which is free from open joints, cracks, crevices, (in

accordance with AS 46742004, acoustic and decorative panels are not to be used in wet areas, food preparation areas, bin storage areas or other areas where open food is displayed or served). The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The intersection of walls and the ceiling shall be tight jointed, sealed and dustproof.

- h) In areas where open food is handled or stored, light fittings whether they are intended to provide light or heat or as part of equipment, shall be designed and constructed to prevent the contamination of food should the globe or tube shatter and free from any features which would harbour any dirt, dust or insects or make the fitting difficult to clean.
- i) All service pipes conduits and electrical wiring shall be either:
 - i) Concealed in floors, walls, ceilings or concrete plinths, or
 - ii) Fixed with brackets so as to provide at least 25 mm clearance between the pipe and the adjacent vertical surface and 100 mm between the pipe or conduit and the adjacent horizontal surface.
- j) All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through shall be designed and constructed so as to prevent the access of vermin.
- k) A temperature gauge shall be provided to each cool room, chiller, freezer, refrigeration unit, hot and cold food storage/display units. The temperature gauge shall be accurate to one (1) degree Celsius and be visible from the outside of such units.
- l) A commercial kitchen shall be provided with a kitchen exhaust hood in compliance with Australian Standard AS1668 Parts 1 & 2 where any cooking apparatus having a total maximum electrical output exceeding 8 kW, or a total gas power input exceeding 29 MJ/h.
- m) Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage for vermin are not permitted to be formed in the construction of the food preparation or storage areas, or in the installation of fixtures, fittings and equipment.
- n) A floor waste fitted with a basket arrestor shall be located outside the cool room adjacent to the door.
- o) The surrounds of the cool room shall be either open for cleaning and inspection or enclosed so that a vermin proof enclosure is formed.
- p) Hot and cold food display and/or holding appliances shall be designed and capable of holding cold perishable foods at or below 5C and hot perishable foods at or above 60C when the appliances are operating at full capacity.
- q) Hot and cold mounted taps fitted with hose connectors positioned at least 600 mm above floor level shall be installed in a convenient and accessible location in the kitchen/food preparation area.
- r) A double bowl sink or two compartment tub which is of a size capable of fully immersing the largest piece of equipment shall be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least 45C in one

bowl for washing purposes; and 80C in the other bowl for sanitising purposes if hot water sanitising occurs at the sink.

- s) Premises which require food to be prepared by immersion in water shall install a designated food preparation sink which shall not be used for the washing of equipment or hands.
- t) Premises shall be provided with a cleaner's or sluice sink, floor waste or other similar facility which is connected to drainage that is not intended for use to prepare food, wash any equipment or for hands/face washing for disposing of mop water and similar liquid waste and shall be located outside of areas where open food is handled.
- u) Hand wash basins shall be located so that they are not obstructed, are at bench height either permanently fixed to a wall, supporting frame or sunk into the bench top, accessible and no further than 5 metres (excluding toilet hand basins) from any place where food handlers are handling open food, in the parts of the premises where open food is handled, in utensil/equipment washing areas, in staff entrance to areas where open food is handled and in toilet cubicles or immediately adjacent to toilets. Hand basins shall have a permanent supply of warm running potable water delivered through a single outlet and taps which operate hands free shall be provided at all hand basins with sufficient space between the spout and base of basin for the washing of hands and arms.
- v) Dishwashers and glass washers used to sanitise food contact surfaces, eating and drinking utensils shall be designed to operate so that the temperature of water used in the sanitising rinse cycles, combined with the time that the utensils are rinsed in water at that temperature (or in combination) shall be sufficient to ensure that the utensils are sanitised.
- w) All hand basins shall be provided with soap and a towel dispenser for dispensing single use towels or other means of drying hands and arms which prevents the transfer of pathogenic microorganisms to the hands or arms (air dryers as the only means of drying hands shall not be permitted). A receptacle for used towels shall be provided at the hand wash basin.

94. Rooms and areas designated for the storage and washing of garbage receptacles shall be designed and constructed in accordance with the following requirements:

- a) 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
- b) 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
- c) Provide a hose tap connected to the water supply. Water used for cleaning garbage receptacles may be either potable or non potable water.
- d) The room shall be ventilated with either natural ventilation or alternatively mechanically ventilated in accordance with the requirements of Australian Standards AS 1668.

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- 95.** Prior to the issue of a Construction Certificate for the relevant stage of works, to ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- 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,
 - Negotiate with the utility authorities (eg Ausgrid, Sydney Water, Telecommunications Carriers and Council) in connection with:
 - The additional load on the system, and
 - The relocation and/or adjustment of the services affected by the construction (including works required within the public domain).
 - All required infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider.
 - 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.
- 96.** Prior to the issue of a Construction Certificate for the relevant stage of works, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.
- 97.** Each sleeping room in a Class 3 building must be considered as a sole occupancy unit for the purposes of Section C and Part D1, D2 and F5 of the Building Code of Australia so as to ensure there is adequate fire safety in the building, and adequate should insulation to provide reasonable amenity between sleeping rooms. Details to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
- 98.** In a Class 3 building, public corridor and egress routes from sleeping room, must be fire separated from adjoining areas (including sleeping rooms, reception areas, linen and baggage stores etc) to comply with Performance Requirement CP2 of the Building Code of Australia. Details are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
- 99.** Floor covering and materials in sleeping rooms and corridors must be of materials that resists the spread of fire, and limit the generation of smoke and heat in accordance with Section C of the Building Code of Australia. Details are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.

PRIOR TO COMMENCEMENT OF WORKS

The following conditions must be completed prior to the commencement of works.

100. Erosion & Sediment Controls - Stages 1, 2 & 3

Before the commencement of any site or building work for Stages 1, 2 & 3, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

REASON

To ensure runoff and site debris do not impact local stormwater systems and waterways.

101. Notice regarding Dilapidation Report for Stage 2

Before the commencement of any site or building work for Stage 2, the Principal Certifier must ensure the adjoining building owner(s) is provided with a copy of the Dilapidation Report for their property(ies) no less than 7 days before the commencement of any site or building works and provide a copy of the report to Council at the same time.

REASON

To advise neighbours and Council of any Dilapidation Report.

102. Vibration Monitoring for Stages 1, 2 & 3

Vibration monitoring equipment must be installed and maintained for Stages 1, 2 & 3, 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.

REASON

To protect the amenity of the neighbourhood and the structural integrity of nearby developments.

103. Dilapidation Report - Public Domain - Pre-Construction – Stages 1, 2 & 3

Prior to the commencement of any work for Stages 1, 2 & 3, a professional engineer specialising in civil, structural, or geotechnical engineering shall prepare a Dilapidation Report detailing the current condition of Bayside Council's infrastructure adjoining, and within 50m of, the development site. This includes the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, retaining walls, driveways, and road pavement) and any other adjacent Bayside Council properties.

Photographs are to be in colour, digital, annotated and date stamped. The full name, accreditation, professional registration, and signature of the professional engineer is to be detailed. The report is to be supplied in an electronic format to the Principal Certifier and Bayside Council.

The liability for any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the Applicant. The Applicant shall bear the cost of all restoration works to Council's property damaged by the Applicant during this development.

REASON

To advise Council of, and provide Council with, the required dilapidation report.

104. Video CCTV for Council Stormwater Pipe before Construction Stages 1, 2 & 3

Prior to the issue of any Construction Certificate for Stages 1, 2 & 3 or the commencement of any works on site for Stages 1, 2 & 3, whichever occurs first, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection and then report on the existing condition of Bayside Council's stormwater drainage infrastructure traversing through, and adjacent to, the site. 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 the satisfaction of Bayside Council prior to the commencement

of any works. A written acknowledgment shall be obtained from Bayside Council attesting to this condition being appropriately satisfied and submitted to the Principal Certifier. 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.

REASON

To require details of the condition of Council's stormwater asset prior to commencement of any works.

105. Utility Services Adjustments for stages 1, 2 & 3

The approved elements including driveways, stormwater connections, (etc.) prevail over the location of existing utility services and power poles. All services shall be adjusted at the Applicants cost to suit the construction of approved design elements. Applicants must seek approval from the relevant public utility, state authority or service provider.

REASON

To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

106. Approval and Permits under Roads Act and Local Government Act

Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: - *(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)*

- 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.

107. Excavation Adjacent to Constructed Building

If any excavation associated with the proposal extends below the level of the base of the footings of a building and/or structure and/or road 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, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
- e) If the soil conditions required it:
 - i) Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and;
 - ii) Adequate provision must be made for drainage.

108. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.

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:

- a) stating that unauthorised entry to the work site is prohibited, and
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- c) Any such sign is to be removed when the work has been completed.

This condition does not apply to building work carried out inside an existing building or building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

109. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work.

Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

110. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure and the freight rail line, including but not limited to all 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.

111. The demolisher shall lodge with Council, and at least forty-eight (48) hours prior to the commencement of work for the relevant stage:

- a) Written notice, indicating the date when demolition of the building is to commence.
- b) This persons full name and address.
- c) Details of Public Liability Insurance.

Prior to the commencement of work for the relevant stage, 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.

112. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:

- a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
- b) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
 - 1 to a public sewer; or
 - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,

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- 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
- c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
- 113.** Building plans must be lodged at a Sydney Water Quick Agent for approval prior to commencement of works. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc. 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.
- 114.** Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
- a) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
- b) where the erection of gates or fences has restricted access to metering equipment.
- 115.** Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.
- 116.** Prior to the commencement of any works, the vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

DURING ANY WORKS DEMOLITION / EXCAVATION / CONSTRUCTION

The following conditions must be complied with during demolition, excavation and or construction.

- 117.** A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
- 118.** Stage 1 Council Stormwater Works
- Before backfilling, the new duplicate council stormwater pipe must be inspected by Councils and the applicants consulting engineer and recorded with photographic evidence.
- 119.** Implementation of the Site Management Plans

While vegetation removal, demolition and/or building work is being carried out, the Applicant must ensure the measures required by the approved Construction Site Management Plan and the Erosion and Sediment Control Plan are implemented at all times.

The Applicant must ensure a copy of these approved plans are kept on site at all times and made available to Council officers upon request.

REASON

To ensure the required site management measures are implemented during construction.

120. Site Management - Principal Certifier Inspections

Upon inspection of each stage of construction, the Principal Certifier (or other suitably qualified person on behalf of the Principal Certifier) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:

- a) Sediment control measures, and
- b) Provision of secured perimeter fences or hoardings for public safety to restrict access to building sites, and

Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

REASON

To protect public safety and water quality around building sites.

121. Responsibility for Changes to Public Infrastructure

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service providers pits, street trees or any other infrastructure in the street footpath area).

REASON

To ensure payment of approved changes to public infrastructure

122. Implementation of Soil and Water Management Plan

All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary. The plan is to be available to Council Officers, on request.

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers.

The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

REASON

To ensure no substance other than rainwater enters the stormwater system and waterways.

123. Construction Activities – Minimise Pollution

The following conditions are necessary to ensure minimal impacts during construction:

- a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. 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, and
- b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and
- c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and
- d) Building and demolition operations such as brick cutting, 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, and
- e) 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, and
- f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - i) spraying water in dry windy weather, and
 - ii) cover stockpiles, and
 - iii) fabric fences
- g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and
- h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and
- i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and
- j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a

minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and

- k) An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

REASON

To protect neighbourhood amenity and the quality of the waterways.

124. Site Fencing

The site shall be secured by an 1800mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points and open and secured in such a way as to not obstruct the public footway. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifier, prior to the demolition of the existing structures and commencement of building operations.

REASON

To protect the amenity of the neighbourhood and ensure public safety.

125. Site Fencing and Hoarding

A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place.

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:

- a) the vertical height above footpath level of the structure being demolished is less than 4m, or
- b) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:

- a) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary, and
- b) have a clear height above the footpath of not less than 2.1m, and
- c) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface, and
- d) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.

The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

Any such hoarding, fence or awning is to be removed when the work has been completed.

The Principal Contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

REASON

To protect the amenity of the neighbourhood and ensure public safety.

126. Protection of Council's Property

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 demolition, excavation, and construction. The area fronting the site and in the vicinity of the development shall also be made 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 Bayside Council.

REASON

To ensure public safety at all times and to protect the function and integrity of public infrastructure.

127. Vibration During Demolition Works

Vibration levels induced by the demolition activities must not exceed levels listed in Standard DIN 4150-3 (1999-02), Structural vibration Part 3 – Effects of vibration on structures Table 12-7.

The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.

Prior to commencement a specific vibration monitor must be set up to monitor and record the vibration levels affecting surrounding buildings.

REASON

To protect the amenity of the neighbourhood and the structural integrity of nearby developments.

128. 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 Interim Construction Noise Guidelines and the Protection of the Environment Operations Act 1997.

b) Level Restrictions

i) Construction period of four (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), and

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 Bayside East

i) Monday to Friday: 7:00am to 6:00pm

ii) Saturday: 7:00am to 1:00pm

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

d) Silencing

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

129. Approval and Permits under Roads Act and Local Government Act for Work Activities on Public Land

During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the Roads Act 1993 and Local Government Act 1993. All applications associated with works and activities on Bayside Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following:

- Road, Footpath and Road Related Area Closure – To temporarily close any

part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.

- Stand and Operate Registered Vehicle or Plant – To occupy any part of the road, footpath or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
- Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the applicant to place unregistered items within the roadway including waste containers and skip bins.
- Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone.
- Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
- Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
- Tower Crane – To swing or hoist over and across council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
- Public Land Access – To access through or occupy Council land. This permit is required by applicants in order to access over or occupy Council land.
- Temporary Dewatering – To pump out groundwater from the site and discharge into council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.
- Road Opening Application - Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the Roads Act.

A valid permit/approval to occupy Bayside Council land or road reserve to carry out any works or activities within the public domain must be obtained, and permit conditions complied with, during all stages of demolition and construction. Fines apply if an activity commences without a valid permit being issued. It shall be noted that any works/activities shown within Bayside Council land or road on the DA consent plans are indicative only and no approval of this is given until this condition is satisfied.

REASON

To ensure appropriate permits are applied for and comply with the Roads Act 1993.

130. Temporary Dewatering Permit - Water Quality Requirements

Where dewatering is required, to ensure that relevant engineering and water quality provisions are met during the period of temporary dewatering for construction, a permit must be obtained from Council to permit discharge to the stormwater system. Temporary dewatering shall not commence until this permit is issued by Council. The permit must be current and valid at all times during dewatering operations.

The water quality 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.

REASON

To ensure any ground water encountered during works is appropriately treated and disposed of.

131. 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.

132. Upon inspection of each stage of construction, the Principal Certifier (or other suitably qualified person on behalf of the Principal Certifier) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:

- Sediment control measures, and
- Provision of perimeter fences or hoardings for public safety and restricted access to building sites, and
- Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.

133. When soil conditions require it:

- a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
- b) adequate provision shall be made for drainage.

134. All contractors shall comply with the following during all stages of demolition and construction:

- a) 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.
- b) 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.
- c) 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.
- d) 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.

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- e) A current 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.
- 135.** All demolition work shall be carried out in accordance with AS2601 — 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
- 136.** All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
- 137.** All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary. The plan is to be available to Council officers, on request.
- 138.** Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.
- 139.** 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:
- i) After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
 - ii) 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.
 - iii) 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.
 - iv) 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.
 - v) On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, onsite detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.

140. Acid Sulfate Soil Management – General

The management of potential and actual acid sulfate soils must be conducted in accordance with all recommendations within the 'Acid Sulfate Soil Management Plan', by Douglas Partners dated June 2022.

141. Additional information – Contamination – Cease work addition

Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to the Site Auditor (Contaminated Land), the Council and the Principal Certifying Authority (if the Council is not the Principal Certifying Authority) immediately. All work on site must cease until the Council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant and reviewed and approved by the Council.

142. Asbestos

Any material containing asbestos found on site must be removed and disposed of in accordance with:

- a) SafeWork 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 Operations (Waste) Regulation 2014.
- d) NSW Environment Protection Authority Waste Classification Guidelines 2014.

143. Waste Classification – Excavated Materials

All materials excavated from the site (fill or natural) must 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. Appropriate records must be retained to support this.

144. Importation of Fill (General)

To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill must be appropriately certified material and must be validated in accordance with the:

- a) NSW Environmental Protection Authority (EPA) approved guidelines; and
- b) Protection of the Environment Operations Act 1997; and
- c) Protection of the Environment Operations (Waste) Regulation 2014.

All imported fill must be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.

145. Monitoring

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

146. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the relevant stage of works.

147. Easement Changes for Stage 1

Prior to the issue of the Occupation Certificate for Stage 1, the applicant is to make the following amendments to existing easements on the site to the satisfaction of Bayside Council:

- a) Modify the existing right of carriageway 12.5m wide (D) and the existing right of carriageway 10m wide (B) to cover the extent of the entire porte-cochere (burdening lots 2 & 3) and include an accompanying covenant/88b instrument stipulating that lots 2 & 3 can use the porte-cochere for the pick-up/drop-off of vehicles and lot 1 is able to use the porte-cochere for the manoeuvring of vehicles. The easement shall be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council.
- b) Increase the size of the existing easement to drain water 4 wide (E) to a minimum of 6.5m wide. The easement is to benefit Bayside Council and shall be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council.
- c) Modify the existing Right of carriageway variable width (A) to make the easement cover both 52 and 50 Baxter Road and benefit each other reciprocally. The easement extent is to cover both car parks circulation aisles and ramps to allow for the car park to operate as single car park with separate entry and exit driveways. The easement shall be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council.

All modifications to the easements are to be to the satisfaction of Bayside Council. Bayside Council requires proof of lodgement and registration of the signed Subdivision Certificate with NSW Land Registry Services prior to issue of any Occupation Certificate for Stage 1. A written acknowledgment shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

148. Completion of works for Stage 1

Prior to the issue of any occupation Certificate for Stage 1, the construction of the duplicate stormwater pipe shall be undertaken to the written satisfaction of Bayside Council. Engineering certification and a works-as-executed (WAE) drainage plan prepared by a registered surveyor based on a survey of the completed works shall be submitted.

149. Prior to the issue of the Occupation Certificate for the relevant stage of works, the premises shall be registered with Council's Environmental Health Unit by the proprietor of the food business by completing the registration form available from Council.

150. Traffic Signal System if Stage 2 or 3 completes before the other stage

Prior to the issue of the Occupation Certificate for Stage 2 or 3 (if Stage 2 or 3 are to be completed before the other stage is completed), a traffic light signal and sensor system shall be provided for the development in accordance with the following:

- a) A traffic signal management system (including traffic lights and vehicular sensors) to manage conflicting two-way movements on the adjacent to the one-way ramps shall be designed and certified by a Civil Engineer for implementation within the parking facility. Traffic lights are provided at both the top and bottom of each ramp in locations that are readily visible and prompt vehicles to stop where and when needed.
- b) The traffic signals shall operate with the following operational mode:
 - Automatically revert to and dwell on green for incoming.
 - Outgoing driver activates sensor.
 - Signals change to red for incoming and green for outgoing.
 - After a pre-set clearance time signals revert to red for outgoing traffic and green for incoming traffic.

The traffic signals are only a temporary measure and are to be removed when the final stage is completed as the car park will have separate entry and exit driveways.

REASON

To minimise impacts associated with vehicle movements into and out of the site.

151. Preservation of survey marks for Stages 1, 2 & 3

Before the issue of an occupation certificate for Stages 1, 2 & 3, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- b) the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

REASON

To protect the State's survey infrastructure.

152. Section 73 Certificate - Sydney Water for Stages 2 & 3

Prior to the issue of the Final Occupation Certificate for stages 2 & 3, 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.

REASON

To comply with Sydney Water requirements.

153. DPIE – Repair of Infrastructure for Stages 1, 2 & 3

Before the issue of an Occupation Certificate for Stages 1, 2 & 3, the Applicant must ensure any public infrastructure damaged as a result of the carrying out of the building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the Council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

REASON

To ensure any damage to public infrastructure is rectified.

154. DPIE – Release of Securities / Bonds

When Council receives an Occupation Certificate from the Principal Certifier, the Applicant may lodge an application to release the securities held in accordance with Council's fees and charges for development. Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

REASON

To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

155. Certification of New Stormwater System for Stages 1, 2 & 3

Prior to the issue of any Occupation Certificate for Stages 1, 2 & 3, a Civil Engineer registered with the National Engineering Register (NER) must 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 constructed stormwater drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications. A works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE plan must clearly illustrate the surveyed dimensions and details of all drainage aspects. The certification and WAE plan(s) shall be supplied to the Principal Certifier and Bayside Council.

156. Completion of Public Utility Services for Stages 2 & 3

Before the issue of the relevant Occupation Certificate for Stages 2 & 3, the Principal Certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the Occupation Certificate, the Certifier must request written confirmation from the relevant authority that the relevant services have been completed.

REASON

To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

157. DPIE – Works-As-Executed Plans and Any Other Documentary Evidence for Stages 1, 2 & 3

Before the issue of the relevant Occupation Certificate for Stages 1, 2 & 3, the Applicant must submit, to the satisfaction of the Principal Certifier, works-as-executed plans, any compliance certificates, and any other evidence confirming the following completed works:

- a) All stormwater drainage systems and storage systems.
- b) For Stages 2 & 3, the mechanical turntables
- c) For Stage 1, the duplicate council stormwater pipe constructed.

The Principal Certifier must provide a copy of the plans to Council with the Occupation Certificate.

REASON

To confirm the location of works once constructed that will become Council assets.

158. Geotechnical Certification for Stages 1, 2 & 3

Prior to the issue of the Occupation Certificate for Stages 1, 2 & 3, a Geotechnical Engineer shall certify that the construction works have been constructed in accordance with the approved construction geotechnical report/recommendations and include an evaluation of the completed works.

REASON

To ensure that the construction works have been completed in accordance with the approved construction geotechnical report/recommendations.

159. Rainwater Tank – Plumbing Certification for Stages 2 & 3

Prior to the issue of any Occupation Certificate for Stages 2 & 3, a registered Plumber shall certify that the rainwater tank has been connected to all toilet flushing and all landscape irrigations for non-potable stormwater re-use.

REASON

To ensure that the rainwater will be reused within the site in accordance with this approval.

160. Parking Facility Certification for Stages 1, 2 & 3

Prior to the issue of the Occupation Certificate for Stages 1, 2 & 3, a Civil Engineer registered with the National Engineering Register (NER) shall certify that the vehicular access and off-street parking facilities have been constructed & line marked in accordance with the approved construction plans and the applicable Australian Standards (i.e., AS/NZS 2890.1, AS2890.2, AS2890.3, AS/NZS 2890.6, AS 1742). The car parking area is to be clearly and appropriately line marked/signposted indicating all vehicular movements on the site. All parking spaces must be clearly designated as to their use in accordance with this development consent.

Furthermore, the below shall be certified as being implemented within the completed development:

- Wheel stops shall be installed in all car parking spaces adjoining high obstructions in accordance with AS/NZS 2890.1.
- Bollards shall be erected for all accessible parking spaces that are designed in accordance with AS/NZS 2890.6.

Large convex mirrors are to be installed at all corners/bends throughout the parking facility to provide increased sight distance for vehicles.

The certification must be submitted to the Principal Certifier.

REASON

To ensure compliance with the relevant standards.

161. Erection of Signage for Stages 1, 2 & 3

Prior to the issue of the Occupation Certificate for Stages 1, 2 & 3, the following signage shall be erected:

a) Vehicles Enter & Exit in Forward Direction:

All vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place near all vehicular entrances to the site, approved by the Principal Certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times".

b) Final Stage Car Park Vehicular Entry and Exit Clearly Marked & Signposted:

When the final last stage of the development completes (stages 2 & 3 complete), the western vehicular entry for the car park is to be clearly marked and signposted "entry" from the street and "no exit" internally. The eastern vehicular exit for the car park is to be clearly marked and signposted "no entry" from the street and "exit" internally.

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- c) If Stage 3 occurs before Stage 2 - Car Park Vehicular Entry and Exit Clearly Marked & Signposted:

If Stage 3 is completed before Stage 2 and vehicles must enter the carpark via the eastern car park driveway, appropriate signage and linemarking is to be provided indicating that passenger car vehicles driving up to the car park must enter the site via the loading dock driveway to ensure vehicles do not drive on the wrong side of the road to enter the site. Clearly defined entry and exit signs are to be provided indicating this along with linemarking. This linemarking and signage is to be removed when Stage 2 completes as this eastern car park driveway is to be an exit only driveway.

- d) Flooding:

A flood sign plaque shall be fixed to a prominent place within all the flood affected areas on the site, approved by the Principal Certifier, in such a way that it cannot be removed. The flood sign shall contain the wording "The site is subject to flooding in heavy storms. Keep clear of the area when flooding occurs".

The owners shall preserve the plaque(s) in a good condition and keep it visible.

REASON

To ensure that signposting occurs where required to advise people of restrictions or hazards.

162. Surveyor's Certificate for Finished Floor Level (Flooding) for Stages 2 & 3

Prior to the issue of any Occupation Certificate for Stages 2 & 3, a certificate from a registered surveyor shall be provided to the Principal Certifier, certifying that the habitable / commercial floor levels are constructed a minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level (RL 6.60m AHD).

163. Flood Risk Management Plan for stages 2 & 3

The approved Flood Risk Management Plan and all recommendations from the Flood Awareness & Evacuation Strategy are to be implemented within the development prior to the issue of the Occupation Certificate. A copy of the Flood Risk Management Plan is to be kept on-site in each hotel building (in the hotel lobby). Details and evidence are to be provided to the satisfaction of the Principal Certifier prior to the issue of any Occupation Certificate for stages 2 & 3.

REASON

To minimise risk to life and property.

164. Video CCTV for Council Stormwater Pipe after Construction - Stages 1, 2 & 3

Prior to the issue of the Final Occupation Certificate for Stages 1, 2 & 3, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection, and then report on the post construction condition of Bayside Council stormwater drainage infrastructure traversing through, and adjacent to, the site. The camera and its operation shall comply with the following:

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- 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 Bayside 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 Bayside Council. A written acknowledgment shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

REASON

To ensure the integrity of Council's infrastructure has not been compromised.

165. Private Waste Collection for Stages 2 & 3

Waste and recycling must be collected by a private waste contractor within the site. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate for Stages 2 & 3. The maximum size of the waste collection vehicle shall be equal to or smaller than a MRV vehicle (as denoted by AS2890.2). The company engaged must ensure that all recycling is collected separately from waste. Council must be advised in writing within seven (7) days of a private contractor being engaged for waste collection services.

REASON

To ensure the waste can be collected on site in accordance with the approved development.

166. Workplace "Green" Travel Plan for Stages 2 & 3

Prior to the issue of the Occupation Certificate for Stages 2 & 3, a Workplace "Green" Travel Plan shall be developed by a suitably qualified traffic consultant in order to encourage people (including any and all residents, staff and visitors) to make good use of public transport, cycling, walking and car sharing for commuting work related journeys and reduce car based travel demand. The Green Travel Plan shall be prepared in accordance the relevant standards and 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) Include clear and time bound targets, actions, measurements and monitoring framework;

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- 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 Workplace “Green” Travel Plan and TAGs must be prominently displayed within the communal areas within the development.

REASON

To ensure sustainable transport alternatives are used.

167. Mechanical / Electronic Parking Systems – Operations and Installation Certification for Stages 2 & 3

Prior to the issue of an Occupation Certificate for Stages 2 & 3, the Principal Certifier must ensure that an Operation and Management Plan has been prepared and implemented for the mechanical/electronic parking systems [mechanical turntable].

The Plan must set out the following, at a minimum:

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners, and
- b) The proposed method of management of the facility, including procedures, directions to users, safety protection systems, emergency response plan in the event of mechanical failure, etc., and
- c) Any person required to operate the parking system must be trained to do so, and
- d) Provide signage that shall be erected prominently alongside the mechanical parking facility stipulating the maximum height/width/length of vehicle that can enter the facility, and

The Plan must be prepared by a suitably qualified professional and provided to the Principal Certifier prior to the issue of an Occupation Certificate.

Furthermore, an Engineer, registered with the National Engineering Register (NER), is to certify the installation of the Mechanical Turntable within the completed development. This certification is to include testing and inspections of the system in operation.

REASON

To ensure that mechanical parking facilities are operated and maintained in good working order at all times.

168. Loading Dock Management Plan for Stages 2 & 3

Prior to the issue of the Occupation Certificate for Stages 2 & 3, the applicant shall prepare a detailed loading and servicing management plan for the development which includes, but shall not be limited to, operation hours, use of off-peak deliveries, flood risk, methods to avoid congestion of service vehicles, off-street waste collection and general mitigation measures to prevent amenity impacts to neighbouring properties. The plan shall be prepared by a suitably qualified

professional and submitted to the Principal Certifier. The management plan is to be implemented for the lifetime of the development.

REASON

To ensure that loading docks are operated in a manner that minimises amenity impacts to residents within the site and surrounding properties.

169. Roads Act / Public Domain Works - Frontage Works for Stages 1, 2 & 3

Prior to the issue of any Occupation Certificate for Stages 1, 2 & 3, the Applicant shall carry out the following works as specified by Bayside council in accordance with Bayside Council's Engineer, Landscape Architect, Public Domain Masterplans, and Infrastructure Specifications:

Stage 1

- a) Construction of a new full width footpath and planting of required street trees/landscaping along the frontages of the development site (between the two driveways for the porte-cochere) designed to match the public domain treatment fronting 56 Baxter Road (approx. 2m wide honed concrete footpath and 1.2m wide street tree pits with paving in between the street tree pits).
- b) Construction of vehicular entrance/s designed to accommodate the largest vehicle entering the site.
- c) Construction of new kerb and gutter along the frontage of the development site (between the two driveways for the porte-cochere). The new kerb alignment is to be set at a distance of 3.2m from the boundary.
- d) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.
- e) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.
- f) Any changes necessary to lighting columns to facilitate the new driveway locations shall be completed.
- g) Construction of stormwater pits and pipe within Baxter Road to provide additional inlet capacity. A minimum of two kerb inlet pits shall be constructed within the road reserve along the frontage of Stage 1.
- h) On Baxter Road, adjacent to development, construct new asphalt sheeting of half road width including reconstruction of any damaged road pavement along the entire frontages of the development site in accordance with Council's Infrastructure specifications.

Stage 2

- a) Construction of a new full width footpath and planting of required street trees/landscaping along the frontage of the development site (i.e., the frontage of 52 Baxter Road) designed to match the public domain treatment fronting 56 Baxter Road (approx. 2m wide honed concrete footpath and 1.2m wide street tree pits with paving in between the street tree pits).
- b) Construction of vehicular entrance/s designed to accommodate the largest vehicle entering the site.

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- c) Construction of new kerb and gutter along the frontage of the development site (between the two driveways for the porte-cochere). The new kerb alignment is to be set at a distance of 3.2m from the boundary.
 - d) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.
 - e) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.
 - f) Any changes necessary to lighting columns to facilitate the new driveway locations shall be completed.
 - g) Construction of stormwater pits and pipe within Baxter Road to provide additional inlet capacity. A minimum of two kerb inlet pits shall be constructed within the road reserve along the frontage of Stage 2.
 - h) On Baxter Road, adjacent to development, construct new asphalt sheeting of half road width including reconstruction of any damaged road pavement along the entire frontages of the development site in accordance with Council's Infrastructure specifications.

Stage 3

- a) Construction of new kerb and gutter along the frontage of the development site (between the two driveways for the porte-cochere). The new kerb alignment is to be set at a distance of 3.2m from the boundary.
- b) Construction of a new full width footpath and planting of required street trees/landscaping along the frontage of the development site (i.e., the frontage of 50 Baxter Road) designed to match the public domain treatment fronting 56 Baxter Road (approx. 2m wide honed concrete footpath and 1.2m wide street tree pits with paving in between the street tree pits).
- c) Construction of vehicular entrance/s designed to accommodate the largest vehicle entering the site.
- d) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.
- e) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.
- f) Any changes necessary to lighting columns to facilitate the new driveway locations shall be completed.
- g) Construction of stormwater pits and pipe within Baxter Road to provide additional inlet capacity. A minimum of two kerb inlet pits shall be constructed within the road reserve along the frontage of Stage 3.
- h) On Baxter Road, adjacent to development, construct new asphalt sheeting of half road width including reconstruction of any damaged road pavement along the entire frontages of the development site in accordance with Council's Infrastructure specifications.

The public footpaths shall be constructed in accordance with the approved Public Domain Plan and Bayside Council specifications. The footpath dimensions, location, pavement type and construction methods shall be in accordance with these

specifications. If pavers are necessary, they shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).

All works within the road reserve, which are subject to approval pursuant to Section 138 of the *Roads Act 1993*, shall be completed to the satisfaction of Bayside Council at the Applicant's expense. A report shall be submitted in accordance with Bayside Council's Contributed Asset Procedure for all constructed assets in the ownership of Bayside Council. Works-As-Executed plans prepared by a registered surveyor and engineering certification shall be submitted.

Final inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Principal Certifier attesting that this condition has been satisfied prior to the issue of any Occupation Certificate for Stages 1, 2 & 3.

REASON

To ensure that required public domain outcomes are achieved.

170. Regulatory Signage Approval for stages 1 & 2

Prior to the issue of any Occupation Certificate for stages 1 & 2, the required changes to the regulatory signage fronting the site to facilitate the development are as follows:

- a) For Stage 1, no-stopping signage restrictions shall be provided where necessary to facilitate the entry and exit of 12.5m long HRV vehicles (coaches) to the porte-cochere. The extent and type of signage is to be confirmed with Bayside Council engineers.
- b) For Stage 2, no-stopping signage restrictions shall be provided between the car park driveway and the loading dock driveway to facilitate the swept paths of the MRV truck.

These be approved by the Bayside Local Traffic Committee and endorsed by Bayside Council at its meeting. The required changes are to reflect the approved ground floor plans. Upon receiving approval and endorsement, the regulatory signage changes are to be installed fronting the site in accordance with the approval. Bayside Council's Director of City Futures (or delegate) must advise in writing that the works have been completed to their satisfaction, prior to the issue of any Occupation Certificate.

171. DPIE – Post-Construction Dilapidation Report (if relevant) for Stage 2

Before the issue of any Occupation Certificate for Stage 2, a suitably qualified Engineer must prepare a post-construction dilapidation report, to the satisfaction of the Principal Certifier, detailing whether:

- a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the Principal Certifier) and to the relevant adjoining property owner(s).

REASON

To identify damage to adjoining properties resulting from building work on the development site.

172. Dilapidation Report – Public Domain – Post-Construction for Stages 1, 2 & 3

After the completion of all construction and public domain works for Stages 1, 2 & 3, a professional Engineer specialising in civil, structural, or geotechnical engineering shall prepare a dilapidation report detailing the post-construction condition of Bayside Council's infrastructure adjoining, and within 50m of, the development site. This includes the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, retaining walls, driveways, and road pavement etc.) and any other adjacent Bayside Council properties.

Photographs are to be in colour, digital, annotated and date stamped. The full name, accreditation, professional registration, and signature of the professional Engineer is to be detailed. The report is to be supplied in an electronic format to the Principal Certifier and Bayside Council.

Any damage identified in the dilapidation report must be fully rectified by the Applicant or owner at no cost to Bayside Council. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of Bayside Council's Director of City Futures (or delegate), prior to the issue of the Final Occupation Certificate.

REASON

To identify damage to adjoining properties resulting from building work on the development site

173. Porte-Cochere Management Plan for Stages 2 & 3

Prior to the issue of an Occupation Certificate for Stages 2 & 3, the applicant shall prepare a detailed porte-cochere (pick-up/drop-off) management plan to address how to manage HRV coach and taxi/visitor movements through the porte-cochere will be managed by the Hotel use to ensure that no queuing of vehicles results on to the surrounding road network and road safety is not compromised. A copy of the approved management plan is to be kept on site at all times and shall be implemented for the lifetime of the development.

174. EV Certification for Stages 2 & 3

Prior to the issue of the Occupation Certificate for Stages 2 & 3, the electric vehicle (EV) charging systems, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. A certificate shall be provided certifying the installation and operation of the EV charging systems. This certification is to include testing and inspections of the system in operation.

175. Photovoltaic Cells for Stages 2 & 3

Prior to the issue of the Occupation Certificate for Stages 2 & 3, the photovoltaic cells systems as required by this consent are to be installed onto the rooftops of the development and be operational.

176. Shuttle Bus for Stages 2 & 3

A shuttle bus is required to service the Hotel and must be provided to transport occupants to and from the development site to Sydney Airport and the City at regular hourly intervals from 5.00am – 11.00pm, 7 days a week. Evidence of the provision of the shuttle bus as part of the operation of the hotel is to be provided to the satisfaction of the Principal Certifier prior to the issue of the final Occupation Certificate for Stages 2 & 3. The shuttle bus service is to be fully operational prior to the issue of the final Occupation Certificate for stages 2 & 3.

177. Flood Risk Management Plan - Major for Stages 2 & 3

The approved Flood Risk Management Plan and all recommendations from the Flood Awareness & Evacuation Strategy are to be implemented within the development prior to the issue of the Occupation Certificate for Stages 2 & 3. A copy of the Flood Risk Management Plan is to be kept on-site in the hotel lobby. Details and evidence are to be provided to the satisfaction of the Principal Certifier prior to the issue of any Occupation Certificate.

REASON

To minimise risk to life and property.

178. Car Share Space Stages 2 & 3

The car share car parking space must be operated by a recognised commercial car share operator within the site. A contract for the operation of a car share space by the commercial car share provider must be entered into prior to issue of the Occupation Certificate for Stages 2 & 3. The maximum size of the car share vehicle shall be equal to, or smaller than, a B99 vehicle (as denoted by AS/NZS2890.1:2004). The car share space must be made available to car share operators without a fee or charge. The car share space must be appropriately line marked and signposted to indicate its usage to be exclusively as a car share space. The car share space must be publicly accessible at all times. The car share space is to be fully operational, and the chosen car share scheme operator is to confirm its operation to the Principal Certifier prior to the issue of the Occupation Certificate.

179. Final Stage – Car Park Temporary Boundary Walls

Prior to the issue of the Occupation Certificate for the Final Stage of the development (when Stages 2 & 3 are nearing completion or are complete), the temporary walls on the boundary in the car park on levels 1 & 2 are to be removed and the entire car park is to be made operational with a one-way entry on the western driveway and a one way exit on the eastern driveway. Details are to be provided to the satisfaction of the Principal Certifier prior to the issue of the occupation certificate for the final stage.

180. Positive Covenant(s) Register

Prior to the issue of the Occupation Certificate for stages 2 & 3, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:

- a) Positive Covenant and Restriction on Use of Land for Stormwater Quality Improvement Device.
- b) Positive Covenant and Restriction on Use of Land for Mechanical turntable .
- c) Positive Covenant and Restriction on Use of Land for the maintenance and preservation of Flood Storage and overland flow path within the site.

The terms of the 88 E instruments are to be submitted to Council for review and approval and Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Bayside Council prior to occupation. The terms of the instruments are to be as per Botany Bay DCP Part 10 – Stormwater Management Technical Guidelines.

181. Landscaping

Prior to the issue of the Occupation Certificate, the following must be complied with to the satisfaction of the Principal Certifier:

- a) All landscape works are to be carried out in accordance with the approved landscape plans prior Construction Certificate by Bayside Council for the approved development.
- b) A Landscape Architect shall provide a report to the principal certifier (with a copy provided to Council, if Council is not the principal certifier) certifying that the landscape works have been carried out in accordance with the approved plans and documentation.
- c) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
 - i) A 12 months Landscape Maintenance Schedule to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); maintenance of plants (fertilising, mulching, tree stakes adjustments, special plants requirements, alternative plants replacements if required); Maintenance of hard landscape elements (planters, waterproofing, irrigation, paving, edges, pergolas, seats, and any specialised maintenance requirements)

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- ii) Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
 - iii) Details of safety procedures;
 - iv) Laminated copies of 'As Built' Landscape drawings;
 - v) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - vi) Copies of warranties and guarantees relating to all materials and plant used in construction.

182. Public Domain Landscape

Prior the issue of the Occupation Certificate, the Landscape works within the Public Domain shall comply with the following:

- a) Works to be completed in public space owned by Council and TfNSW, will be of no cost to Council or the TfNSW, including the following: Landscaping and embellishment of Baxter Street frontage to the development site, including footpaths, paving, street trees, tree pits/grates and other planting, and street furniture, etc.
- b) All street trees have to be supplied in a pot size not less than 200 Litre. Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries. Trees provided shall conform to NATSPEC guide.
- c) Verge strip of Baxter Road shall be planted with *Corymbia maculata* (Spotted Gum):
 - i) Trees at time of final inspection shall have a minimum height of 3.5meters, with a calliper at 300mm greater than 60mm, and a with a clear trunk height of 1.5 meters.

Planting distance shall be between 6 to 8 meters, along strip between footpath and kerb, or as specified by Council.

183. Photographic Survey After Works

Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.

184. Undergrounding Cabling On Street

Prior to the issue of an Occupation Certificate, the underground placement of all low and 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 and Bayside Council. The works shall be completed in accordance with Ausgrid's requirements and approved electrical design. All works shall be carried out at the applicant's expense, to the satisfaction of the asset owner and Bayside Council. In the event that further works are required beyond the frontages of the development site (e.g. across a road) to support the required works, these works must also be carried out at no cost or expense to Bayside Council. Bayside Council's Director of City Futures (or delegate) must advise in writing that the works have been completed to their satisfaction, prior to the issue of any Occupation Certificate.

185. Inspection Reports

Prior to the issue of any Occupation Certificate(s), inspection reports 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.

186. Parking Area Certification

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, AS2890.3 and AS/NZS 2890.6, line marked and all signage relating to car parking erected. The car parking area is to be clearly and appropriately 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.

187. Rainwater Tank - Plumbing Certification

Prior to the issue of any Occupation Certificate for the relevant stage of works, a registered plumber's certification that the Rainwater Tank Re-use system(s) has been fitted with a first flush device and connected for non-potable uses including landscape irrigations and all ground floor toilets must be provided.

188. Geotechnical Certification

Prior to the issue of any Occupation Certificate for the relevant stage of works, a Chartered Professional Engineer competent in geotechnics shall certify that the construction works have been constructed in accordance with the approved geotechnical report/recommendations and include an evaluation of the completed works.

189. Surveyor's Certificate for Finished Floor Level (Flooding)

Prior to the issue of any Occupation Certificate for the relevant stage of works, a certificate from a registered surveyor shall be provided to the Principal Certifying Authority, certifying that the habitable / commercial floor levels are constructed a

minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level and that the non-habitable floor levels have been constructed in with levels equal to or greater than the levels shown on the approved construction plans.

190. Flood Risk Management Plan

The approved flood risk management plan and all recommendations from the flood awareness & evacuation strategy are to be implemented within the development prior to the issue of the Occupation Certificate. A paper and electronic copy of the flood risk management plan is to be kept in the lobby, the loading dock and in a secure location in each hotel room. Furthermore, a copy of the approved flood risk management plan is to be provided to NSW SES. Details & evidence are to be provided to the satisfaction of the principal certifier prior to the issue of any Occupation Certificate for the relevant stage of works.

191. Erection of Vehicular Signage

All vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place near the primary vehicular entrance to the building, approved by the principal certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times".

192. Stormwater Drainage System - Engineering Certification

Prior to the issue of any Occupation Certificate for the relevant stage of works, 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.

193. Porte-Cochere Management Plan

Prior to the issue of an Occupation Certificate for Stage 2 and/or Stage 3, the applicant shall prepare a detailed porte-cochere (pick-up/drop-off) management plan to address how to manage HRV coach and taxi/visitor movements through the porte-cochere will be managed by Hotel use, including the hotel on Lot 1 at 56 Baxter Road, to ensure that no queuing of vehicles results on to the road network (Baxter Road) and road safety is not compromised.

This Plan of management is to include the provision of a valet service to manage visitor arrivals fronting the site and traffic controllers to manage coach arrivals and departures via the turning bay adjacent to the site. A copy of the approved management plan shall be submitted to Council, kept on site at all times and implemented for the lifetime of the development.

194. Private Waste Collection

Waste and recycling must be collected by a private waste contractor within the site. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate and the maximum size of the waste collection vehicle shall be equal to or smaller than a SRV vehicle (as denoted by AS2890.2:2018). The company engaged must ensure that all recycling is collected separately from waste.

Council must be advised in writing within seven (7) days of a private contractor being engaged for waste collection services.

- 195.** Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. Access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.
- 196.** Where Council's park / reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council or the applicant, at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate for the relevant stage of works. Council's Director of City Futures (or delegate) must advise in writing that the works have been completed to their satisfaction, prior to the issue of the final Occupation Certificate for the relevant stage of works. Further, Council will use this report to determine whether or not to refund the Footpath Damage Deposit.
- 197.** All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection. Note: Burning on site is prohibited.
- 198.** All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
- 199.** Section 73 Certificate - Sydney Water

Prior to the issue of the Final Occupation Certificate for the relevant stage of works, 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

- 200.** Trading of the hotel within Stage 2 and/or Stage 3 shall not commence until a final fit out inspection has been carried out by Council's Environmental Health Officer.

Council's Environmental Health Officer shall be given 2 business days advance notice of an inspection.

201. Acoustic Certification

The Principal Certifying Authority shall not issue an Occupation Certificate for the relevant stage of works 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 Noise Policy for Industry and Protection Of Environment Operations Act 1997 noise emission criteria for residential air conditioners as specified in Acoustic Report prepared by Renzo Tonin & Associates dated 21 December 2021 has been carried out.

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

- i) the name and qualifications or experience of the person(s) preparing the report
- ii) the project description, including proposed or approved hours of operation
- iii) relevant guideline or policy that has been applied
- iv) results of background and any other noise measurements taken from most noise affected location at the boundary line meteorological conditions and other relevant details at the time of the measurements
- v) details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details)
- vi) a site map showing noise sources, measurement locations and potential noise receivers
- vii) noise criteria applied to the project
- viii) noise predictions for the proposed activity
- ix) a comparison of noise predictions against noise criteria
- x) a discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures
- xi) 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.

202. Prior to issue of 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 Report prepared by Renzo Tonin & Associates

dated 21 December 2021 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).

203. Prior to the occupation or use of the relevant stage of works, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.
204. The occupier of the food premises shall provide a Food Safety Supervisor (FSS) for the business. The original FSS Certificate must be kept on the premises. For further information regarding FSS, visit the NSW Food Authority website at www.foodauthority.nsw.gov.au
205. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
206. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Ausgrid shall be obtained prior to the issue of the Occupation Certificate.
207. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.

DEVELOPMENT CONSENT ADVICE

- a) You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- b) *Dial Before You Dig*

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If

alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.

c) *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.

d) All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:

- i) Work Health and Safety Act 2011
- ii) Work Health and Safety Regulation 2011
- iii) Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
- iv) Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
- v) Protection of the Environment Operations (Waste) Regulation 2005

e) All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.

f) Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:

- i) choosing quiet equipment
- ii) choosing alternatives to noisy activities
- iii) relocating noise sources away from affected neighbours
- iv) educating staff and contractors about quiet work practices
- v) informing neighbours of potentially noise activities in advance
- vi) equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or

Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.

- g) All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- h) In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

ADDITIONAL INFORMATION

- To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the *Environmental Planning and Assessment Act, 1979*. Generally, the consent becomes effective from the determination date shown on the front of this notice. However, if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally, consent lapses if the development is not commenced within five years of the date of approval. However, if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Division 8.2 of the Environmental Planning and Assessment Act 1979 allows Council to review this Determination. Should you wish to have the Determination reviewed, an application should be made in accordance with legislative requirements. An applicant may request that Council review the Determination in accordance with Division 8.2 of the Act.
- Under Section 8.7 of the Environmental Planning and Assessment Act, applicants who are dissatisfied with the decision of the consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within the timeframe specified by Clause 8.10 (1) of the Environmental Planning and Assessment Act 1979, from the date of this notice.

Should you have any queries please contact Fiona Prodromou on 9562 1672.