

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2019/233
Date of Receipt:	3 July 2019
Property:	40-54 Baxter Road, Mascot (Lot 506 of DP 1242707)
Owner:	
Applicant:	Manboom Pty Ltd Arf Outdoor Signage Unit Trust
Applicant Address:	C/- PBD Architects, Level 2, 52 Albion St, Surry Hills
Proposal:	Construction of a thirteen (13) storey hotel comprising 301 rooms, car parking for 85 vehicles, restaurant, cafe, gym and landscape works
Recommendation:	Approval
Value:	\$30,480,500.00
No. of submissions:	One (1)
Author:	Fiona Prodromou - Senior Assessment Planner
Date of Report:	September 2020

Key Issues

The site is legally known as Lot 506, DP1242707. The property is the subject of a recently approved 3 lot subdivision by Council, (i.e. DA-2019/234 approved in February 2020) which has not as yet been registered with NSW Land Registry Services as conditions of consent are yet to be satisfied, nor a subdivision certificate issued.

The proposal subject of this application and report is sought upon the western most lot of the approved subdivision and a portion of the centre lot in order to accommodate a hard stand coach manoeuvring area.

The site is significantly flood affected and constrained, particularly given that the lot is bisected horizontally by an existing freight rail line corridor which in essence splits the site in half horizontally. The freight rail line is in ownership of the Australian Rail Track Corporation (ARTC). The railway line leads to the Quenos Site at the Botany Industrial Park, Denison Street, Banksmeadow. The aforementioned freight line is to at some point in the future be duplicated to adjoin the existing line directly to the south.

The proposal was referred to the Australian Rail Track Corporation (ARTC) given that the site is burdened by an existing freight rail line, its future duplication and as the requirements of Clauses 85 & 86 of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) are triggered.

Subclause 86(3) of the ISEPP states that the consent authority must not grant consent without the concurrence of the relevant rail authority. However, subclause 86(5) further states that the consent authority may grant consent without the concurrence of the rail authority, if the rail authority is the ARTC.

The ARTC responded to Council in July 2019, with a number of concerns, of which the applicant and the ARTC commenced discussions to resolve. Amended plans and information were submitted to Council and subsequently referred to the ARTC on 16 July 2020.

As at the time of finalising this report, nil response had been received from the ARTC. In this regard, and in order to avoid further delays, the assessment of the application was finalised, taking into consideration the matters raised by the ARTC and appropriate conditions of consent in relation to these matters have been imposed.

Further to the above and as conditioned, it can be stated that the proposed development does not adversely affect the operation nor future duplication of the Sydenham-Botany Good Freight Rail Line.

Given the significant flood affectation of the site, a holistic approach to the entire property has been taken by Council. This approach permits fill on the part of the site subject of this application, with the remnant area of the lot adjoining, to the east, to remain as flood storage (with no fill permitted) at a later date as part of any future development application. The aforementioned has been conveyed to the applicant and is concurred.

Reasoning for the above is that during a 1% AEP flood event, flooding is so severe i.e. 1.5m depth of water, that whilst land evacuation is possible on the part of the site subject of this application, there is no such possibility for the adjoining eastern area of the lot. As such the proposal has been conditioned to require that the development provide the ability for a direct future physical connection within the level 2 car parking area on site, so as to facilitate emergency egress to future eastern developments, in flood (storm) events up to and including the 1% AEP flood event.

The subject site is a key site within the Mascot Station Precinct, and as such the Design Excellence provisions of BBLEP 2013 apply. The proposal was peer reviewed by the Design Excellence Panel on two occasions and satisfies the design excellence requirements of BBLEP 2013.

Concept public domain works are proposed adjoining the front property boundary of the site i.e. footpath paving, driveway construction, street tree planting, seating and landscaping. These works are supported by Council, however would be subject to a separate Roads Act approval post determination, given they are located beyond the boundaries of the subject site. The proposal has been conditioned appropriately.

One (1) submission has been received following the public notification of the proposal. Issues raised have been addressed in this report below.

The proposal is not considered to generate adverse impacts on site or to neighbouring properties, is suitably located upon the subject site, achieves design excellence and is therefore recommended for Approval subject to conditions of consent for the reasons outlined within this report.

Recommendation

1. That Development Application No. 2019/233 for the construction of a thirteen (13) storey hotel comprising 301 rooms, car parking for 85 vehicles, restaurant, cafe, gym and landscape works at 40-50 Baxter Road, Mascot (Lot 506, DP1242707) be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.

2. That the submitter be notified of the decision of the Regional Planning Panel.

Background

DA	Description	Date	Decision
DA-05/211	Use as an on grade valet public car park in association with the existing car park at 1008 Botany Road Mascot at 40-50 Baxter Road Mascot	4 May 2005	Approved
DA-05/211/02	Section 96(2) variation to conditions 1, 9, 25 & 48 in relation to the customer drop-off in the overflow car park.	19 October 2005	Approved
DA-05/211/03	Section 96(1A) deleting Condition No. 3(c) which limits the period of the development consent	5 January 2007	Approved
DA-12/154	Demolish existing surface car park and construction and use of the site for a new multi storey park and fly facility comprising 650 car spaces together with associated landscaping and public domain works	3 April 2013	Approved
DA-12/154/02	Section 96(1) correct plan numbering, and to include matters required by Australian Rail Track Corporation	Withdrawn and incorporated into DA12/154/03	N/A
DA-12/154/03	Section 96(1A) include two new conditions relating to the provision of 98 car parking spaces for the approved hotel under DA13/197 on adjoining Lot 41; and include new conditions as required by Sydney Trains and associated drainage conditions.	21 June 2016	Approved
DA-14/02	Use part of an existing valet car park as private car park for hire company, construction of new driveways on Baxter Road frontage, and undertake public domain works and road works on Baxter Road.	9 December 2014	Approved
DA-14/02/02	Section 96(2) Use of the existing car park as a 98 space self parking facility and a subdivision of Lot 51 in DP 1097377 for lease purposes.	3 November 2016	Approved
DA-2017/1202	Subdivision of the site into two lots	18 April 2018	Approved
DA-2019/234	Torrens Title subdivision of Lot 506 of DP 1242707 into 3 lots	Approved February 2020	
DA-2019/233	Construction of a thirteen (13) storey hotel comprising 301 rooms, 3 levels of car parking, restaurant, cafe, gym	Subject of this report.	

Proposal

The proposal seeks to undertake the construction of a thirteen (13) storey hotel comprising 301 hotel rooms, above ground car parking for 85 vehicles, restaurant, cafe, gym and concept public domain works along the frontage of the site. The proposal comprises as follows in more detail;

Ground Level

Vehicular access to the site and a 4.5m high loading dock area capable of accommodating a small rigid vehicle are located adjoining western boundary of site. Vehicular access is to be restricted to valet only, 2 x car lift systems are proposed within the building in order to car

parking at levels 2 and 3 above. Space for the queuing of 2 vehicles is provided internally within the development. The bin storage room, OSD tank and back of house area adjoin this component of the development.

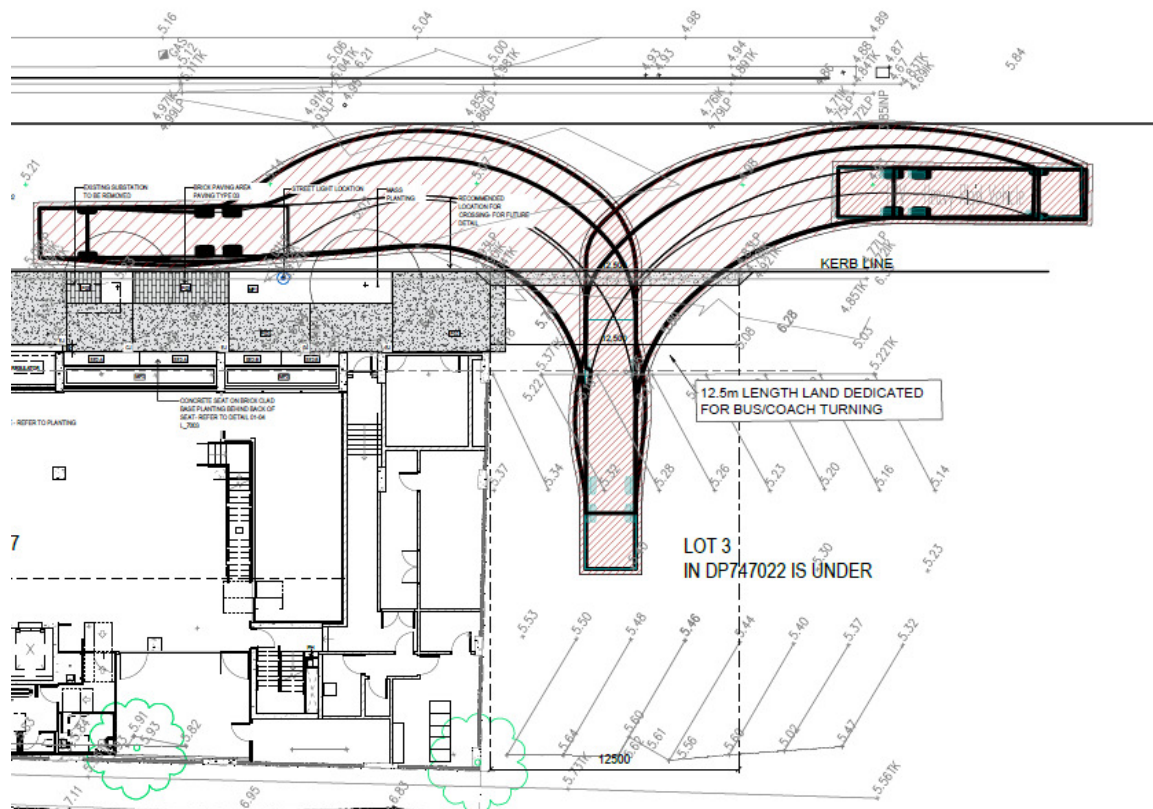
A single service lift core, triple passenger lift core, service rooms i.e. fire pump, switch room, plant etc. store rooms, unisex amenities, kitchen and cool room are also provided at ground level. A fire hydrant booster is positioned along the front facade of the development adjoining the driveway which comprises an automatic sliding door.

The main entrance of the hotel is raised 0.55m above the existing footpath level. Steps and a ramp recessed into the hotel provide direct pedestrian access. The reception foyer, bar, lounge, café, passenger lift lobby and seating areas are all provided with double height ceilings. A small outdoor terrace delineated by a sliding door adjoins the hotel café and fronts Baxter Road. A meeting room is provided at the eastern end of the ground floor of the development and a library room adjoining the south eastern boundary near the passenger lifts.

An awning is proposed in the location of the main entrance to the hotel, this awning as proposed protrudes into the public domain to provide weather protection. Landscaped planters are provided internally within the ground floor and sporadically adjoining the front property boundary.

A substation is recessed into the north eastern corner of the development, accessible via the Baxter Road frontage. A number of plant and service rooms are located adjoining the substation.

An 11m driveway is proposed to the east of the hotel, accommodating a hard stand on site turning area for a HRV (coach) vehicle to service the development. This turning area is on a portion of the site, 20m in width, subject to an easement required by DA-2019/234, which benefits the lot subject of the proposed hotel.



Level 1

Four meeting rooms, staff amenities, lockers, tea room, services and associated corridor and circulation areas.

Level 2 / 3 (per floor)

42 car spaces (L2), 43 car spaces (L3), fire stairs, lift access, circulation both pedestrian and vehicular, two waiting / turning bays, services, storage areas and bicycle racks. Planters along northern façade of building fronting Baxter Road.

Level 4

Perimeter groundcover landscaping within 900mm wide raised steel clad planters with a 600mm soil depth. Planters incorporate recessed and strategically placed lighting.

Terrace located in the north eastern corner, tiled and incorporating a raised planter with 800mm soil depth. A feature tree, the dracaena draco (Canary Islands dragon tree) is to be planted, with groundcovers adjoining.

A fitness studio, guest laundry and communications cupboard adjoin the terrace, with air conditioning unit condensers located in the south eastern corner recessed from the building edge.

Hotel rooms ranging in size from 18sq/m to 25sq/m each incorporating an ensuite and tea station are located on this level, along with a maid's room, service cupboards and guest bathroom adjoining the lift lobby.

Level 5-12

Hotel rooms ranging in size from 18sq/m to 24sq/m each incorporating an ensuite and tea station are located on this level, along with a maids room and service cupboards.



Perspective view from Baxter Road



Perspective view of hotel entry



Perspective view from Joyce Drive

The proposal incorporates four signage zones upon the northern, southern and western elevations of the development. Whilst the content of signage is unknown, it is understood that the content will not fill entire signage zones and third party advertising is not proposed.

Plant equipment (i.e. fire sprinkler tank, hot water heating plant, mechanical services switch board, lightning protection finials, satellite/TV antenna, condensers, exhaust etc.) and photovoltaic solar panels are proposed at rooftop level. These are concealed by the building parapet design and screens behind the parapet.

Concept public domain works are proposed along the Baxter Road frontage of the property. Works proposed include driveway access, street tree planting, street lighting, landscaping, paving, seating, and new kerb / gutter.

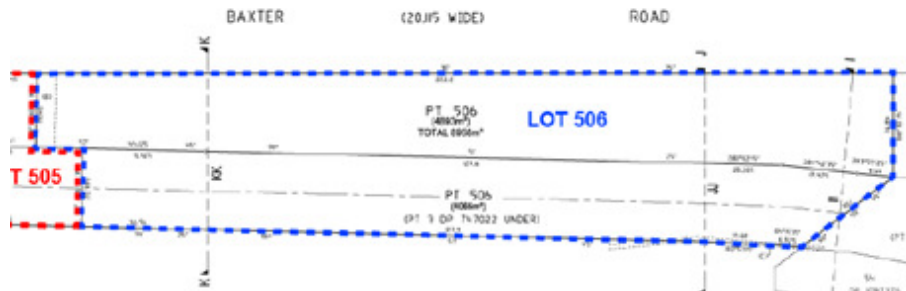
Piling in the form of 11 x construction floor area piles installed along the southern boundary (approx. every 8m) to a depth of approximately 20m on site is proposed, in order to provide structural support for the proposed development.

Further to the above, construction of the development is proposed to be undertaken in stages as follows.

- Construction Certificate 1: Site Establishment, Groundworks, Piling, Slab on Ground;
- Construction Certificate 2: Structure;
- Construction Certificate 3: Façade, Fit-out, External Works.

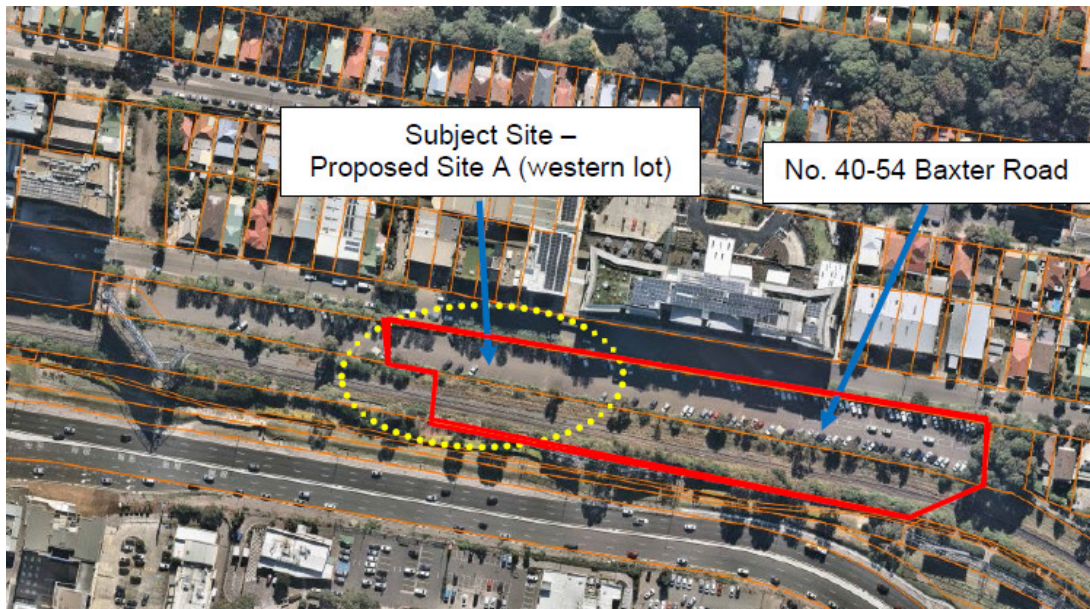
Site Location & Context

The site is legally known as Lot 506, DP1242707. The property is the subject of a recently approved 3 lot subdivision by Council, (i.e. DA-2019/234 approved in February 2020) which has not as yet been registered with NSW Land Registry Services as conditions of consent are yet to be satisfied, nor a subdivision certificate issued.



The property as a whole is currently utilised, via a private lease agreement, as an at grade long term car parking area for the adjoining Park n Fly facility to the east, which is on a separate lot and in separate ownership.

The site of the proposed hotel, subject of this DA, is the western most lot of the approved 3 lot subdivision. The lot is irregular in shape, comprises a total area of 2,997sq/m and has a frontage of 80.15m to Baxter Road. Vehicular & pedestrian access is via Baxter Road, which is a no through road. Nil access is available via Joyce Drive which is a classified road.



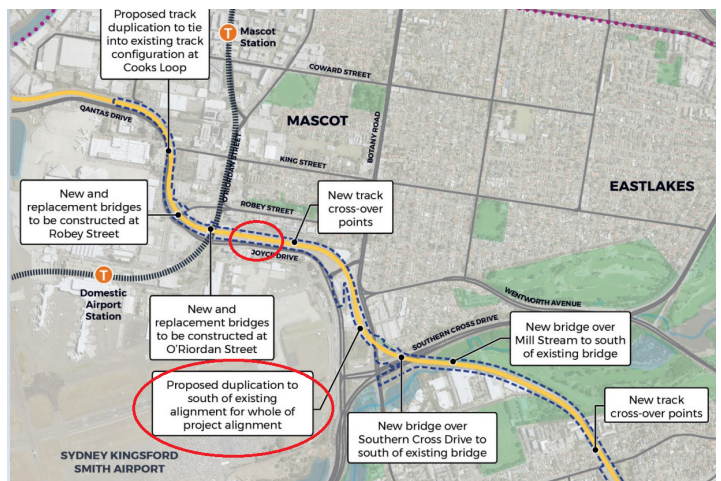
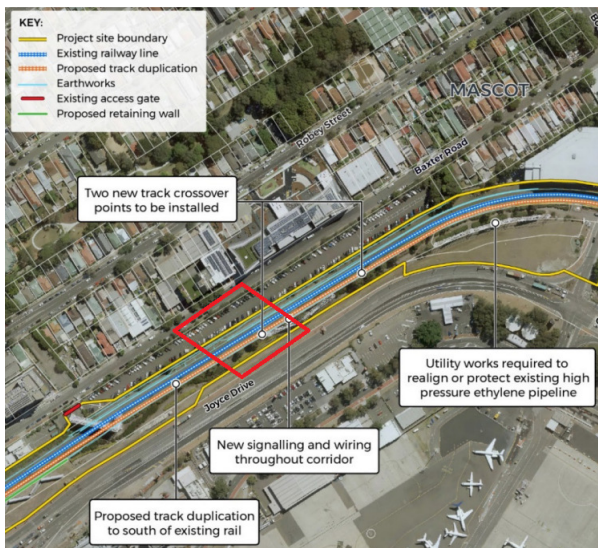


View of the site from Baxter Road

A portion of the site is physically separated from the area to be redeveloped given the existing Port Botany Freight Rail line corridor which bisects the site horizontally. The site benefits from an area (1382sq/m) in stratum above the freight rail corridor at a height of 14RL.

The existing freight rail line is to be duplicated at some point in the near future by the Australian Rail Track Corporation (ARTC), subject to the submission and approval of a State significant infrastructure application with the Department of Planning, Infrastructure and Environment (DPIE).

The duplication of the freight rail line is proposed to the south of the existing line on site. The site is identified below circled in red. The excerpts are derived from the October 2019 Environmental Impact Statement for the duplication of the freight rail line, by the ARTC and are subject to detailed design investigation. This EIS is currently with the Department under assessment.





The subject site is identified in red above. Along the nature reserve adjoining the site to Baxter Road, a range of vegetation exists, including but not limited to Spotted Gums, Swamp Oaks, Sydney Red Gums. Scattered landscaping exists across the property in the form of groundcovers, shrubs and trees. The site has a fall of up to 0.55m from west to east across the portion of the site fronting Baxter Road, to be redeveloped.

A number of existing advertising structures exist adjoining the frontage of the property to Joyce Drive. The height of the advertising structures is equivalent to the podium height of the proposed hotel.

Several power poles are located along both the Baxter Road frontage of the property. An electrical substation adjoins the Baxter Road frontage of the site. The subject site is zoned B5 – Business Development and benefits from a 3:1 FSR and 44m height limit. The site is located within the Mascot Station Precinct and is subject to the provisions of Clause 6.16 – Design Excellence Botany LEP 2013.

The subject site is affected by a significant number of easements and rights of carriageway, these are identified upon the submitted survey as follows;

- (A) Easement for advertising , access and services (variable width) DP-1022599
- (B) Easement for access and services 2.5 wide (DP-1022599)
- (C) -
- (D) Easement for access and services variable width (DP-1022599)
- (E) Pipeline easement (1 wide) (DP-499028 – Gov Gaz 2/1/1987 Fol 18)(X371328)
- (F) Easement for sight lines variable width (DP-1022599)
- (G) Right of carriageway 3.8 wide and variable width (DP-826889)
- (H) Right of carriageway 5 wide (DP-747022)
- (I) Easement to drain water variable width (DP-747022)
- (J) Easement to drain water 2 wide and variable width (DP-747022)
- (K) Easement for sewerage purposes (C-880184) Covenant (I 649758)
- (L) Easement for advertising access and services, variable width (DP-1097378)
- (M) Easement for support and building 2.5 wide and variable width (DP-1097378)
- (N) Easement for advertising, access and services variable width (DP-1022599)
- (O) Easement for access and services variable width (DP-1022599)
- (P) Easement for sewerage purposes 7.265 wide (limited in height to A horizontal plane at 12.39RL and unlimited in depth) DP-644615
- (Q) Right of access and easement to permit encroaching structure to remain 1.6 wide
- (R) Right of carriageway 3.5 wide and variable (AP360949)

- (S) –
- (T) Easement for car parking variable width (AM125479)
- (U) Right of carriageway variable width (AP360948)
- (V) Easement for sewerage purposes variable width (I821844 & DP-644615)

Most recently as part of the previously approved subdivision of the site, a right of carriageway is to be provided over the adjoining eastern lot (i.e. Lot 2) benefitting lot 1, in order to ensure and provide for the manoeuvring of HRV vehicles, loading / unloading and the like, in conjunction with the DA subject of this report.

The size and dimensions of the aforementioned easement have not yet been determined or registered however are to be generally no less than 10m in width and 20m in depth adjacent to the boundary with the subject site

The site is located to the east of Kingsford Smith Airport, to the south of Mascot Railway Station and is positioned within an area of diverse land use (i.e. residential, commercial and industrial) and built form character (i.e. vacant sites to 14 storey buildings).

To the north east, north west and opposite the site within Baxter Road, are a number of detached residential dwellings 1-2 storeys in height, light industrial buildings 2 storeys in height and an 8 storey serviced apartment building known as The Branksome hotel, which also comprises serviced apartments, retail spaces, commercial floor space and a child care facility.

Directly adjoining the site to the east is a vacant site, a Pre DA for a nine (9) storey hotel including up to 317 rooms with ground floor retail was completed by Council in August 2019. Nil DA has since been submitted.

The Botany Freight railway line and a series of large billboard signs along Joyce Drive are situated to the south upon the subject site. Kingsford Smith Airport is further to the south, south west and south east.

Further to the south of the site is Joyce Drive, on the opposite side of Joyce Drive are various land uses and buildings, including fast food uses in single storey buildings, to hotels within 10 storey buildings.

Land further to the west of the site comprises a range of hotel and commercial uses, including the 14 storey Stamford Plaza hotel, and eight (8) storey Quest Apartment building. The character and context surrounding the site is diverse and varied. Council records identify that the subject site is affected by the following;

- | | | |
|--|-------------------------------------|----------------------------|
| ▪ Contamination | ▪ Acid Sulfate Soils | ▪ Identified as a Key Site |
| ▪ Between 25 - 30 ANEF (2039) contours | ▪ OLS (obstacle limitation surface) | ▪ Near a Heritage item |
| ▪ Botany Rail Line + 25m | ▪ Contributions plan | ▪ Flood Affected |

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

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

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

The following Environmental Planning Instruments are relevant to this application:

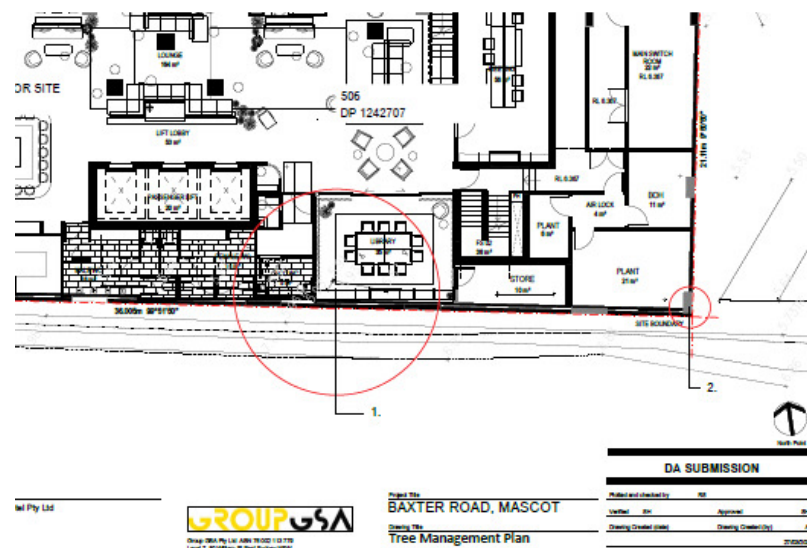
State Environmental Planning Policy (State and Regional Development) 2011

In accordance with Schedule 7, subclause (2) of the SEPP, as the proposed development has a capital investment value of greater than \$30 million, it is referred to the Regional Planning Panel for determination.

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) applies to the proposal as the site contains trees of which consent is required for their removal given they are not exempted by Botany Bay DCP 2013.

Two (2) existing eucalyptus citriodora trees on-site with a height of 6m – 8m, adjoining the freight rail corridor to the south, are sought to be removed to accommodate the proposed hotel development. The location of these trees is identified below.



Council's Tree Management Officer has considered the proposed removal of the above trees and does not object to their removal given the remnant landscaping to remain on site overall, and landscaping proposed as part of the hotel redevelopment both on site and along the frontage within the public domain.

Subject to compliance with the conditions of consent, the proposal is satisfactory in relation to SEPP (Vegetation in Non-Rural Areas) 2017.

State Environmental Planning Policy No. 55 – Remediation of Land

In accordance with the requirements of SEPP 55, a Detailed Site Investigation Report (DSI) prepared by Douglas Partners dated December 2019 and accompanying Acid Sulfate Soils Management Plan (ASSMP) prepared by Douglas Partners dated May 2020 were submitted to Council for review, in order to confirm the suitability of the site for the proposed development and methods for the management of ASS on site.

The Detailed Site Investigation (DSI) comprised soil sampling from 7 boreholes and groundwater sampling from two monitoring wells. No significant contamination was identified

and the results were shown to meet the site criteria. The DSI concluded that the site is suitable for the proposed development.

The Additional Geotechnical Investigation recommended piles and tanking of the car lift pit. Long term dewatering is not required. The Acid Sulfate Soils Management Plan (ASSMP) reported potential acid sulfate soils at 6-12m depth. The piling spoil may contain acid sulfate soils and as such a treatment strategy was been outlined in the ASSMP.

Councils Environmental Scientist reviewed the submitted documents and concurs with the conclusions of the reports.

Therefore, in accordance with Clause 7 (1)(b) of SEPP 55, Council is satisfied that the land is suitable for the purpose for which the development is proposed to be carried out and standard conditions of consent have been imposed to ensure the site is appropriately managed during construction.

The proposed development satisfies the requirements & objectives of the SEPP.

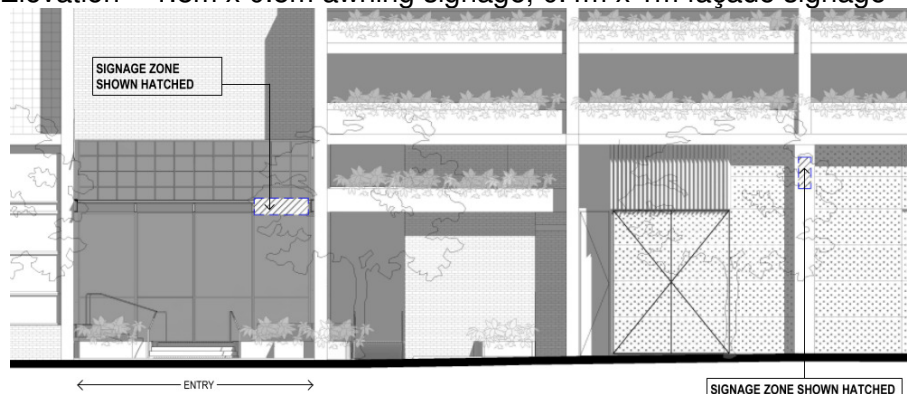
State Environmental Planning Policy No 64—Advertising and Signage

This policy applies to all signage that is visible from a public place or public reserve except for a signage that is exempt development. Clause 8 of SEPP 64 requires the following: *A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:*

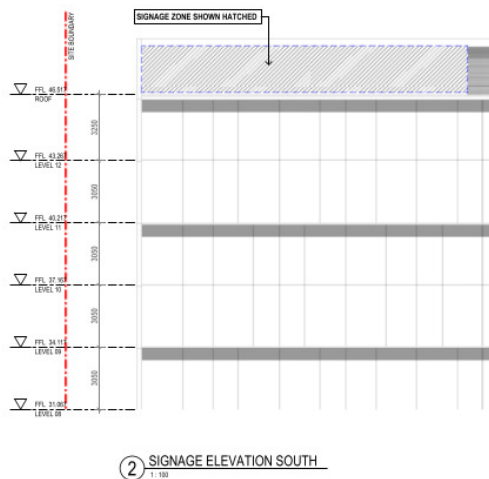
- (a) that the signage is consistent with the objectives of this Police as set out in Clause 3(1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

The proposal seeks to incorporate a total of four (4) signage zones of varying sizes upon the northern, southern & western elevations of the development. Whilst the content of the signage zones is unknown and does not form part of this application, it is understood that signage zones are sought in order to identify the future occupier of the proposed hotel and content will not fill the entire zone. General or third party advertising is not proposed within the subject signage zones. Specific details of signage zones as proposed is detailed below.

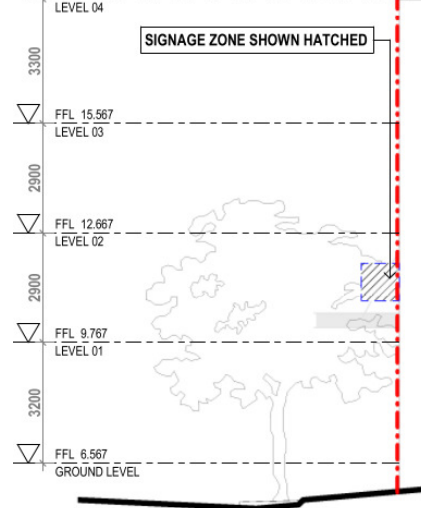
- a) North Elevation – 1.8m x 0.5m awning signage, 0.4m x 1m façade signage



b) South Elevation - 16.2m x 2.3m



c) West Elevation – 0.9m x 1m



Given the location of the site along adjoining the freight line and in view of Joyce Drive, the proposal was also referred to ARTC and TfNSW for comment. Nil objections were received from the aforementioned authorities with respect of proposed signage.

Accordingly, the application has been considered against Schedule 1 of SEPP 64 - Advertising and Signage. Signage as proposed is satisfactory in relation to the existing and future desired character of the area, does not compromise views / vistas, is of appropriate scale, proportion and form upon the proposed development and does not adversely impact upon the safety of pedestrians or vehicles.

The proposal has been conditioned to ensure that future signage sought to be installed does not incorporate flashing lights, electronically changeable messages, animated display, moving parts or simulated movement or a method and level of illumination that distracts or dazzles.

Given the above, proposed signage zones are satisfactory with regards to the provisions of the SEPP.

State Environmental Planning Policy (Infrastructure) 2007

The following provisions apply to the development given the location of the proposed development adjoining the freight rail line to the rear of the building.

- *Clause 85 - Development adjacent to rail corridors*
- *Clause 86 - Excavation in, above, below or adjacent to rail corridors*
- *Clause 87 - Impact of rail noise or vibration on non-rail development*

With respect of the above it is noted as follows;

The proposal was referred to the Australian Rail Track Corporation (ARTC) given that the site is burdened by an existing freight rail line, its future duplication and as the requirements above are triggered.

Subclause 86(3) of the ISEPP states that the consent authority must not grant consent without the concurrence of the relevant rail authority. However, subclause 86(5) further states that the consent authority may grant consent without the concurrence of the rail authority, if the rail authority is the ARTC.

The ARTC responded to Council in July 2019, with a number of concerns, i.e. collision risk, excavation, erection of a tower crane, illumination, waste / stormwater management, landscaping, parking, acoustic impact, future duplication of line etc., of which the applicant and the ARTC commenced discussions to resolve. Amended plans and information were submitted to Council and subsequently referred to the ARTC on 16 July 2020.

Amended information included a Collision Risk Assessment prepared by Minciv Management Services Pty Ltd and NELCORB Pty Ltd dated 22 July 2019. The report concluded that there will be no adverse impacts on the rail corridor or rail operations as a result of the development.

As at the time of finalising this report, nil response had been received from the ARTC and 21 days had lapsed. In this regard, and in order to avoid further delays, the assessment of the application was finalised, taking into consideration the matters raised by the ARTC with appropriate conditions of consent in relation to these matters being imposed.

Discussion with the Applicant confirms that they understand potential risks relating to and from the operation of the freight rail line and that there are matters which require on going site management beyond the assessment and finalisation of this development application.

Given the above and as conditioned, the consent authority can be satisfied that the proposed development does not adversely affect the ongoing operation nor future duplication of the Sydenham-Botany Good Freight Rail Line.

Further to the above, with respect of acoustics, the proposal was accompanied by an Acoustic Report, prepared by Renzo Tonin & Associates ref; TK82901F02 dated 28 June 2019 which recommends appropriate design construction measures in order to ameliorate potential noise or vibration from the freight rail line. The proposal has been conditioned to ensure the recommendations of the report are implemented on site.

The proposal is satisfactory with respect to clauses 85, 86 and 87 of the SEPP.

Clause 45 - Works within the Vicinity of Electricity Infrastructure

The application is subject to clause 45 of the SEPP as the development proposes works within the vicinity of electricity infrastructure i.e. substation along frontage of the site, and therefore in accordance with clause 45(2) the consent authority must give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and take into consideration any response to the notice that is received within 21 days after the notice is given.

Accordingly, the proposal was referred to Ausgrid. At the time of finalising this report nil response had been received from the Authority. Notwithstanding, appropriate conditions of consent, which have been imposed on the draft Notice of Determination to safeguard and ensure the developer liaises with Ausgrid as required.

The application is consistent with the provisions of the SEPP and is acceptable in this regard.

Botany Bay Local Environmental Plan 2013 (BBLEP)

Clause	Requirement	Proposal	Compliance
2.3 – Zone (B5 - Business Development)	Permissible with consent	" <i>tourist & visitor accommodation</i> " permissible with consent. Consistent with objectives of zone, providing a greater range of tourist accommodation close to airport. Proposal serves both local and regional populations with respect to accommodation and employment opportunities generated.	Yes
4.3 – Height of Buildings	44m	43.99m	Yes
4.4 – FSR	3:1	2.91:1	Yes
5.10 – Heritage Conservation Commonwealth Water Pumping Station and Sewage Pumping Station No. 38n (State Item)	To conserve the environmental heritage of Botany Bay.	Sufficiently distanced from heritage item i.e. 2km to the south and thus unlikely to result in any adverse impact upon item or its curtilage.	Yes
6.1 – Acid Sulfate Soils	Class 4 - Works more than 2m below natural ground surface. Acid Sulfate Soils Management Plan required.	11 x construction floor area piles along the southern boundary to a depth of approximately 20m. ASSMP submitted to Council.	Yes
6.2 – Earthworks	Ensure earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Conditions of consent have been imposed to ensure minimal impacts on the amenity of surrounding properties, drainage patterns and soil stability. The proposal meets the objectives of this clause.	Yes
6.3 - Stormwater Management	Minimise impacts of urban stormwater to adjoining properties, native bushland and receiving waters.	OSD proposed to manage stormwater appropriately on site	Yes
6.8 - Airspace Operations	The site is within an area defined in the schedules of the Civil Aviation (Building Control) Regulations that limit the height of structures to 50 feet (15.24 metres)	Sydney Airport Corporation Limited issued approval to a maximum overall height of 49.53 metres AHD. Proposal has a maximum height of 49.267RL and adheres to the aforementioned. Proposal conditioned accordingly.	Yes
6.9 - Development of Areas subject to Aircraft Noise	Between 25 - 30 ANEF (2039) contours	Acoustic attenuation measures proposed. DA conditioned appropriately.	Yes
6.16 - Design Excellence	Deliver the highest standard of sustainable architectural and urban design.	Design Excellence achieved & confirmed by Design Excellence Review Panel 7 May 2020.	Yes

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

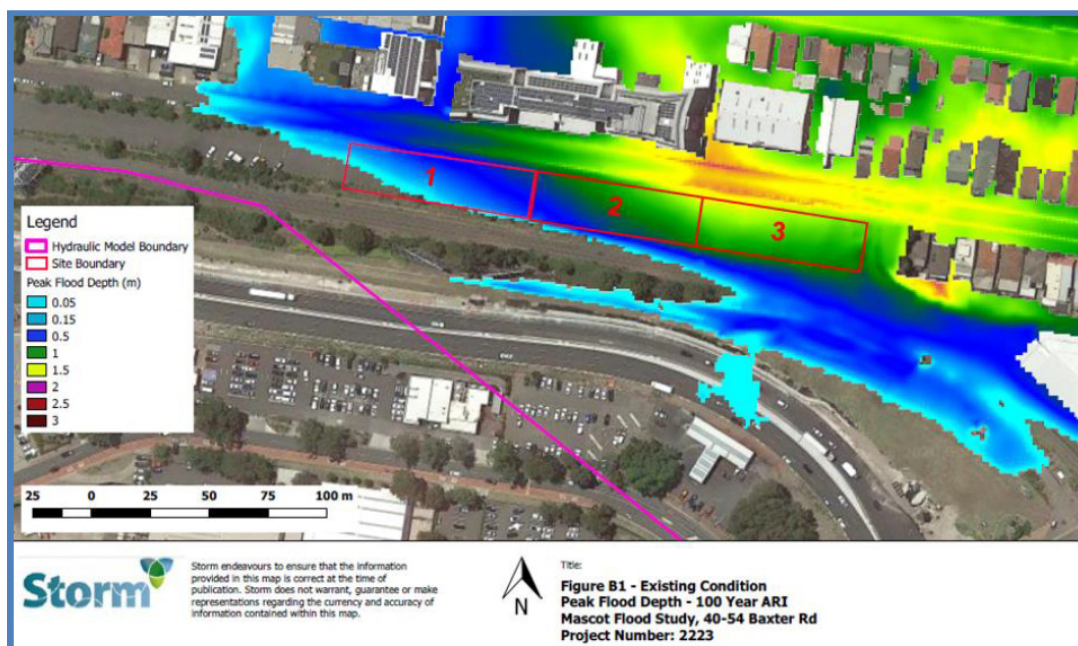
Bayside Draft LEP 2020

The Bayside draft LEP 2020 which was on public exhibition from 8 April to 11 May 2020 applies to the subject site. The draft LEP reviews Council's current planning controls under three previous LEPs into one consolidated LEP. The draft LEP generally harmonises and updates planning controls for the Bayside Local Government Area.

The draft introduces 'Clause 6.5 – Flood Planning' which whilst applicable at present to the ex Rockdale LGA did not previously apply to the ex Botany Bay LGA. The draft further introduces 'Clause 6.6 - Flood Plain Risk Management' to apply to the entire LGA.

The objective of both these draft provisions is to minimise flood risk to life and property associated with the use of land, allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, avoid significant adverse impacts on flood behaviour and the environment, enable evacuation of land subject to flooding in events exceeding the flood planning level and protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.

The subject site is constrained by potential flooding, with over 90% of Lot 1 (subject site) inundated in the 1% AEP event and 100% of Lots 2 and 3, as depicted in the image below.



The draft provisions state that development consent must not be granted unless the consent authority is satisfied that the development incorporates appropriate measures to manage the risk to life from flood and;

- is compatible with the flood hazard of the land, and*
- is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- incorporates appropriate measures to manage risk to life from flood, and*
- is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*

e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The proposal seeks to fill to a maximum depth of 1.5m beneath the building envelope on site, in order to ameliorate the flood affectation on site and safeguard the development.

As the site has not as yet been formally subdivided into 3 lots, the entire lot has been cumulatively assessed with respect of flooding. Councils Engineers have reviewed all submitted flooding information and deemed as follows;

- The partial filling of the site (Lot 506 DP 1242707) as proposed is satisfactory on the basis that consideration has been given to the entire allotment, with the remainder of the site having no fill (preserving flood storage) and retaining the ability to support future redevelopment.
- Council requires the applicant to address flood risk management by providing emergency evacuation of the site in all flood events up to and including the PMF flood event. This is to be facilitated via a physical 'break through' in the building at level 2.

On the basis that the eastern portion of the site adjoining the development ensures that flood storage is preserved as part of future DA's with no fill permitted, and flood level rises do not exceed those indicated in the submitted modelling cumulatively on the site, the proposed development on this portion of the subject site which is least affected by flooding is deemed acceptable by Council.

The proposal has been conditioned to require a positive covenant and restriction on use be imposed on the entire site to preserve the flood storage & further that the applicant submit to Council details which confirm how the development is capable of emergency egress for future development on the easternmost portion of the site, given that in the event of an emergency 1% AEP flood event land evacuation is not possible, as flooding to a depth of 1.5m can occur on site.

As conditioned the proposal is deemed satisfactory with respect of the objectives and requirements of the aforementioned draft clauses.

S.4.15(1)(a)(iii) - Provisions of any Development Control Plan

Botany Bay Development Control Plan 2013

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

Part	Control	Proposed	Complies
3A.2 – Car Parking	C2 – Car parking on site as per DCP Rate. 1 space – Manager 13 spaces – Employees 200 spaces – Rooms Total = 214 car spaces 3 taxi / 2 coach spaces	A total of 85 car parking spaces have been provided on site, being within levels 2 & 3 of the development accessible via 2 car lifts. Parking is to be restricted to valet only, with kerbside parking areas for drop-off/pick-up and a large coach set down area adjoining the hotel development to the east on site for 1 coach.	No – 129 car spaces deficient, refer to discussion below.

Part	Control	Proposed	Complies
3A.3.1 - Car Park Design	C1 – Parking to be as per AS2890.1 / AS2890.6 and AS2890.2.	Design and configuration of proposed car park and loading areas is as per the relevant Australian Standards.	Yes
3C.1 – Access and Mobility	C2 – All development must comply with Disability Discrimination Act 1992, BCA, Premises Standards and relevant Australian Standards	The proposal is accompanied by an Access Report, prepared by ABE Consulting dated 28 June 2019 which confirms that the proposal can achieve compliance with the relevant access provisions.	Yes
3G.2 – Stormwater Management	C1 – Satisfactory stormwater arrangements.	Stormwater infrastructure proposed is adequate to accommodate the proposed new hotel development.	Yes
3G.3 – Water Sensitive Urban Design	C3 – Development to adopt an integrated approach on water management through a coordinated process to address water efficiency, conservation, stormwater, drainage and flooding.	On Site Detention tank, 10,000L rainwater tank, appropriate stormwater measures proposed on site.	Yes
3G.4 – Stormwater Quality	C1 – Water quality objectives stated in “ <i>Botany Bay & Catchment Water Quality Improvement Plan (BBWQIP)</i> ” shall be satisfied.	Stormwater plans submitted include appropriate sediment and stormwater measures to ensure the quality of stormwater runoff meets the objectives of the BBWQIP.	Yes
3I.– Crime Prevention and Safety Security	C1 – Building entrances to be visible / recognisable	The entrance to the proposed hotel will be clearly distinguishable from Baxter Road given the awning feature proposed.	Yes
	C8 – Entrances to front the street, maximise passive surveillance & provide clear sightlines with direct access from the street to the building entrance.	The entrance to the proposed hotel fronts Baxter Road, floor to ceiling glazing and a small open terrace adjoining the café use internally ensures passive surveillance to Baxter Road and clear sightlines. Direct and accessible access is provided to the development from the public domain.	Yes
	C10 – Entrances and exits of buildings shall be well lit, secure and highly visible to and from public spaces, streets and adjoining buildings.	Adequate lighting will be provided as part of the development to ensure the safety and security of future users of the development.	Yes

Part	Control	Proposed	Complies
3J.2 – Aircraft Noise and Exposure Forecast	C2 – Compliance with AS2021-2000	The subject site is affected by the 25-30 ANEF Contour. An Acoustic Report has been prepared and submitted. The report incorporates recommendations to ameliorate aircraft noise. The DA has been conditioned appropriately.	Yes
3J.3 – Aircraft Height Limits and Prescribed Zones	C1 – OLS area affected, referral to Sydney Airports Corporation Limited	The application was referred to SACL. SACL raised no objections subject to a maximum overall height of 49.53 metres AHD. Proposal conditioned accordingly.	Yes
3L – Landscaping	C3 – landscaping shall be designed to reduce the bulk, scale and size of buildings, to shade and soften hard paved areas, to create a comfortably scaled environment for pedestrians in the public domain, or from within the site, and to screen utility and vehicle circulation or parking areas. Emphasis should be placed on landscaped setbacks designed to soften buildings.	<p>Landscape Plans prepared by Group GSA were submitted with the DA.</p> <p>It is noted that the DCP has nil deep soil requirements for hotel development. Irrespective and given the nature of the site and its constraints, the southern portion of the property adjoining the freight line remains as landscaped deep soil. Deep soil retained on site will allow for natural drainage to occur and minimise overland flow. Landscaped planters are provided along the periphery of the building at levels 1-4, in order to add to visual amenity and soften the development when viewed from the public domain.</p> <p>Ground level planters are also provided at the street frontage to Baxter Road at intervals to enhance the streetscape when viewed from Baxter Road.</p>	Yes
3N.2 – Waste Minimisation / Management/ Demolition / Construction	C1 – A Site Waste Minimisation and Management Plan must be submitted.	A Waste Management Plan prepared by Auswide was submitted. The plan addresses waste minimisation during demolition, excavation and construction and future on-site waste management.	Yes
6 – Mascot Business Development Precinct	C1 – Development to encourage a higher public transport (including walking and cycling) use, include strategies to encourage / promote car sharing / pooling strategies. Workplace Travel Plan to be lodged with application. Workplace Travel Plan (WTP) to	<p>The proposed hotel is located in close proximity to Sydney's Domestic and International Airports. The site is located 1km walking distance from Mascot Train Station to the north west.</p> <p>The site adjoins O'Riordan Street to the west (i.e. 130m) and Botany Road to the east (i.e. 420m). These are classified roads with a high volume of taxi, uber, public bus transportation available within close proximity of the</p>	Yes - Proposal conditioned to require a workplace travel plan prior to OC.

Part	Control	Proposed	Complies
	<p>establish measurable targets to achieve the mode share targets i.e: 65% by 2021 and 57% by 2031.</p>	<p>site & mascot station within 1.2km, making the site ideally positioned to facilitate short trips to the Domestic / International Airport terminals which are located 1km and 5km from the site.</p> <p>Public transport services and the nature of the use will lessen traffic demand on roads in the immediate area.</p> <p>WTP not submitted with DA, however the objective of a WTP is to reduce private car use. A significant proportion of vehicle trips to the development will be by taxi/shuttles/Uber and public transport. Nil staff car parking on site, bike parking provided for staff. Residents will be able to walk/cycle to the hotel to use the café and bar facilities in the ground floor lobby.</p>	
	<p>C2 – Development, shall:</p> <p>(i) improve the appearance of buildings, particularly along the roads which serve a gateway function to Sydney Airport and the Sydney CBD; and</p> <p>(ii) Comply with Sydney Airport’s regulation in regard to safety, lighting and height of buildings.</p>	<p>The proposed hotel is of high quality design which will incorporate modern materials, finishes, treatments and landscaping to improve the public domain.</p> <p>The appearance and design of the hotel reinforces the gateway function of the immediate area to the Airport, when viewed from the surrounding road network.</p> <p>The modern design and fresh appearance of the hotel will contribute to the diverse character of the area.</p> <p>Landscaping as proposed will soften the built form, enhance the existing streetscape and gateway function of the area.</p> <p>The proposal complies with the relevant height requirements of Sydney Airport.</p>	Yes
	<p>C3 - Development which will penetrate Obstacle Limitation Surface (OLS) to be assessed by CASA, Air services Australia & the Airlines.</p>	<p>The proposal complies with the relevant height requirements of Sydney Airport.</p>	Yes
	<p>C4 - Redevelopment must take into account any road widening affectation</p>	<p>The subject site is not affected by a road widening reservation as per BBLEP 2013.</p>	Yes

Part	Control	Proposed	Complies
	C5 - Development must not adversely affect operation of duplication of Sydenham-Botany Good Railway Line.	Proposal does not affect the existing operation of the freight rail line, nor the duplication of freight rail line as depicted in the Botany Rail Duplication EIS dated 1 October 2019. Proposal conditioned accordingly.	Yes
	C7 – Development designed / constructed with AS2021 (Acoustic Aircraft Noise Intrusion-Building siting & Construction)	An Acoustic Report was submitted with the application. Recommendations were made to ensure that the development will comply with AS2021-2000. The proposal has been conditioned appropriately.	Yes
	C8 – Introduction of noise abatement measures to achieve compliance with current AS 2021 to not compromise architectural design or streetscape.	The proposed development incorporates acoustic abatement measures within the building form to achieve compliance with AS 2021-2000 and so as not to compromise architectural design or adversely impact upon the streetscape of Baxter Road.	Yes
	C9 – All development In / adjacent to, rail corridor / busy road to be designed as per <i>NSW Department of Planning 'Development Near Rail Corridors and Busy Roads – Interim Guidelines, December 2008'</i> .	The development has been designed in accordance with NSW Department of Planning 'Development Near Rail Corridors and Busy Roads – Interim Guidelines, December 2008'.	Yes
6.3.1 Amalgamation and subdivision	Development to comply Part 3E to ensure consistency with the Desired Future Character	Adjoining sites are of sufficient overall dimension, width, frontage and area so as to be capable of redevelopment in their own right.	Yes
6.3.4 - Building Design and Appearance	C1 - Max building height as per LEP C3 - Compliance with Civil Aviation Safety Authority requirements. C4 - Max height of building consistent with height of other buildings in immediate vicinity.	Proposal complies with relevant height standard. SACL raises no objection to the proposal. Proposal (13 stories) is not inconsistent with the range of building heights in the surrounding context of the site i.e. vacant sites to 14 storey buildings	Yes
	C7 - Schedule of finishes and detailed colour scheme.	External colours / finishes are acceptable in the context. i.e. solid / vision glass curtain panel, metal louvres, structural frames, integrated	Yes

Part	Control	Proposed	Complies
	C8 - External finishes must be robust and graffiti resistant	landscaping, empire brick, textured pre cast concrete, expanded metal mesh, steel cladding, breeze block.	
	C9 - Where blank walls on street frontages are unavoidable they must be screened by landscaping or treated as sculptural elements incorporating murals reflecting modern architectural design.	Nil blank walls to street frontages proposed.	Yes
	C10 - Walls must use non-reflective colours and materials to avoid glare, max reflectivity of any glazing is not >20% to avoid nuisance from glare.	Non reflective grey and neutral colours proposed. Proposal conditioned accordingly.	Yes
	C11 - All elevations fronting a public place, or rail line, public place or proposed road, must be constructed of face brickwork or other decorative facade treatment to Council's satisfaction.	Elevations proposed to comprise varying textured pre cast concrete, face brickwork, aluminium louvres, expanded metal mesh, steel cladding.	Yes
	C12 - Buildings should be of contemporary / innovative design. All public frontages should be specially articulated with brick, stone, concrete, glass (non-reflective), (not concrete render).	Design of hotel is modern and contemporary with a mix of materials, finishes and treatments to provide an appropriate streetscape response and address.	Yes
	C13 - Open style or transparent materials encouraged on doors and/or walls of lifts and stairwells.	A mixture of glazing and semi transparent open form mesh / louvres are proposed upon facades of the development.	Yes
	C14 - Building height, mass, and scale should complement and be in keeping with character of surrounding /adjacent development.	Proposal complies with relevant height standard. Proposal is 13 stories in height and not inconsistent with the range of building heights in the surrounding context of the site i.e. vacant sites to 14 storey buildings. Bulk and scale on site is appropriate and design excellence achieved as noted by Councils Design Panel.	Yes
	C15 - New buildings design requirements.	The proposal is consistent with these controls.	Yes

Part	Control	Proposed	Complies
	<p>C16 - Street number visible from the street to allow visitors and emergency vehicles to identify the building.</p> <p>C23 - Driveways to provide adequate sight distance for the safety of pedestrians using the footpath area in accordance with AS2890.1 and AS2890.2.</p> <p>C24 - Pathways provide direct access and any edgework should be low in height or not reduce visibility of the pathway.</p>	<p>The proposal is consistent with these controls. Relevant conditions have been imposed.</p>	<p>Yes</p>
	<p>C28 - For new development provision must be made for connection to future underground distribution mains.</p> <p>C29 - Council may require bundling of cables surrounding the development to reduce visual impact of overhead street cables.</p>	<p>The proposal has been conditioned to ensure adequate services are provided to the development on site.</p> <p>Proposal conditioned accordingly to facilitate undergrounding of relevant overhead cables as required by the DCP.</p>	<p>Yes</p> <p>Yes</p>
	<p>C30 - Lighting must be provided to the external entry path, common lobby, driveway, and car park to a building using vandal resistant, high mounted light fixtures.</p> <p>C31 - The lighting in a car park must conform to AS1158.1, AS1680, and AS2890.1.</p>	<p>Lighting has been incorporated into the design of the development both internally and externally. New street lighting proposed as part of concept plan.</p>	<p>Yes</p>
	<p>C34 Service areas including waste, recycling areas and external storage areas are to be located away from principal street frontages and screened from view.</p>	<p>Servicing areas are accommodated within the building envelope on site and screened from public view</p>	<p>Yes</p>
	<p>C35 Kerb and gutter, concrete footpath (or paved footpath) and any associated works along</p>	<p>Relevant conditions have been imposed to ensure concept public domain works as proposed within this DA are applied for by the developer</p>	<p>Yes</p>

Part	Control	Proposed	Complies
	all street(s) frontage of a site shall be constructed and/or reconstructed of at the full cost of the developer.	via the relevant process i.e. Roads Act application and implemented prior to the issue of any Occupation Certificate for the development.	
6.3.5 - Setbacks	<u>Front</u> - 3m landscaping setback - 9m to building	Ground to L3 Podium – Street wall (0m) with partial insets (1.65m) to building articulation areas. L4 & above – 2.69m – 3.36m	No – refer to discussion below.
	<u>Side</u> - 2m	Ground - L3 Podium = Nil L4 & above = East 3.31m - 8.6m / West 3.41m - 4.15m	Partial – refer to discussion below
	<u>Rear</u> – Nil to 3m	Ground - L3 Podium = Nil L4 & above = 0.83m to 3.83m	Yes
6.3.6 - Parking / Vehicular Access	Part 3A - Car Parking.	Refer to discussion above in 3A.2 - Parking Provisions	
6.3.8 – Site Facilities	C1 - New site facilities i.e. mail boxes, substations to be designed / sited to enhance the development.	Site facilities integrated into building envelope and landscape design to obscure presence of necessary facilities. i.e. fire booster screened in cupboard, substation in building envelope and gas regulator screened in landscaped planter.	Yes
	C2 - New site facilities situated to ensure satisfactory vehicular access by service personnel and vehicles.	Site services / facilities appropriately located to facilitate future servicing	Yes
	C3 - Above ground electricity / communication cables to be undergrounded.	Proposal conditioned accordingly.	Yes
	C4 - In some cases it may be necessary to provide an electricity substation adjacent to the frontage.	Substation chamber integrated into building envelope.	Yes
	C5 - Name / address to be clearly visible from the street. C6 - Street number must be visible	Proposal conditioned accordingly to ensure the street number and address of the development is clearly identifiable	Yes
	C7 - Arrangements satisfactory to Sydney Water to be made for provision to the land of	Proposal conditioned accordingly to ensure applicant liaises with Sydney water and obtains s73 certificate post determination.	Yes

Part	Control	Proposed	Complies
	water and sewerage services.		
	C8 - New utility services not to be incorporated into landscaping	Substation / fire booster integrated into building envelope. Gas regulator incorporated into landscaped planter at frontage of site.	No – given nature and scale of gas regulator its integration into the 1.4m depth landscaped planter adjoining Baxter Road is satisfactory as it will be obscured by proposed planting.
	C9 - Open storage areas delineated & screened	Nil open storage spaces / areas adjoining frontage of the site to Baxter Road	Yes
	C10 - Letterboxes along front boundary, clearly visible & accessible	Given proposed hotel use and 24/7 operation mail to be delivered to hotel lobby reception.	Yes
	C11 - Owners are to provide their own waste management services, not be visible from the street & in a designated area that is easily and safely accessible.	On site waste management proposed within back of house of hotel, within building envelope, not visible from the street or public domain.	Yes
6.3.9 Landscape	- C2 Existing trees, including Council street trees and trees on neighbouring properties, retained and protected.	Two (2) existing eucalyptus citriodora trees on-site with a height of 6m – 8m, adjoining the freight rail corridor to the south, are to be removed. Existing trees / vegetation to the south of the building form adjoining the freight corridor are proposed to be retained. 11 street trees along frontage of the site are proposed to be removed to facilitate future public domain works and future replanting within the public domain.	Yes – Satisfactory given future public domain works / landscaping to occur along frontage of the site.
	C10 – Min. 10% (300sq/m) of site landscaped.	984sq/m (32.8%) south of building form adjoining existing freight rail line, forming part of the site and to be retained as deep soil landscaping as existing.	Yes

Part	Control	Proposed	Complies
	C12 - Underground parking beneath building footprint.	Above ground parking proposed. This is appropriately screened and forms part of the podium component of the development. As designed above ground parking is appropriately obscured from the public domain.	No – acceptable given constraints of site & compliance with height / FSR & deep soil provisions.
	C13 - Landscaped setbacks (side & rear)	Refer to Part 6.3.5 discussion	
	C14 - no OSD in landscaped setback or underneath landscaping.	OSD within building footprint	Yes
	C23 - Fire booster, water tanks, electrical kiosks and waste storage areas not in landscaped areas or street setback.	Services integrated into building form as previously referred to in 6.3.8 – Site Facilities C8 & C11.	Yes
7F.2 General Requirements – Hotels & Motel Accommodation	C1 – Maximum stay permitted is 3 months.	A Plan of Management has been submitted confirming the maximum stay period permitted will be for 3 months	Yes
	C2 – Main access point to be located at main street frontage of property.	The main access point has been provided off Baxter Road. There are no residential properties immediately abutting the subject site.	Yes
	C4 – The minimum size for a visitor's room is 5.5m ² for the bedroom floor area for each person staying within the room.	Hotel rooms are minimum 18sq/m – 25sq/m in area.	Yes
	C7 – A small kitchenette is permitted if adequate cupboards and shelves are provided.	Nil kitchenettes within hotel rooms.	Yes
	C9- Bathrooms must be provided in accordance with the <i>Building Code of Australia</i> .	A separate bathroom is provided within each hotel room in accordance with the BCA.	Yes
	C10 – The design and operation of hotel must take into account possible noise impacts on adjacent properties	There are no residential properties adjoining the subject site, notwithstanding, an Acoustic Report was submitted with the application which incorporates acoustic amelioration measures to mitigate potential acoustic impacts onto and	Yes

Part	Control	Proposed	Complies
	and the surrounding area.	arising from the development. The proposal has been conditioned accordingly.	
	C11 – Plan of Management (POM) to be submitted.	A Plan of Management was submitted as part of the DA. The proposal has been conditioned to require that the POM be revised to reflect the final revised scheme, to ensure that the future use operates in accordance with the POM & that the POM is reviewed annually.	Yes
	C12- The building is to comply with Parts C, D, and E of the BCA.	The proposal has been conditioned to ensure compliance with the relevant fire safety requirements of the BCA.	Yes
	C13 – Each room is to comply with Parts C, D E and F5 of the BCA so as to ensure there is adequate fire safety in the building and adequate sound insulation between each room.	The proposal has been conditioned to ensure compliance with the relevant fire safety requirements of the BCA.	Yes

Non Compliance

1. Car Parking

As noted above the proposal seeks to vary the DCP car parking rates for the proposed development, indicating that a reduced rate as per the RMS Guide to Traffic Generating Developments is more suitable, providing a reduced rate of parking for the development.

The proposal was considered by Councils Engineers and Local Traffic Committee where it was noted that the proposed parking variation as sought by the applicant was acceptable, given the context of the site, proximity to Mascot Station, Sydney Airport, numerous available public transportation options i.e. taxi, uber, bus etc and the probability that the majority of guests to the hotel are unlikely to arrive via private transportation.

The proposal has been conditioned to require the operation of a shuttle bus to service the development, in order to further assist in transporting future users of the hotel and reducing traffic generating arising from the development.

Given the above a variation in this instance is supported and the proposal satisfies the objectives and intent of this provision.

2. Building Setbacks

The proposal does not strictly adhere to the required DCP setbacks as noted in the compliance table above. The substantial constraints of the site as referred to in the '*Site Location & Context*' section of this report, restrict the location of a building upon the subject site.

The northern portion of the site fronting Baxter Road is greater in overall width, whilst equivalent in depth, than the portion to the south of the centreline depicted in red below which adjoins the freight rail line and is likely unable to be developed given the future duplication of the freight rail line.

The northern portion is relatively flat and is the most suitable section of the site for redevelopment, given it is directly accessible from Baxter Road.

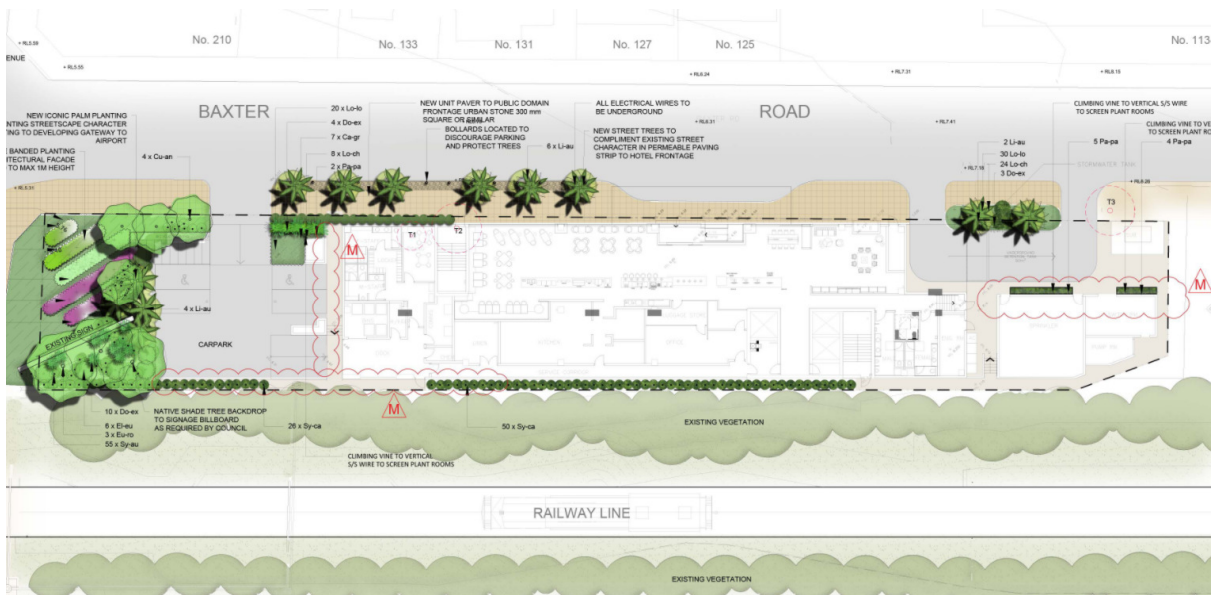


Whilst this portion of the site is also constrained i.e. limitation on height given proximity to the airport, flooding, potential contamination, there are means of resolution for the aforementioned which enable redevelopment to occur in the location of the building footprint as proposed.

Taking into consideration the unique nature and constraints of the site, applicable 3:1 FSR and 44m height limit, redevelopment of the site could occur strictly in compliance with DCP setbacks and the aforementioned development standards, however this would further restrict the redevelopment potential of the site, and as a consequence likely render the proposal economically unviable.

Consideration has therefore been given to the above factors and it is considered that a partial variation to the DCP setbacks in this instance is appropriate given;

- The proposal adheres to the FSR and height development standards applicable to the site.
- The proposal does not generate adverse overshadowing or visual privacy impacts onto neighbouring properties.
- The proposal retains sufficient landscaping on site.
- The proposal is not inconsistent with previously approved setbacks of the hotel which is yet to be constructed and located further to the west upon 56-60 Baxter Road, will thus provide a consistent and coherent streetscape response within Baxter Road. The approved site plan of this hotel is depicted below;



- The proposal provides an appropriately designed street wall development which will activate the length of the street frontage to Baxter Road.
- The proposal provides an appropriate transition in level and delineation between public and private domain along the frontage of the site. This will improve the existing amenity of the public domain.
- The proposal appropriately activates the streetscape to Baxter Road and incorporates landscape planters along the frontage of the site.
- The proposal is well designed, responds to and enhances, the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.
- The proposal demonstrates a high level of amenity being created within the surrounding neighbourhood context, which aligns well with the desired future character for the area. An excellent degree of internal amenity and consideration of consolidated use of space is proposed which will contribute significantly to the local context.
- The proposed building form demonstrates Design Excellence as required by Clause 6.15 of BBLEP 2013 and was supported by Councils Design Excellence Panel.

The partial variation to DCP setbacks as sought by this application is supported on the basis of the above.

Part 8.7 — Mascot Character Precinct

The subject site is located within the southern portion of the Mascot Character Precinct. The proposal is consistent with the future desired character and requirements of this part.

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

The relevant provisions of the Environmental Planning and Assessment Regulations 2000 have been considered in this assessment. The proposal is satisfactory in this regard.

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

Transport for NSW (Sydney Gateway Project)

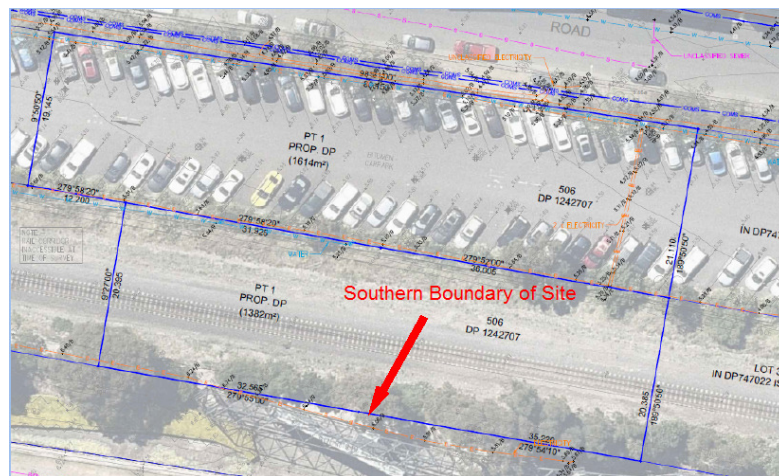
The subject site comprises a direct frontage to Joyce Drive and as such was referred to

TfNSW for comment. TfNSW advised that the subject site is within an area of investigation for the 'Sydney Gateway Project'.

The study area for the Sydney Gateway Project is depicted by the blue line within the map below. The map is derived from the Sydney Gateway Road Project Environmental Impact Statement (EIS), dated November 2019. The site is positioned to the east of the nominated boundaries of the study area by a yellow X.



TfNSW advised that a 0.6 metre wide strip of land in the vicinity of the southern boundary of the site may be required in order to accommodate a noise barrier and foundations for future works along Joyce Drive, which are not as yet resolved. Furthermore, that an additional 3 metre wide easement, abutting the aforementioned 0.6 metre wide strip along the southern boundary of the site may be required in order to provide ongoing access to the proposed noise barriers for future maintenance.



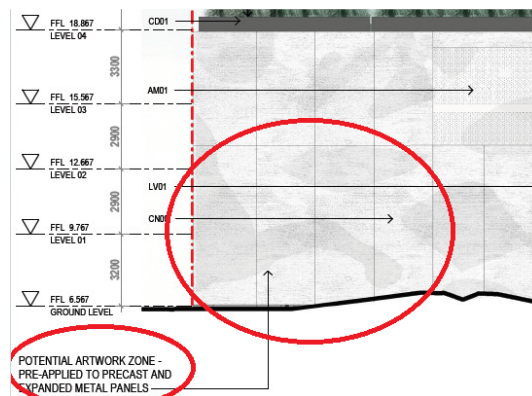
With respect of the above, and as previously stated, the subject site is bisected horizontally via a freight line. The portion of the site proposed to be redeveloped is that with direct frontage to Baxter Road. The southern portion of the site referred to by TfNSW is not affected by the proposed redevelopment and therefore should an easement or dedication be required at a later date this is subject to negotiation between the property owner and TfNSW.

Artwork / Sculpture

The northern elevation indicates the proposed location for a sculpture at the podium level and an indicative zone for future artwork at ground level adjoining the entry foyer.



The southern elevation is proposed to comprise a potential artwork zone, pre applied to precast and expanded metal panels proposed upon this façade.



Nil details were provided in relation to the proposed artwork, as such the proposal has been conditioned that details be submitted to Council for consideration prior to the issue of any construction certificate.

Plant Equipment

Plant equipment (i.e. fire sprinkler tank, hot water heating plant, mechanical services switch board, lightning protection finials, satellite/TV antenna, condensers, exhaust etc.) and photovoltaic solar panels are proposed at rooftop level.

Plant at rooftop level is recessed from the edge of the building insofar as is practical and concealed from view by the integrated building façade parapet design and plant screens behind the parapet.

Concept Public Domain Works

As existing the frontage of the site comprises street trees, kerb/gutter, power poles & lines, a grass verge and services.

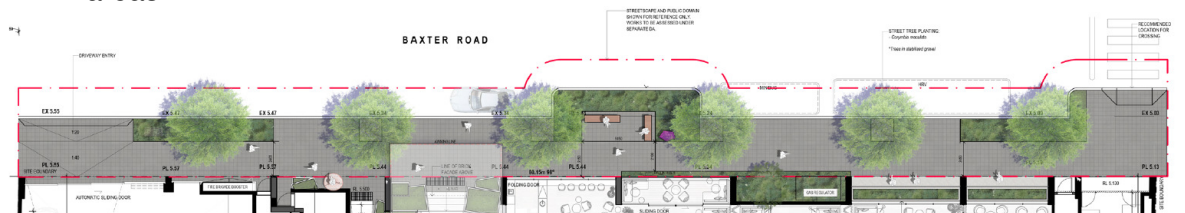
A concept public domain plan was submitted to Council with the application. It is noted that whilst submitted, such works are beyond the site boundaries and subject to a further application to Council under the Roads Act, post determination.

Works proposed within the public domain are beneficial to the development and streetscape within Baxter Road, as existing there is nil designated pedestrian footpath, seating or delineated planter zones along the frontage of the site.

Concept plans depict the provision of;

- a) Removal of 11 street trees in order to underground existing overhead power lines.

- b) Replacement street tree planting (6 x *Corymbia Maculate* – Spotted Gum) in stabilised gravel.
- c) New street lighting, kerb and gutter.
- d) Inset horizontal on street parking bays.
- e) Beautification of the streetscape including the provision of a dedicated 2.1m – 2.4m wide paved pedestrian footpath, parklet with public seating and landscape planter areas.



The proposal has been conditioned to require the submission of a Roads Act application for works within the public domain.

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

The subject site is affected by a number of environmental hazards, including a high water table, flooding, aircraft noise, its location adjoining a freight rail line, classified road frontage to the south and potential contamination.

These hazards have been considered in the assessment of this application, with relevant conditions of consent imposed as previously referred to in this report.

The subject site is located within the Mascot Precinct and is in close proximity to Kingsford Smith airport, which is the primary hub for international and domestic travel within Sydney.

The site is zoned for an increase in density and height and is currently underutilised given the car parking use occurring on the property.

There are no further constraints or exceptional circumstances which would hinder the suitability of the site for the proposed development. The subject site is deemed suitable for the proposed development.

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

In accordance with Part 2 of the Botany Bay Development Control Plan 2013 – Notification and Advertising the development application was notified to surrounding property owners. One (1) submission was received and the following concerns were raised;

Non compliance with DCP setbacks

Comment: The matter of setbacks has been previously addressed within this report.

Overdevelopment of the site / Bulk / Scale

Comment: The proposal complies with the relevant height and FSR development standards and is not considered to be an overdevelopment of the site.

Proposal does not demonstrate 'Design Excellence' as per BBLEP

Comment: Following numerous revisions to the scheme from its original concept, and two reviews by Councils Design Excellence Panel, the final scheme was supported by the Design Excellence Panel as demonstrating compliance with the design excellence provisions of the LEP.

Insufficient information to understand how the site area has been calculated relative to the rail corridor.

Comment: Revised plans and information clearly depict the location of the proposed development relative to the existing freight rail line corridor. An assessment against the relevant provisions of SEPP Infrastructure was undertaken, referral to the ARTC was made and consideration also given to the published October 2019 Environmental Impact Statement for the duplication of the freight rail line which is currently with the Department of Planning Industry and the Environment and remains under assessment. Sufficient information was provided as part of this DA.

The proposed development does not provide 2 coach pick up and set down spaces, additional parking for the licenced parts of the proposed use or demarcated taxi pick up drop off spaces / Proposal does not comply with Part 3A of the BBDCP, and will have an unreasonable impact on neighbouring properties and road users of Baxter Road

Comment: The matter of car parking has been previously addressed in this report. The proposal accommodates 1 x coach area on site and further provision is made for pick up / drop off along the frontage of the site subject to the imposition of appropriate regulatory signage to be endorsed by Bayside Local Traffic Committee.

Councils Development Engineer, the Bayside Development Advisory Traffic Committee and Transport for NSW considered the proposed development and raised no objection to the aforementioned nor raised concerns with respect of local traffic generation or adverse impact. The proposal is satisfactory in this regard.

SEE misrepresents the proportion of the development site that will be landscaped area. The proposed development does not comply with Part 3L of the BBDCP and this contributes to the proposed development being an overdevelopment of the site. Further, the photomontage images provided are inaccurate in that they show landscaping adjacent to the site that does not exist.

Comment: The applicants consulting team, including town planner, architect and designers were replaced and subsequently a revised comprehensive SEE, architectural, landscape, stormwater and flooding package was submitted to Council in April 2020. Revised information was factual, accurate and correct, facilitating a comprehensive assessment of the application. It is reiterated that the proposal is not deemed to be an overdevelopment of the site.

DA has failed to consider the operating heights of all construction cranes or machinery that will necessarily exceed the Obstacle Limitation Surfaces (OLS) height limit in contravention of Part 3J of the BBDCP and erroneously states that the DA does not require referral to Sydney Airport Corporation Limited (SACL).

Comment: The proposal was referred to SACL, concurrence was subsequently granted to a maximum overall height of 49.53 metres AHD. The proposal has been conditioned accordingly.

Additionally, Council has received documentation from the Department of Infrastructure, Transport, Regional Development and Communications, dated 23 June 2020, which confirms approval has been granted to Roberts Pizzarotti (NSW) Pty Ltd for the intrusion of a flat top tower crane, which will penetrate the prescribed airspace above the site i.e. 51m AHD up to 15m, to a maximum height of 66m AHD in order to facilitate construction post determination.

The Department has imposed conditions in relation to the use of such a crane, the applicant is to adhere to such conditions.

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

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity.

The proposed building is a high quality building that will add architectural value to the existing streetscape. Furthermore, the proposal does not create unreasonable impacts on surrounding properties. As such it is considered that the development application is in the public interest and will facilitate the orderly economic development of the land.

S7.11 Contributions

The proposed development will increase demand for public amenities within the Mascot Precinct. In accordance with Council's contributions plan, the proposal has been conditioned to require the payment of relevant s7.11 contributions for a total of 26 staff i.e. \$131,580.02, towards the provision and/or improvement of human services in the local government area.

Conclusion

Development Application No. DA-2019/233 has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for Approval subject to conditions of consent.

Attachment

Schedule 1 – Conditions of Consent

Premises: 40-54 Baxter Road, Mascot

DA No: 2019/233

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

- 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			
Site & Ground Floor Plan Issue A Drawing DA 100	Group GSA Pty Ltd	22/04/2020	
Level 1 Plan Issue A Drawing DA 101			
Level 2-3 Plan Issue A Drawing DA 102			
Level 4 Plan Issue A Drawing DA 103			
Level 5 Plan Issue A Drawing DA 104			
Levels 6 – 9 Plan Issue A Drawing DA 105			
Level 10 Plan Issue A Drawing DA 106			
Level 11 Plan Issue A Drawing DA 107			
Level 12 Plan Issue A Drawing DA 108			
Rooftop Plan Issue A Drawing DA 109			
Sections A & B Issue A Drawing DA 300			
Section C Issue A Drawing DA 301			14/09/2020
North Elevation Issue A Drawing DA 204			22/04/2020
South Elevation Issue A Drawing DA 205			
East Elevation Issue A Drawing DA 206			
West Elevation Issue A Drawing DA 207			
Materials & Finishes Schedule Issue A Drawing DA 400		12/08/2020	
Signage Elevations Issue A Drawing DA 208			
Baxter Hotel Bus / Coach Turning Diagram Issue B Drawing L_1000			
Landscape Plans			
Ground Floor Issue A Drawing L_2100	Group GSA Pty Ltd	22/04/2020	
Level 1 Issue A Drawing L_2150			
Levels 2 & 3 Issue A Drawing L_2200			
Level 4 Issue A Drawing L_2300			
Level 5 Issue A Drawing L_2400			
Landscape Details Issue C Drawing L_7004		28/05/2020	
Landscape Plan Sections Issue C Drawing L_4100		22/04/2020	
Planting Schedule Issue A Drawing L_2500			
Planting Schedule Issue A Drawing L_2600			

- All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
- A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.

4. 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.
5. Balconies and car parking spaces shall not be enclosed at any future time without prior development consent.
6. 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.
7. 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
8. The materials and façade details approved under condition 2 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.
9. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
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. Flood Planning
The development is approved subject to the entire area adjacent to the proposed building on this development site (Lot 506 DP 1242707) not being filled and preserving flood storage.

Future development to the east of the hotel is not permitted to fill the site and must preserve flood storage. Furthermore, adjoining development on that land must provide an ability to connect directly to the breakthrough approved as part of this development. (e.g. via a car parking facility located directly adjacent and in line with the level 02 car parking facility) to provide for emergency egress in flood (storm) events up to and including the 1% AEP flood event.
12. 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, the rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.
13. Workplace Travel Plan
The Workplace "Green" Travel Plan shall be monitored and reviewed annually in order to revise and improve the plan to achieve the targets on the number of staff travel to work by public transport, cycling and walking. The Workplace Travel Plan (as revised from time to time) must be implemented by the Applicant for the life of the development.
14. 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 the Sydney Airport 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.

15. 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.

16. Hours of Operation

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

17. Staffing

The maximum number of persons working within the development shall be limited to twenty six (26).

18. Signage

Proposed signs must not have / use:

- flashing lights electronically changeable messages, with the exception of parking signage at the car park entry which confirms parking availability on site and displays the number of spaces available.
- animated display, moving parts or simulated movement,
- a method and level of illumination that distracts or dazzles.

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.

19. 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.

20. 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.

21. Mechanical Car Lift

Mechanical car systems on site shall be retained and maintained in working order at all times.

22. 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.

23. Rail Corridor

- 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) Nil planting at ground level is permitted on site adjoining the railway corridor to the rear of the building.
- e) All services for the development shall be provided strictly via the Baxter Road frontage of the site. Nil under boring to the southern side of the site under the rail corridor is permitted.

24. 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”

25. 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.

26. 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.

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

28. 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.

29. 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.

30. 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) 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;
- (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.

31. Landscape

- A. 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.
- B. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
 - a) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - b) A concrete hob or haunch shall be constructed at the internal joint between the sides and base of the planter to contain drainage to within the planter.
 - c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
 - d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
 - f) All planter boxes shall be irrigated, and shall have the required depth to sustain the proposed planting.

32. Retaining Walls

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

33. Operation of Vehicular Facilities / Loading / Unloading

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

- a. All vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction;
- b. Loading and unloading activities associated with the delivery shall take place wholly within the dedicated loading areas service bay;
- c. All garbage collection activities shall take place and be wholly undertaken within the site in the dedicated loading areas service bay by a private commercial waste collection service;
- d. All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times;
- e. The maximum size of vehicle accessing the building shall be limited to a 6.4m long Small Rigid Vehicle (SRV) (as denoted in AS2890.2:2018).
- f. The maximum size of vehicle accessing the turning bay shall be limited to a 12.5m long Heavy Rigid Vehicle (HRV) (as denoted in AS2890.2:2018).
- g. Coach vehicle (HRV vehicle) movements through the turning bay are to be via a reverse manoeuvre into the turning bay, exiting the turning bay in a forward direction. All such movements shall be conducted under the supervision of traffic controllers managed by the hotel operator to ensure road safety is upheld and no undue pedestrian/vehicular hazards are created.
- h. The Loading Dock Plan of Management as required by conditions of this consent shall be implemented on site at all times.
- i. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.
- j. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.
- k. The loading bay is to be maintained and coordinated by the building manager so as to ensure there is no conflict with respect to the collection of waste or loading/unloading of goods.

34. 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.

35. Acoustic

Adopt and implement all recommendations contained in the acoustic report prepared by Renzo Tonin dated 28 June 2019 and subsequent letter of acoustic advice prepared by Acoustic Logic, dated 2 March 2020, ref: 20191375.1/0604A/R1/TH.

36. Plan of Management (POM)

The POM shall be revised to reflect the approved development. The hotel 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.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

37. Flood Planning

Prior to the issue of the Construction Certificate, the following matters shall be addressed to the satisfaction of Bayside Council's Director of City Futures (or delegate):

- a. Prior to the issue of any Construction Certificate, a flood risk management plan, prepared by a qualified practicing Civil Engineer registered with the National Engineering Register (NER), is to be provided for the development. The flood impacts on the site shall be assessed for all flood events up to and including the 1% AEP and PMF flood (storm) events. The management plan must make provision for, but not be limited to, the following:
 - i. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development, and
 - ii. Flood warning signs / depth indicators for areas that may be inundated, and
 - iii. A flood evacuation strategy in flood events up to and including the 1% AEP and PMF flood events, and
 - iv. A flood awareness strategy, and
 - v. 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, and
 - vi. 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
 - vii. Address how emergency egress from the site will be provided for in a PMF flood event, and
 - viii. A copy of flood risk management plan needs to be provided to the SES.
- b. Prior to the issue of any Construction Certificate, amended construction certificate plans ensuring that emergency egress from the site is available in all flood events up to and including the 1% AEP and PMF flood (storm) events are to be provided to the satisfaction of Bayside Council.
- c. Prior to the issue of any Construction Certificate for works above the ground floor, development consent number 2019/234 shall be modified (regarding flood storage, overland flow, turning bay width and emergency egress) and the subdivision approved via that development consent shall be registered (including registration of the covenants, i.e. positive covenant and restriction on use of land, requiring the preservation of flood storage & overland flow). The covenants shall be in favour of Bayside Council and may only be varied or extinguished with the consent of Bayside Council. Bayside Council requires proof of lodgement and registration with the land titles office. (Alternatively council may accept the registration of the required covenants i.e. restriction on use of land and positive covenant for flood storage on Lot 506 DP 1242707 instead of registering the subdivision of the site as approved in development consent number 2019/234. However an approved modification to development consent number 2019/234 to the satisfaction of Bayside Council is still required to address flood storage, overland flow, turning bay width and emergency egress).
- d. Prior to the issue of any Construction Certificate for works above the ground floor, development consent number 2019/234 shall be modified to require the registration of an easement/covenant burdening the development site (westernmost allotment i.e. the hotel development the subject of this DA) and benefitting the two easternmost allotments of land for emergency egress and evacuation during a flooding event. This condition can only be satisfied via an approved modification to development consent number 2019/234 to the satisfaction of Bayside Council.

Bayside Council's Director of City Futures (or delegate) must advise in writing that the condition has been satisfied, prior to the issue of the Construction Certificate mentioned in the above paragraphs. Proof of lodgement and registration of the required covenants benefitting Bayside Council is required prior to any Construction Certificate. This condition is required to ensure clauses 6.5 and 6.6 of the Draft Bayside LEP 2020 are satisfied.

38. Plan Changes

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

- a. The floor level of the “welcome” areas shall be revised to be at least RL 6.067m AHD, (i.e. no lower than the 1% AEP flood level).
- b. Provide detailed design for the “break-through” on Level 02 (car parking level). This is to be in the design of a fire rated door that is designed to be opened during an emergency. Its design is to ensure that a neighbouring adjacent development can utilise the door.
- c. A minimum two car parking spaces are to be converted to Electric Vehicle (EV) charging spaces.

The above changes shall be made to the satisfaction of Bayside Council prior to the issue of the relevant Construction Certificate.

39. 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.

40. Detailed Design Stormwater Management Plan

Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Accredited Certifier for assessment and approval. Design certification and drainage design calculations are to be submitted with the plans. Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines (SMTG) sets out the minimum documentation requirements for detailed design plans.

Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines. All drawings shall correspond with the approved architectural plans. The detailed design stormwater plans must incorporate, but not be limited to, the following:

- a. The On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including 1 in 100 year ARI storm and permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the “State of Nature” condition (i.e. the site is totally grassed/turfed), rather than pre-development condition, and
- b. Emergency overflow shall be provided for within the OSD design, and
- c. Stormwater Discharge from the site shall be via a connection to Bayside Council’s underground stormwater system fronting the site. The connection shall be made to a new kerb inlet pit constructed as per Bayside Council infrastructure standards (the existing pit is to be demolished and a new pit constructed as part of the development), and
- d. A minimum capacity 10000L of Rainwater Tank(s) shall be provided for the site. Only roof water shall be directed to the rainwater tank. Overflow from the rainwater tank shall be directed to the site drainage system. The rainwater tank(s) must be connected to all irrigation for landscaping and all ground floor toilets within the development, and
- e. All surface runoff in the car park and internal driveways shall be directed through a proprietary 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, and
- f. Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay’s SMTG, and
- g. The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site, and
- h. A WSUD Strategy and MUSIC model must be prepared and submitted for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney’s Water’s requirements are that the water quality improvement should meet or exceed the target as described in the “Botany Bay & Catchment Water Quality Improvement Plan” which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and
- i. Detailed calculations including computer modelling supporting the proposal.

41. Tanking and Waterproofing Subsurface Structure

Any and all subsurface structures shall be designed with a waterproof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table. All subsurface structures

are required to be designed with consideration of uplift due to water pressure and “flotation” (buoyancy) effects. Subsoil drainage around the subsurface structures must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system.

42. Geotechnical Certification

Prior to the issue of any Construction Certificate, a qualified practicing chartered professional geotechnical engineer registered with the NER must:

- a) Review the recommendations and findings in the geotechnical investigation report prepared by Douglas Partners, project 86759.00, Rev1, dated 29 June 2019 and conduct any further geotechnical testing and assessment of the development site as required,
- b) Provide recommendations to allow the satisfactory implementation of the works.
 - i. The appropriate means of excavation/shoring in light of proximity to adjacent property and structures is to be detailed,
 - ii. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated,
 - iii. Review the proposed method to temporarily and permanently support the excavation for the basement 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, and
- c) Provide a certificate from the qualified practicing chartered professional geotechnical engineer that the construction certificate plans and documentation are satisfactory from a geotechnical perspective, and
- d) 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. The report must be submitted with the application for a Construction Certificate for the relevant stage of works, and
- e) Inspect the works as they progress at frequencies determined by the geotechnical engineer, an inspection schedule is to be prepared, and
- f) Certify that the proposed development and construction methodology will not adversely impact the adjoining railway line.

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.

43. Utilising Neighbouring Properties and Public Land for Excavation Support

Prior to the issue of the Construction Certificate, if neighbouring properties or roadway are to be utilised for excavation support, the legal rights of any adjoining properties must be respected including for permanent and temporary excavation supports. In this regard, the written permission of the affected property owners must be obtained and a copy of the owner’s consent for excavation support or other material in adjacent lands must be lodged to the principal certifier.

Where excavation support materials are proposed to be used in public land, an application must be made to 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.

44. Compliance with AS2890.1 + AS2890.3 + AS2890.6 Car Parking

Prior to the release of the relevant Construction Certificate, the following points are to be submitted to and approved by the Principal Certifying Authority:

- a) Parking facilities (including parking spaces, ramps, aisles etc.) must comply in full with AS/NZS 2890.1:2004 for the applicable user class, and
- b) A minimum of 14 bicycle parking spaces are to be provided within the development and designed in accordance with AS2890.3:2015, and
- c) Pedestrian sightlines are to comply with AS2890.1 and convex mirrors and/or splays shall be provided at blind corners within, and leading to, the car parking levels to provide sight distance for vehicles, and
- d) The quantity of accessible car parking spaces shall be provided in accordance with the relevant legislation and designed as specified in Australian Standard 2890.6 and relevant legislation, and
- e) All accessible parking spaces shall be located within close proximity and easy access to the lift systems proposed for the building as per AS2890.6 and AS4299, and
- f) The design of the car parking facility is to be certified by a suitably qualified engineer experienced in traffic & parking design as being strictly in accordance with Australian Standard 2890 parking series.

45. Compliance with AS2890.2 Commercial (Service) Vehicle Parking

Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to, assessed and approved by the Principal Accredited Certifier:

- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and
- b) All service vehicles shall enter the property front in front out, and
- c) A longitudinal section plotting headroom clearance along the travel path is to be provided for assessment, and
- d) Demonstrate safe headroom clearance of 3.5m is achieved along the along the entire travel path, parking and manoeuvring areas of the Small Rigid Vehicle (SRV) within the development, and
- e) Swept path analysis shall be provided for manoeuvring of SRV commercial vehicles, depicting a forward entry and forward exit manoeuvre to/from the loading dock proposed within the development, and
- f) Sight distances throughout the development must be in accordance with Australian standards, and
- g) A 12.5m wide turning bay is required adjacent to the easternmost wall of the hotel building. It shall be designed with a suitable pavement type and shall have a depth of at least 12.5m from the front property boundary, and
- h) Swept path analysis shall be provided for manoeuvring of HRV commercial vehicles, depicting a reverse entry and forward exit manoeuvre to/from the turning bay proposed as part of the development, and
- i) Certification of the above requirements and strict compliance with AS2890.2:2018 is to be provided by a suitably qualified engineer experienced in traffic & parking design.

46. Mechanical Parking Facility System – Detailed Design

Prior to the issue of the relevant Construction Certificate, the design of the mechanical parking facility system(s) proposed must address the following criteria:

- 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 the manufacturer specifications for the proposed car lifts.
- 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.
- d) The car lift systems shall be designed to ensure that a B99 vehicle (as denoted by AS/NZS 2890.1:2004) can be accommodated within the system, including the provision of a minimum 2.3m of headroom clearance.

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

47. Sustainability

Prior to the issue of the Construction Certificate, the applicant is to demonstrate the use of the following sustainability measures within the development:

- a) Sensor controlled and zoned lighting and air conditioning.
- b) At least 2 of the proposed car parking spaces are to be converted into electric vehicle (EV) charging space stations as a matter of sustainability.
- c) Detailed design for the photovoltaic cells systems on the roof level.

The above measures shall be implemented on site prior to the issue of the Final Occupation Certificate.

48. Awnings over Public Footpath

Prior to issue of the relevant Construction Certificate, details of the approved street awning, including plans and sections, must be provided to the Principal Accredited Certifier (PCA). The awning 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.

49. 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.

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.

50. Civil Public Domain Plan

A Public Domain Frontage Design must be prepared by suitably qualified professionals for assessment and approval by Council's Public Domain Team for all frontage works that are required to be constructed within the public domain and which are subject to approval pursuant to Section 138 of the Roads Act 1993. All frontage works shall be in accordance with consent conditions, Council technical manuals, master plans, town centre plans, Australian standards and standard design drawings and specifications.

Public domain frontage works shall include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking and traffic devices. The plans prepared are to detail compliance with all external works required under this development consent and must be submitted to Council with the frontage works application for assessment.

A 'Public Domain Construction - Frontage/Civil Works Application' form must be submitted to Bayside Council's Customer Service Centre for assessment of all required works within the road reserve, upon payment of the relevant fee, prior to the issue of any Construction Certificate.

Note: Preliminary consultation with Council's Public Domain & Referrals team is recommended.

51. Construction Management Plan

Prior to the issue of any Construction Certificate, 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
- k. The location of any Construction Work Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.

I. Obtain Permits required under this consent.

52. Structural Certification for Flood Prone Land

Prior to the issue of any Construction Certificate, an engineer registered with the National Engineering Register (NER) is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy up to 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.

53. Service Diagram

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

54. Sydney Water Tap In

Prior to the issue of any Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Sydney Water's Tap in™ online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

55. Damage Deposit

Prior to the issue of any Construction Certificate, the applicant shall lodge a Builder's Damage Deposit and Performance Bond of \$47,636.30 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.

56. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

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

58. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

- i. An environmental enforcement fee of 0.25% of the cost of the works.
- ii. A Soil and Water Management Sign of \$19.00.

59. Landscape

The Final Landscape Plan shall be generally in accordance with the approved Landscape and comprise detailed landscape construction documentation (plans and specifications) to be submitted to, and approved by Principal Certifier Authority prior to the issue of the Construction Certificate. The landscape documentation shall include, but not be limited to:

- a) 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;

- b) Details of planting procedure and maintenance;
- c) Details of drainage, waterproofing and watering systems.
- d) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
- e) All planters fronting Baxter Road must have a minimum width of 900mm of soil.
- f) Level 4 planters shall include small leave screening shrubs to reach a minimum high of 1000mm, with cascading species along frontages of planters.

60. Frontage Works Application

Prior to the issue of a Construction certificate, the applicant shall submit a Frontage Works Application. Public domain landscape improvements plan shall be submitted for approval by Council. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping, irrigation, lighting. The Plan shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan. Public Domain Landscape Improvements shall comply with the following:

- 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 installed in a All newly planted street trees must 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.
- 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.
- 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.

61. Artwork on Elevations / Sculpture

Prior to the issue of any Construction Certificate, details of the sculpture at podium level and artwork proposed upon the northern and southern elevations of the development are to be submitted to Council for approval.

62. S7.11 Contributions

A Section 7.11 contribution of \$131,580.02 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.

63. 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

64. Tree Removal
Consent is granted for the removal of the two (2) Eucalyptus citriodora (Lemon Scented Gum) as per the site plan prepared by Group GSA P/L Drawing Number L_1100.

65. Wind Amelioration Measures
Wind amelioration measures detailed within Windtech report reference WE748-01F03(rev4) dated June 28, 2019 and subsequent correspondence prepared by Windtech dated 23 April 2020 and 4 June 2020 shall be adhered to and implemented on site.

66. Sustainability
Prior to the issue of the Construction Certificate, the applicant is to demonstrate the use of the following sustainability measures within the development:

- (a) Photovoltaic cells systems
- (b) Sensor controlled and zoned lighting and air conditioning
- (c) Minimum 2 EV charging Stations

The above measures shall be implemented on site prior to the issue of the Final Occupation Certificate.

67. 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 May 2020.

68. 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 1428.1-2009.

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.

69. Ausgrid
The applicant shall confer with Ausgrid to determine if;
- 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.

70. Sydney Water

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

<https://www.sydneywater.com.au/SW/plumbingbuildingdeveloping/building/sydneywatertapin/index.htm>

- b. Any building proposed to be erected over or near the existing Sydney Water pipeline is to be approved by Sydney Water. A copy of Sydney Water's approval and requirements are to be submitted to Council prior to issuing a Construction Certificate.

71. 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.

72. 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.

73. Aircraft Noise

Prior to issue of the Construction Certificate, the measures required in the acoustical assessment report prepared by Renzo Tonin dated 28 June 2019 and subsequent letter of acoustic advice prepared by Acoustic Logic, dated 2 March 2020, ref: 20191375.1/0604A/R1/TH 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.

74. 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.

75. Traffic Management Plan

Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be 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.

76. 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 the Construction Certificate. 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 AS1668.11998 & 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.
77. 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.
78. Rooms and areas designated for the storage and washing of garbage receptacles shall be designed and constructed in accordance with the following requirements;
- i. The floors and walls shall be constructed of a suitable material which is durable, smooth, resistant to corrosion, impervious to moisture and coved with a minimum radius of 25mm at the intersection of walls with floors
 - ii. The floor shall be graded and drained to a floor waste gully connected to the sewerage system and traps of the premises in accordance with all Sydney Water requirements
 - iii. Provide a hose tap connected to the water supply. Water used for cleaning garbage receptacles may be either potable or non potable water.
 - iv. The room shall be ventilated with either natural ventilation or alternatively mechanically ventilated in accordance with the requirements of Australian Standards AS 1668.
79. Prior to the issue of any Construction Certificate, 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.
80. Prior to the issue of the Construction Certificate, 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.
81. 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 the Construction Certificate.

82. 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 the Construction Certificate.
83. 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 the Construction Certificate.

PRIOR TO COMMENCEMENT OF WORKS

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

84. ARTC

- a) Prior to construction works commencing, Construction Certificate (CC) plans including details of the piling and the safe work method statements shall be submitted to ARTC for review to ensure operational and safety risks to ARTC are managed. Should construction have the potential to impact on rail operations, separate approval will be required.
- b) Prior to construction works commencing, construction certificate plans including details of crane operations are to be submitted to ARTC for review.
- c) Prior to any work commencing on the site, the boundary of the subject site is to be staked to ensure there is no encroachment into the freight rail corridor.

85. Dilapidation Report

A dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, shall be undertaken of all properties and Council infrastructure, including but not limited to all buildings, footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.

86. Video CCTV for Council Stormwater Pipe

Prior to the issue of the relevant Construction Certificate or the commencement of any works on site, 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 drainage infrastructure, adjacent to, and traversing 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.

87. Geotechnical

The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the Building

Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be carried out and submitted to the certifying authority prior to commencement of works, and is to include:

- a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks / stabilisation works and any excavations, and
- b) Dilapidation Reports, and
- c) On-site guidance by a vibration specialist during the early part of excavation, and
- d) Measures to minimise vibration damage and loss of support to other buildings and neighbouring properties.

Sides of the excavation are to be piers prior to any excavation occurring, to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

88. 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.

89. Erosion and Sediment Control Measures

Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

90. Excavation adjacent to already constructed building.

If an 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.

91. 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.
92. 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.

93. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
94. 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.
95. 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.
96. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request. Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction. 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.
97. Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.
98. The demolisher shall lodge with Council, and at least forty-eight (48) hours prior to the commencement of work:-
 - 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.
99. Prior to the commencement of works, the applicant must inform Council, in writing, of:
- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - b) The name and permit number of the owner-builder who intends to do the work;
 - c) The Council also must be informed if: -
 - i. A contract is entered into for the work to be done by a different licensee; or
 - ii. Arrangements for the doing of the work are otherwise changed.
100. 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,
 - 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.
101. Building plans must be lodged at a Sydney Water Quick Agent for approval prior to commencement of works.
102. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
103. 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.
104. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
105. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
- i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or

ii) where the erection of gates or fences has restricted access to metering equipment.

106. 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.
107. All management measures recommended and contained within the Erosion and Sediment Control Plan (ESCP) submitted as part of the construction certificate shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times and made available to council officers on request.
108. 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 DEMOLITION / EXCAVATION / CONSTRUCTION

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

109. 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.

110. 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.

111. 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.

112. 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 Council.

113. Erosion Controls - Access to Site and Transportation of Materials

During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.

Implementation of Traffic Management Plan and Construction Management Plan

During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

114. Vibration Monitoring

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

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

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

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

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

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

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

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

115. Temporary Dewatering Permit - Water Quality Requirements

To ensure that relevant engineering and water quality provisions are met during the period of any 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.

116. 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.

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

118. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:

- i. after excavation for, and before the placement of, any footing, and
- ii. prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- iii. prior to covering any stormwater drainage connections, and
- iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.

119. 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.

When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:

- preserve and protect the building from damage and
- underpin and support the building in an approved manner, if necessary and
- give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.

Note: The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition allotment of land includes a public road and any other public place. Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.

120. When soil conditions require it:

- i. 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
- ii. adequate provision shall be made for drainage.

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

- A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
- A 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.

122. 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.

123. 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.

124. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.

125. 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 must be displayed throughout construction. A copy of the sign is available from Council.

126. 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.

127. 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

128. 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.

129. 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 – Proposed Hotel Development, 40-54 Baxter Road, Mascot', by Douglas Partners dated (Report: 86759.02, R.002.Rev0) May 2020.

130. 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.

131. 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.

132. 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.

133. 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.

134. 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

135. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building
136. 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.
137. 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.
138. Construction of Public Domain Works
Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works, at no cost or expense to Bayside Council:
- a) On Baxter Road, adjacent to development, remove redundant driveway crossovers and provide required tree planting and public domain improvements as specified by Bayside Council in accordance with Council's Landscape Architect, Masterplans and Infrastructure Specifications, and
 - b) On Baxter Road, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Bayside Council Infrastructure Specifications, and
 - c) On Baxter Road, adjacent to development, demolish any existing footpath and construct new paved footpath (full width) as per Bayside Council's Infrastructure, Landscape Architect and Precinct Public Domain Specifications, and
 - d) 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, and
 - e) On Baxter Road, adjacent to development, construct new kerb drains (e.g. ACO drains) and associated pits and pipes, connecting to existing stormwater infrastructure in Baxter Road to Bayside Council infrastructure specifications, and
 - f) On Baxter Road, adjacent to development, construct new underground supplied lighting poles to provide suitable street lighting to the frontages of the site, so as to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and Bayside Council requirements, and
 - g) On Baxter Road, adjacent to development, a flooding benchmark-depth indicator and flood sign plaques shall be erected to prominent locations within the flood affected area in the road reserve in such a way that it cannot be removed. The flood sign shall contain the wording "This precinct is subject to flooding in heavy storms. Keep clear of the area when flooding occurs".
 - h) The proposed pedestrian crossing and indented kerb alignments shown on the approved ground floor plans require approval from the Bayside Local traffic Committee and Bayside Council endorsement prior to these works being permitted to be constructed within the road reserve. If approved, the works will be subject to a further approval pursuant to Section 138 of the roads act as part of the development.
 - i) The proposed seating within the road reserve fronting the site (as shown on the ground floor plans) is not approved as part of this development application.

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

139. Public Domain

The public footpaths on Baxter Road shall be constructed in accordance with the approved Public Domain Plan and Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications. Hold points and Council inspections are required after formwork setback and to prior pouring the concrete blinding slab, at the commencement of paving works and at final completion as a minimum. Pavers shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).

140. Vehicular Crossing

Prior to the completion of the building works and issue of the Occupation Certificate, two new full width vehicular entries are to be constructed to service the property, one is to be provided to service the building entry (8m wide vehicular entry) and one is to be provided to service the coach turning bay adjacent to the hotel building (12.5m wide vehicular entry). All obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. The driveways are to be constructed to Bayside Council Satisfaction.

141. Turning Bay

Prior to the issue of any Occupation Certificate, the 12.5m wide turning bay shall be constructed adjacent to the easternmost wall of the hotel building to the satisfaction of the Principal Certifying Authority.

142. Regulatory Signage Approval

Prior to the issue of any Occupation Certificate, the required changes to the regulatory signage fronting the site to enable pick up and drop off are to be approved by the Bayside Local Traffic Committee and endorsed by Bayside Council. 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.

143. 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.

144. 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.

145. Rainwater Tank - Plumbing Certification

Prior to the issue of any Occupation Certificate, 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.

146. Geotechnical Certification

Prior to the issue of any Occupation Certificate, 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.

147. EV Certification

Prior to the issue of any Occupation Certificate, the electric vehicle (EV) charging systems (two parking spaces minimum), 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.

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

Prior to the issue of any Occupation Certificate, 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.

149. 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.

150. 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".

151. Stormwater Drainage System - Engineering Certification

Prior to the issue of any Occupation Certificate, a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Botany Bay DCP Part 10 Stormwater Management Technical Guidelines. The certificate shall include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.

152. Positive Covenant(s) Register

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

- a) Positive Covenant and Restriction on Use of Land for On-Site Detention System.
- b) Positive Covenant and Restriction on Use of Land for Stormwater Quality Improvement Device.
- c) Positive Covenant and Restriction on Use of Land for Mechanical Car lift.
- d) Positive Covenant and Restriction on Use of Land for Preservation of Flood Storage and overland flow path.

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.

153. Workplace Travel Plan

Prior to the issue of the Occupation Certificate, a Workplace "Green" Travel Plan shall be developed and submitted to Council for assessment and approval in order to encourage staff to make good use of public transport, cycling, walking and car sharing for commuting work related journeys and reduce car based travel demand by staff. The Workplace Travel Plan shall be generally in accordance with NSW Premier's Council for Active Living's "Workplace Travel Plan Guidelines - Final Report (April 2010)". The plan shall include, but not be limited to, the following:

- a) Encourage staff to cycle and/or walk to the workplace;
- b) Encourage staff to use public transport to travel to workplace by providing financial incentive or shuttle bus services;
- c) Adopt car sharing and /or car pool scheme;
- d) Provide priority parking for staff with car pool;
- e) Provide bike storage area and end-of-trip facilities in the convenient locations;
- f) Include clear and time bound targets, actions, measurements and monitoring framework;

- 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 travel plan and TAGs must be prominently displayed within the staff communal areas within the development.

154. Loading Dock Management Plan

A detailed Loading Dock Plan of Management shall be prepared and submitted to Council for assessment and approval prior to the issue of any Occupation Certificate for the development. At minimum the following matters shall be detailed.

- i. Site Location
- ii. Outline the maximum size vehicle that can be used to enter the loading bay as per conditions of this consent, denoted by AS2890.2 and describe its dimensions
- iii. Proposed Servicing Arrangement
- iv. Hours of Operation
- v. Daily Servicing Schedule
- vi. General Requirements
- vii. Induction
- viii. Loading Dock Manager Responsibilities
- ix. Drivers Responsibilities
- x. Complaints Management System
- xi. Monitoring
- xii. Methods to avoid congestion of service vehicles and manage multiple users of the loading areas
- xiii. General mitigation measures to prevent amenity impacts to neighbouring properties
- xiv. Waste collection
- xv. Forward entry and exit requirement
- xvi. Safety requirements
- xvii. Flood risk management

A copy of the approved loading dock plan of management is to be kept on site at all times.

Note: All loading and unloading is to occur within the loading / unloading bays on the site. The loading / unloading bays shall operate in accordance with the Plan of Management as required by this consent.

155. Porte-Cochere Management Plan

Prior to the issue of an Occupation Certificate, 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 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 is to be kept on site at all times and shall be implemented for the lifetime of the development.

156. Mechanical/Electronic Parking Systems – Operations and Installation Certification

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

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.
- d. Provide signage that shall be erected prominently at the entrance to the car lift stipulating the maximum height/width/length/weight of vehicle that can enter the facility.

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, a Civil Engineer registered with the National Engineering Register (NER) experienced in traffic & parking design is to certify the installation of the Mechanical/Electronic

Parking Systems within the completed development. This certification is to include testing and inspections of the system in operation.

157. 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.

158. Video CCTV for Council Stormwater Pipe after Construction

Prior to the issue of the Final Occupation Certificate, a qualified practitioner shall undertake a closed circuit television (CCTV) inspection, and then report on the post construction condition of Bayside Council drainage infrastructure, adjacent to, and traversing 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 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.

159. Contributed Assets Management – Major Development

On completion of the development construction and prior to the issue of the Occupation Certificate, a report(s) shall be submitted to Bayside Council in accordance with Bayside Council's Contributed Asset Procedure. Work-As-Executed (WAE) plans and design certification shall be submitted to the satisfaction of Bayside Council. WAE plans shall be prepared by a registered surveyor and shall indicate the as-constructed pit and conduit sizes and conduit invert RL's at each pit. Below is an example of the required details resulting from the construction of new Council infrastructure assets within the road reserve that shall be submitted to Bayside Council:

- Pit/line code as per the work-as-executed plan.
- Pit type and lintel size.
- Pipe Size (mm) & Length (m).
- Total value of asset \$.
- Description — e.g. type, RCP, RRJ, box culvert, open channel, etc.
- Construction date — month and year.
- Built by (contractor's name).
- Street name where applicable.
- Grate RL/Top of Pit RL (AHD).
- Invert RL (AHD).

160. Street Tree Maintenance Bond

The applicant is to submit payment of a Street Tree Maintenance Bond of \$12,000.00. The duration of the Bond shall be limited to a period of 12 months after planting of the new street trees and a satisfactory inspection from Council. At the completion of the Bond period the Bond shall be refunded pending an inspection of the trees by Council. If a tree is found to be dead, pruned or dying and will not recover Council will forfeit all or part of the bond to replace or maintain the tree/s, unless the Applicant undertakes this work under instruction from Council.

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

The applicant is to note that the bond specified under this condition must be remitted to Council, either in the form of monies held in trust, or as a certified banker's guarantee, together with a sum of \$618.00 (cash or cheque) for disbursements associated with the preparation of the agreement, prior to the issue of an Occupation Certificate by the Principal Certifying Authority.

161. 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.
162. 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.
163. 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.

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. Further, Council will use this report to determine whether or not to refund the Footpath Damage Deposit.

164. Landscaping

Prior to issue of any Occupation Certificate, the following must be complied with:

- a) All landscape works are to be carried out in accordance with the approved CC landscape plans for the approved development. The landscaping is to be maintained to the approved standard at all times.
- b) A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifier) stating that the landscape works have been carried out in accordance with the approved plans and documentation.

165. Landscape Maintenance Schedule

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:

- a) A 12 month 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);
- b) Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
- c) Details of safety procedures;
- d) Laminated copies of 'As Built' drawings;
- e) Manufacturer's contact details and copies of manufacturers' typical details and specification;
- f) Copies of warranties and guarantees relating to all materials and plant used in construction.

166. 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.

167. 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.

168. Section 73 Certificate - Sydney Water

Prior to the issue of the Final Occupation Certificate, 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

169. Lot Registration

The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with the NSW Land Registry Services, prior to the issue of any Occupation Certificate.

170. Trading 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.

171. The Principal Certifying Authority shall not issue an Occupation Certificate until a detailed acoustic assessment/report of all mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air conditioners which meet the NSW EPA 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 ref; TK82901F02 dated 28 June 2019 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.

172. 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 ref; TK82901F02 dated 28 June 2019 and accompanying acoustic correspondence prepared by Acoustic Logic dated 02/03/20 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).

173. Prior to the occupation or use of the premises, 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.
174. 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
175. Plan of Management
The Plan of Management prepared by PBD Architects dated May 2019 shall be revised to reflect the approved development. Revisions include but are not limited to modifications in relation to maximum number & size of hotel rooms, recommendations of Acoustic & Wind Reports, deletion of shuttle bus service reference, staffing numbers and roster etc. A copy of the Plan of Management shall be submitted to and approved by the Director City Futures, Bayside Council, prior to the issue of the Occupation Certificate.
176. The underground placement of all low voltage street mains in that section of 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. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
177. 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.
178. 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.
179. 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.
180. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
181. Mechanical ventilation and air conditioning systems shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate.

EXTERNAL AUTHORITIES

182. Australian Rail Track Corporation (ARTC)

Works subject of this consent shall be at no cost to the ARTC.

a) Noise and Vibration

The following LAeq levels are not to be exceeded within the completed development:

- in any bedroom in the building : 35dB(A) at any time 10prn-lam
- anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time.

b) Cranes / Aerial Operations

If any cranes, concrete pumping or other equipment needs to enter rail corridor or its airspace, the process will need to be strictly managed and must not occur without written approval from ARTC.

c) Safe Access for Maintenance

Future maintenance of the development shall be undertaken safely and within the subject site, including cleaning, painting and building repairs. Any rail corridor access will be subject to an agreement with ARTC.

d) Stormwater Management

The drainage system for the development shall direct water away from the rail corridor.

e) Derailment / Collision Protection

The development is within 20 m of the rail corridor, the relevant provisions of the BCA and Australian Standards shall be adhered to.

183. Transport for NSW

- a) All vehicles shall enter and exit the site in a forward direction.
- b) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking restrictions may be required to maintain the required sight distances at the driveway.
- c) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- d) The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.
- e) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a Construction Certificate.
- f) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding classified roads during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

184. Sydney Airport Corporation Limited (SACL)

SACL has approved the maximum height of the proposed building at 49.53m relative to Australian Height Datum (AHD). This height 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.

185. NSW Police

- a) CCTV to be installed and operational at entry / exit points covering all persons entering and exiting building. CCTV should cover car park, frontage of the development and isolated areas on site.
- b) Adequate lighting to be used throughout carpark and surrounding areas of building to create visibility at night and to reduce opportunity for hidden areas.
- c) Clear signage throughout car park and external premise, covering the following subjects. 'CCTV surveillance in use at all times', 'Lock your vehicle and take valuables' and 'Trespassers will be prosecuted'.
- d) All shrubs to be no higher than 1 metre, so visibility and clear sight lines can be maintained into the carpark and premises.

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:
- a. Work Health and Safety Act 2011
 - b. Work Health and Safety Regulation 2011
 - c. Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
 - d. Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
 - e. 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:
- a. choosing quiet equipment
 - b. choosing alternatives to noisy activities
 - c. relocating noise sources away from affected neighbours
 - d. educating staff and contractors about quiet work practices
 - e. informing neighbours of potentially noise activities in advance
 - f. 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.