

The development has been approved pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* and subject to the following conditions:

GENERAL CONDITIONS

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Architectural Plans				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
DA00.01	D	Site Plan	Rothelowman	27/11/2024
DA00.03	C	Demolition Plan	Rothelowman	20/09/2024
DA01.00	C	Basement 1	Rothelowman	20/09/2024
DA01.01	C	Ground Floor	Rothelowman	27/11/2024
DA01.02	E	Level 1	Rothelowman	13/12/2024
DA01.03	C	Level 2	Rothelowman	20/09/2024
DA01.04	C	Level 3	Rothelowman	20/09/2024
DA01.05	C	Level 4	Rothelowman	20/09/2024
DA01.06	C	Level 5	Rothelowman	20/09/2024
DA01.07	C	Level 6	Rothelowman	20/09/2024
DA01.08	C	Level 7	Rothelowman	20/09/2024
DA01.09	C	Level 8	Rothelowman	20/09/2024
DA01.10	C	Level 9	Rothelowman	20/09/2024
DA01.11	C	Roof	Rothelowman	20/09/2024
DA02.01	C	South & East Elevation	Rothelowman	27/11/2024
DA02.02	C	North & West Elevation	Rothelowman	27/11/2024
DA03.01	C	Sections 1 - 3	Rothelowman	20/09/2024
DA05.02	A	Materials Palette	Rothelowman	27/11/2024

Approved Landscape Plans				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
000	D	Site Plan 1:200	Site Image	29/11/2024
101	D	Landscape Plan (Render) - Ground Floor 1:100	Site Image	29/11/2024

101	D	Landscape Plan - Ground Floor 1:100	Site Image	29/11/2024
401	D	Landscape Planting Plan - Ground Floor 1:100	Site Image	29/11/2024
501	D	Landscape specification notes & Plant schedule	Site Image	29/11/2024
502	D	Landscape details	Site Image	29/11/2024

Approved Documents			
Document Title	Version	Prepared By	Date of Document
Remediation Action Plan	Rev 1	EI Australia	28 October 2024
Sustainability Report	-	NDY	20 September 2024
Acoustic Report	-	Pulse White Noise Acoustics Pty Ltd 4	17 September 2024
Access Report	-	Design Confidence	November 2023
Traffic Report	-	TTPP transport planning	13 September 2024
Risk Management Plan	-	TekCivil	20 September 2024

In the event of any inconsistency with the approved plan and a condition of this consent, conditions prevail.

REASON

To ensure all parties are aware of the approved plans and supporting documentation that apply to the development.

2. Construction Certificate Required

A Construction Certificate must be obtained from Council or a Principal Certifier prior to any building work commencing. Building work is defined under the *EPA Act Part 6*.

REASON

To ensure that a Construction Certificate is obtained at the appropriate time.

3. Compliance with the Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the BCA.

REASON

EP&A Regulation Clause 69(1).

4. Certification of External Wall 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 Principal Certifier must:

- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems 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 process include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

REASON

To ensure development complies with the NCC and fire safety requirements.

5. Amendments Require Modification Application

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.

REASON

To avoid changes that may result in adverse impacts without proper assessment.

6. Substation

Nil substation is approved or permitted upon the subject site. The development shall rely upon the substation approved on the adjoining site at 131-137 Baxter Road Mascot, as approved by Ausgrid, case number AN-24389. Relevant easements shall be obtained and registered prior to the issue of any Occupation Certificate.

REASON

To ensure availability of energy as required to the development.

7. Intensification of Activities

No intensification of activities shall occur on the premises without prior consent from Council.

REASON

To avoid changes that may result in adverse impacts without proper assessment.

8. Enclosure of Structures

Car spaces within the development shall not be enclosed at any future time without prior development consent.

REASON

To avoid changes that may result in adverse impacts without proper assessment.

9. Earthworks Not Shown on Plans

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.

REASON

To avoid changes that may result in adverse impacts without proper assessment.

10. Approved Materials and Finishes

The finishes, materials and colours scheme approved under condition 1 and any other relevant condition(s) of this consent must not be altered or amended at the construction certificate stage without a separate Section 4.55 approval.

REASON

To ensure that the development is finished in accordance with the approved plans and documentation.

11. Signage

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

REASON

To ensure appropriate signage design onsite.

12. Ongoing Use Mechanical Parking Facility

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

REASON

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

13. Parking Allocation

Parking spaces and associated facilities shall be provided and allocated in accordance with the below table and the approved plans.

Use	Number of Spaces Allocated
Hotel Car Parking	19 spaces
Hotel Loading Bay	1 SRV
Hotel Motorcycle Parking	2 spaces
Hotel Bicycle Parking	3 spaces

The above allocation must be adhered and complied with at all times.

REASON

To ensure that car parking is provided and allocated in accordance with the approved plans and documentation.

14. Carrying out of works wholly within the Site

All approved works shall be carried out inside the confines of the site boundary and not in adjacent forecourts, yards, access ways, car parking areas, or on Council's footpath.

REASON

To avoid encroachment of the development beyond the site boundaries.

15. Design Architect Involvement

- a) In order to ensure the design excellence of the development is retained:
 - i) A Registered Architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project, and
 - ii) A Registered Architect is to be consulted during the signage design process and must certify the proposed signage is suitable by being compatible with the character and design of the building, and
 - iii) 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, and
 - iv) Evidence of the Design Architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- b) The Design Architect of the project is not to be changed without prior notice and approval of the Council.

REASON

To ensure design quality is achieved in accordance with the approved plans and documentation.

16. Separate Application Required for Specific Use

Separate approval shall be obtained for the specific use/uses of ground floor commercial tenancies as depicted on approved plans. Additional conditions may be applicable.

Note: Parking and loading provisions in a mixed use development may preclude certain uses.

REASON

To ensure that a proper assessment and approvals are undertaken for future uses.

REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER AUTHORITIES**17. General Terms of Approval**

The development shall be carried out in accordance with the requirements of the General Terms of Approval (GTA) outlined below.

Approval Body	Date of GTA
SACL	19 September 2024
Ausgrid	-
NSW Police	2 February 2024
Sydney Water	10 January 2024

A copy of the requirements of the approval Authority is attached to this consent.

REASON

To ensure compliance with General Terms of Approval provided by external authorities.

18. Ausgrid

The following is imposed by Ausgrid and must be complied with:

Ausgrid Overhead Powerlines are in the vicinity of the development.

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase. Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site. The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost. Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries. For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: <https://www.ausgrid.com.au/Connections/Get-connected>

REASON

To ensure the requirements of Ausgrid are adhered to.

19. Sydney Airport Corporation Limited (SACL)

The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated 19/09/2024 and must be complied with:

The approved height of 42.9m AHD 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.

REASON

To ensure compliance with requirements of Sydney Airports Corporation Limited.

20. Sydney Water

The following conditions are imposed by Sydney Water in their letter dated 10 January 2024 and must be complied with:

Prior to the issue of an Occupation/Subdivision Certificate:

Section 73 Compliance Certificate

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Prior to the issue of a Construction Certificate/Complying Development Certificate:

Building Plan Approval

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re- approval. Please go to Sydney Water Tap in® to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting

Certain tree species placed in proximity to Sydney Water’s underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney

Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

1. Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
2. Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
3. Install water-monitoring devices on your meter to identify water usage patterns and leaks.
4. Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

REASON

To ensure the requirements of Sydney Water are adhered to.

21. NSW Police

The following are imposed by NSW Police in their letter dated 2 February 2024 and must be complied with:

- i. High quality CCTV cameras to be installed and positioned strategically throughout the premises (both internal and external). Particular attention to entry and exit points as well as any blind spots. Common areas should have sufficient CCTV as well as any stair wells and lifts.
- ii. Each level of the premises should have CCTV covering it sufficiently. CCTV to cover any bicycle parking spaces.
- iii. CCTV is to cover the footpath on Baxter Street.
- iv. Lighting should be installed/upgraded and positioned strategically throughout the premises and adjoining Baxter Street. Lighting should create visibility at night. Any lighting near CCTV cameras should be installed in such a way where it complements the recording ability as opposed to hindering image/video quality.
- v. CCTV management plan to be implemented with protocols to allow police prompt access in case of an incident.
- vi. CCTV to be retained for no less than one month.
- vii. CCTV hardware/equipment (Except cameras) should be kept out of sight and stored in a secure area (Locked office etc.) A code/password should be used to secure access to the CCTV system. Staff should be trained on how to use and operate the CCTV system.
- viii. Height markers could be installed at entry exit points for any commercial/retail premises.
- ix. Security systems/alarms to be installed for commercial premises (Including duress/panic alarms).
- x. Consider impact resistant window and door glass for any individual commercial/retail premises. This is to make it difficult for offenders to break into/cause malicious damage.
- xi. Make sure staff and contractors are aware of emergency evacuation procedures and evacuation assembly points. It should be emphasised that personal security is the responsibility of the individual.
- xii. Any Comms, electrical, meters cupboard/s etc. for the premises are to be always secured. Only staff or qualified personnel are to have access to these locations.
- xiii. Limit any potential climbing points an offender may use to try and gain access.
- xiv. Any pipes/gutters/external protrusions are to be installed as far away from balconies/windows as possible. This is to make it harder for offenders to get access to balconies/windows should they try and use these as climbing points.
- xv. Address number to be clearly displayed at the front of the complex. This is to be visible at night and should be easily seen from the street.

- Any hedges and greenery need to be maintained regularly and should not block or grow over the address number.
- xvi. Mailbox area to be internal of the building and to be covered by CCTV.
 - xvii. Additional landscaping items and or furniture should be fixed to the ground or be of such weight it makes it difficult to be moved by an individual.
 - xviii. Signage such as 24/7 CCTV, trespassers will be prosecuted, do not leave valuables inside your car etc. to be implemented and placed strategically around the premises. Bicycle storage should be in a secure area with bicycle racks/strong fixed points for owners to secure their bicycles effectively.
 - xix. Conditions of entry to be displayed at the entrance to the premises.
 - xx. Consider alarm systems for the premises. As well as one way glazing for sensitive areas such as office space windows/doors.
 - xxi. Conduct regular white level inspections of the entire premises. This is where staff look for anything that is out of place or anything that poses a risk. If relevant, address the issue yourself or contact police if something serious is identified. (Suspicious packages, broken doors, and windows etc.)
 - xxii. In the event of a criminal incident on the premises, there is an expectation by police that staff co-operate in any investigation. This includes prompt supply of evidence such as CCTV as well as legal statements.
 - xxiii. Repair and or address maintenance issues promptly, i.e faulty locks/CCTV not working etc.
 - xxiv. Consider using graffiti resistant materials for external surfaces. Remove any graffiti as soon as possible.
 - xxv. After hours emergency contact number to be displayed at the front entrance and or provided to police.
 - xxvi. Emergency contact numbers/addresses to be displayed in key areas for staff in any retail/office spaces.
 - xxvii. Take all reasonable steps to continually identify any issues and implement effective crime preventative measures.

REASON

To ensure the requirements of NSW Police are adhered to.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions must be completed prior to the issue of the Construction Certificate:

22. Design Amendments

Before the issue of the relevant construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

a) Car Parking / Stacker

Level 1 architectural plans shall be amended to provide a total of 19 car parking spaces for the hotel with the following arrangement:

- i. Spaces 1, 2 & 3 are to be a car stacker shuffle system containing 5 car spaces and a void space so that each space can be independently accessed (i.e. vehicles are shuffled around by utilising the void space).
- ii. Spaces 4, 5 & 6 are to be a car stacker shuffle system containing 5 car spaces and a void space so that each space can be independently accessed (i.e. vehicles are shuffled around by utilising the void space).
- iii. Spaces 7 & 8 are to be a car stacker shuffle system containing 3 car spaces and a void space so that each space can be independently accessed (i.e. vehicles are shuffled around by utilising the void space).
- iv. Spaces 9 – 14 are to be standard car parking spaces (including 1 accessible and 2 tandem). The tandem spaces are only for use by the hotel staff.

Amended Architectural plans shall be accompanied by a traffic statement and certification prepared by a qualified engineer which includes manufacturer specifications.

b) Solar Panels

Specifications of solar panels at rooftop level shall be incorporated onto construction certificate plans. Nil structures shall exceed a maximum height of 42.9m AHD.

c) External Building Appearance

- i) Conceal all drainage pipes within floor slabs and walls so that they do not appear in the exterior of the building, including balconies and driveway entrances.
- ii) Finish the internal entrance area of the car park that is visible from the public domain in a manner that is consistent with the overall façade design.
- iii) Screen any hot water system / unit in the balconies from view from the public domain.

d) Acoustic Amelioration

The recommendations of the Acoustic Report, prepared by Pulse White Noise Acoustics Pty Ltd dated 17 September 2024 shall be illustrated upon construction certificate drawings and implemented on site.

e) Landscaping

Landscape plans shall be revised as required by conditions of this consent and to ensure consistency with approved architectural plans.

f) Hydrant Boosters

Prior to the issue of any Construction Certificate, the Certifying Authority is to ensure any fire hydrants are visually screened from the public domain in accordance with Australian Standard 2419.1.

REASON

To require amendment to the plans endorsed by the consent following assessment of the development to mitigate the impacts of the development.

23. Appointment of Site Auditor

Written evidence of the appointment of a NSW Environment Protection Authority (EPA) Accredited Site Auditor must be provided to Council prior to the issue of the relevant Construction Certificate.

The Site Auditor will need to review and endorse any additional investigation and remediation proposed prior to the commencement of any demolition, excavation, or remediation works at the site. A Site Audit Statement (SAS) will be required prior to the issue of any Occupation Certificate to ensure the necessary assessment and remediation is completed.

REASON

To ensure remediation of land is in accordance with legislative requirements and that the site is suitable for the proposed use.

24. DPE – Payment of fees and security deposits

Before the commencement of the relevant works on the site or the issue of a Construction Certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Soil and Water Management Sign Fee	\$25.50
Section 7.11 Contributions	\$43,643.08
Builders Damage Deposit (Security Deposit)	\$20,370.00

Note: The amount payable must be in accordance with Council's fees and charges at the payment date.

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

REASON

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

25. DPE – Payment of Security Deposits

Before the issue of the relevant Construction Certificate, the Applicant must:

- (a) make payment of \$20,370.00 for a security deposit to the consent authority, and
- (b) if a Principal Certifier is required to be appointed for the development provide the Principal Certifier with written evidence of the payment and the amount paid.

REASON

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

26. DPE – Payment of Fees

Before any site work commences, the following must be paid to Council and written evidence of these payments provided to the Principal Certifier.

- (a) Inspection fees as specified in Council's fees and charges at the payment date.

REASON

To ensure fees are paid for inspections carried out by Council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to Council property.

27. Long Service Levy

Before the issue of the relevant Construction Certificate, the long service levy of \$115,533.33 as calculated at the date of this consent, must be paid to the Long Service Corporation or Council under the *Building and Construction Industry Long Service Payments Act 1986*, section 34, and evidence of payment is to be provided to the PRINCIPAL CERTIFIER.

REASON

To ensure the long service levy is paid.

28. Payment of Section 7.11 Contributions

- (a) Before the issue of the first occupation certificate in respect of any building to which this consent relates, a section 7.11 contribution calculated in accordance with subclause (3) must be paid, except as provided by subclause (2).
- (b) If no construction certificate in respect of the erection of any building to which the consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.
- (c) The applicant must pay the following contributions to Council for:
 - (i) Former City of Botany Bay Section 7.11 Contributions Plan 2016 – Amendment

Community Facilities	\$3,893.63
Recreation and Open Space	\$31,392.88
Transport Facilities	\$8,005.24
Administration	\$351.33
Total in 2024/25	\$43,643.08

The total contribution payable to Council under this condition is \$ \$43,643.08 as calculated at the date of this consent.

The total amount payable may be adjusted at the time the payment is made.

REASON

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development

29. DPE – Housing and Productivity Contribution

Before the issue of any construction certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and Productivity Contribution	Amount
Housing and Productivity Contribution (base component)	\$131,106.93
Transport Project Component	\$0
Total Housing and Productivity Contribution	\$131,106.93

The HPC must be paid using the NSW Planning Portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024 (HPC Order)*.

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may also be reduced under the HPC Order, including if payment is made before 1 July 2025.

REASON

To require contributions towards the provision of regional infrastructure.

30. Design Excellence

To ensure design excellence is achieved, as required by Cl6.10 of Bayside Local Environmental Plan 2021 prior to the issue of the relevant 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, and

- ii) Columns within front setback to the Princes Highway if required, and
 - iii) Balustrading, and
 - iv) Louvres, and
 - v) Glazing, and
 - vi) Window edge treatments, and
 - vii) Paving/surface in front setback areas, and
 - viii) Driveway, and
 - ix) Footpaths, and
 - x) Signage, and
 - xi) Retaining wall details.
- 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 Bayside Council (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.

REASON

To retain the design integrity of the development and ensure design excellence is delivered.

31. HRV Coach Porte-Cochere on neighbouring land

Prior to the issue of the relevant Construction Certificate, a right of carriageway and right of footway easement shall be registered on the neighbouring site of 133-137 Baxter Road & 118 Robey Street MASCOT NSW 2020 (also known as 210 O'Riordan Street Mascot) (PT 1 DP 1190559) over the extent of the porte-cochere approved in development consent number DA-2021/450.

The easement shall cover the entire extent of the porte-cochere, coach parking and driveway extending from Baxter Road to Robey Street. The easement extents shall also connect to the ground level western pedestrian entry to the hotel lounge proposed in this development. The extent of the easement is to be approved by the Bayside Council Director of City Futures (or delegate).

The easements shall be covered by an 88B instrument, which shall only be varied or extinguished with the consent of Bayside Council. Bayside Council requires proof of lodgement of the signed Subdivision Certificate and 88B Instrument with the NSW Land Registry Services. Evidence of the registered easements shall be submitted to the Principal Certifier.

Prior to the issue of any Construction Certificate, if this development consent is

acted upon before the neighbouring development (DA-2021/450) is constructed with an Occupation Certificate then, this development will need to construct a temporary porte-cochere on the neighbouring land.

Detailed civil engineering designs of the paved temporary porte-cochere with driveways to Baxter Road and Robey Street for the neighbouring site of 133-137 Baxter Road & 118 Robey Street MASCOT NSW 2020 (also known as 210 O’Riordan Street Mascot) (PT 1 DP 1190559) shall be approved by the Bayside Council Director of City futures (or delegate).

Landowners consent from the owners of 133-137 Baxter Road & 118 Robey Street MASCOT NSW 2020 (also known as 210 O’Riordan Street Mascot) (PT 1 DP 1190559) shall be obtained providing consent to undertake all required works on that parcel of land.

REASON

This development has been approved on the basis that a porte-cochere for HRV coaches is provided via the approved hotel development on the neighbouring site (development consent number DA-2021/450). To ensure legal access to that porte-cochere for this development, suitable easements shall be registered on the neighbouring land

32. Modification of Development Consent number DA-2021/450

This consent requires the modification of development consent DA-2021/450 approved on 15 September 2022 for ‘*Integrated Development - Demolition of existing structures and construction of a twelve (12) storey hotel comprising of parking, signage and specialised retail on the ground floor and associated restaurant and bar.*’

A modification is to be submitted to and approved by the Consent Authority prior to the issue of the relevant construction certificate for the development.

Required modifications shall be set out in a notice of modification of development consent DA-2021/450; and be lodged with the consent authority, in compliance with the requirements of section 67 of the Environmental Planning and Assessment Regulation 2021 (“the EP&A Regulation”), in the terms prescribed by any condition of this consent that sets out a required modification to DA-2021/450.

Development consent number DA-2021/450 is required to be modified particularly to amend the design of the ground level of development consent DA-2021/450 to remove the one-way driveway connection connecting that site to this site and replace it with a pedestrian access footpath connected with the ground level access pathway to the hotel lounge approved in this development consent. This is to ensure both hotels appropriately connect to the shared porte-cochere.

REASON

To ensure that the development approved by this Development Consent, is consistent with Development Consent DA-2021/450.

33. Waste Storage Room

A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Waste Management Technical Specification 2022.

- a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- c) Hot and cold water being provided in the room or adjacent to the storage room
- d) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

REASON

To ensure provision of adequate waste storage arrangements and the ability to clean and maintain the bins and the storage area.

34. Separate Waste Bins for General & Recycling Waste

Separate waste bins are to be provided on site for recyclable waste.

REASON

To provide for the appropriate collection/recycling of waste from the property whilst minimising the impact of the development upon adjoining residents.

35. Construction Site Management Plan

Before the issue of the relevant Construction Certificate, a construction site management plan must be prepared, provided and approved by the PRINCIPAL CERTIFIER. The plan must include the following matters.

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including:
 - i) Proposed truck movements to and from the site;
 - ii) Estimated frequency of truck movements; and
 - iii) Measures to ensure pedestrian safety near the site;
- e) Details of any bulk earthworks to be carried out;
- f) The location of site storage areas and sheds;
- g) The equipment used to carry out all works;
- h) The location of a garbage container with a tight-fitting lid;

- i) Dust, noise and vibration control measures;
- j) The location of temporary toilets;
- k) The protective measures for the preservation of trees in adjoining public areas including measures in accordance with:
 - i) AS 4970 - Protection of trees on development sites;
 - ii) An applicable Development Control Plan;
 - iii) An arborist's report approved as part of this consent.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

REASON

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

36. Encroachment of Structures not Permitted

No part of any structure, including gutters and eaves and front fences (including footings), may encroach or overhang any property boundary and/or public footway. Details are to be provided on the relevant Construction Certificate plans.

REASON

To ensure all development is contained wholly within the site and minimise impacts on surrounding land.

37. Clear Public Accessways

Before issue of the relevant construction certificate, construction plans must demonstrate that access doors to enclosures for building services and facilities, such as hydrant and sprinkler booster assemblies or the like, except fire stair doors, will not open over the footway or roadway.

REASON

To ensure doors used to house building services and facilities do not obstruct pedestrians and vehicles.

38. Sydney Water Tap-in

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

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

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

REASON

To ensure compliance with Sydney Water requirements.

39. Safer by Design Requirements

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 Certifier prior to the issue of the relevant Construction Certificate, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:

- (a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas, and
- (b) 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, and
- (c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners, and
- (d) Graffiti resistant materials shall be used to ground level external surfaces, and
- (e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development, and
- (f) Front windows of all ground floor tenancies must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from tenancies, and
- (g) The ceiling of the basement car park shall be finished in light colour in order to maximise visibility.

REASON

To ensure compliance with the Crime Prevention Through Environmental Design (CPTED) principles.

40. Car Parking Details

Before the issue of the relevant Construction Certificate, written evidence prepared by a suitably qualified Engineer must be obtained that demonstrates, to the Certifier satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 *Parking Facilities – Off-Street Carparking* and Council's relevant development control plan (in force as at the date of the determination of this consent).

REASON

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

41. Accessibility for Commercial Premises

The design and fit out of commercial areas must be in accordance with the current version of Australian Standard 1428.1 and the relevant Council Development Control Plan.

Note: Compliance with the relevant Council Development Control Plan and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Commonwealth Disability (Access to Premises – Buildings) Standards 2010 (the Premises Standard).

It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

REASON

To ensure that adverse impacts from wind are minimised in accordance with specified performance measures

42. Mechanical Plant and Equipment Design

Details demonstrating compliance with the following requirements are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the relevant Construction Certificate:

- a) Any exhaust from the car park, food premises and hotel rooms and offices shall be ventilated to the roof and away from the property boundaries, and in accordance with the provisions of *AS1668.1 - The use of ventilation and air-conditioning in buildings - Fire and smoke control in multi-compartment buildings* and *AS1668.2 - The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings*, and
- b) All mechanical plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the site where it is not visible from the public domain or adjoining properties. Any plant and equipment located on the roof must be located as shown in the approved plans and must be appropriately screened, and
- c) All plumbing stacks, vent pipes, stormwater downpipes and the like shall be kept within the building and suitably concealed from view. This condition does not apply to the venting to atmosphere of the stack above roof level.

REASON

To minimise amenity impacts resulting from the operation of mechanical plant and equipment including compliance with relevant standards.

43. Air Handling and Water Cooling Systems

All air handling evaporative cooling, hot water, humidifying warm water and water cooling systems shall be designed, installed and maintained in accordance with the requirements of the *Public Health Act 1991*, *Public Health (Microbial Control) Regulation 2003*, *Public Health Act 2010*, *Public Health Regulation 2012* and (AS3666 -2002) AS3666 - 2012 Air handling and water systems in buildings. All waste water from the cooling tower / humidifier / warm water system shall be discharged to the sewer under a Trade Waste Agreement from Sydney Water

Corporation. Details shall be submitted to the Principal Certifier prior to issue of the relevant Construction Certificate.

REASON

To protect the environment, comply with relevant standards and minimise amenity impacts resulting from site operations.

44. Mechanical Plant

The Principal Certifying Authority shall not issue the relevant Construction Certificate until a detailed acoustic assessment /report of all mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners which meet the NSW EPA Noise Policy for Industry – 2017 and Protection Of Environment Operations Act 1997 as specified in acoustic report prepared by “PWNA” – Prepared by Pulse White Noise Acoustics Pty Ltd - 125-131 Baxter Road, Mascot – DA Acoustic Assessment R4 – Boston Atlas Hotels Pty Ltd – Report Number: 210550 – Dated 17 September 2024 Version Amended for RFI, has been carried out.

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

- the name and qualifications or experience of the person(s) preparing the report.
- the project description, including proposed or approved hours of operation.
- relevant guideline or policy that has been applied.
- 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
- details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details)
- a site map showing noise sources, measurement locations and potential noise receivers.
- noise criteria applied to the project.
- noise predictions for the proposed activity
- a comparison of noise predictions against noise criteria
- a discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures
- 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.

REASON

To minimise amenity impacts resulting from the operation of mechanical plant and equipment including compliance with relevant standards.

45. Odour Emission Control

There are to be no emissions or discharges from the premises which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations. Emission control equipment shall be provided in the mechanical exhaust system serving the appliances, to effectively minimise the emission of odours, vapours and oils.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the relevant Construction Certificate.

REASON

To protect the environment, comply with relevant standards and minimise amenity impacts resulting from site operations.

46. Food Premises

The proposed development must be designed, constructed and operated in compliance with the following legislation and/or requirements, with details demonstrating compliance submitted to the Principal Certifier prior to issue of the relevant Construction Certificate:

- a) Food Act 2003, and
- b) Food Regulation 2015, and
- c) Australian Standard AS 4674-2004: Construction and fit out of food premises, and
- d) Australia and New Zealand Food Standards Code, and
- e) Standard 3.2.3 – Food Premises and Equipment.

REASON

To ensure compliance with relevant standards and legislation.

47. Food Premises – Fit-Out Requirements

Details of the construction and fit out of food premises must be submitted to the Principal Certifier prior to issue of the relevant Construction Certificate. The plans and specifications must demonstrate compliance with:

- a) 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;

- b) 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, poly vinyl 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;
- c) The intersection of walls and plinths with floors in the kitchen, food preparation, storage and display areas shall be coved with a minimal 25mm radius;
- d) The floors within the kitchen, food preparation, storage and display areas shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, 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;
- e) Plinths shall be of solid construction, at least 75mm 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 25mm;
- f) 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 4674-2004, 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 dust-proof;
- g) All food premises shall have natural or artificial lighting in accordance with the requirements of the Building Code of Australia. Where artificial lighting is provided to a food premises the lighting levels shall comply with the requirements of AS1680 and AS/NZS 1680.2.4;
- 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) 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;
- j) There shall be no surfaces constructed which permit the accumulation of dirt, dust or grease or the harbourage of pests;
- k) 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 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe or conduit and the adjacent horizontal surface, and
- l) 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;
- m) All shelving being provided for the storage of food, equipment and containers shall have the lowest shelf at least 150mm above the floor level;
- n) Where toilets are provided on food premises, toilet cubicles shall be separated from areas where open food is handled, displayed or stored by an intervening ventilated spaced fitted with self-closing doors or provided with self-closing doors and a mechanical exhaust system that operate when the sanitary compartment is in use and for at least 30 seconds after the cubicle is vacated;
- o) Toilets intended for public and/or customer use shall not be accessed through areas where open food is handled, displayed or stored (other than customer dining areas or similar);
- p) All surfaces of counters, bars, food display units, window display, self –service displays and bain-maries shall be smooth, durable, impervious and free from crack. Crevices and cavities. The underside shall have an impervious finish. Window displays for wet foods shall be coved at all intersections and installed in accordance with AS/NZS 3500.2.2 – 2003;
- q) Cupboards and cabinets shall be constructed on materials with a smooth, washable, impervious surface. No backing board shall be provided to cupboards which abut the wall, although the wall shall be finished with a smooth washable surface;
- r) 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 degree Celsius (1oC) and be visible from the outside of such units;
- s) Equipment shall be moveable for cleaning, built into walls with the enclosure completely vermin proofed, butted against walls or other equipment and the joints sealed. Where equipment cannot be moved easily, clearance space shall be provided so that the area around the equipment and below can be cleaned. Where equipment is constructed on legs, brackets or framework, there shall be a space between the floor and the underside of the fitting which is a minimum of 150mm;
- t) A commercial kitchen shall be provided with a kitchen exhaust hood in compliance with Australian Standard AS1668 Parts 1 and 2 where any cooking apparatus having a total maximum electrical output exceeding 8 kW, or a total gas power input exceeding 29 MJ/h; or a total maximum power input to more than one apparatus exceeds 0.05 kW electrical power; or 1.8 MJ of gas for each square metre of the floor area of the room or enclosure;

- u) 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;
- v) Facilities for the storage of clothing and belongings shall be a change room, lockers or cupboards in a change room or enclosed cupboards dedicated for the storage of personal belongings and located outside of the food preparation, food processing, food storage and utensil washing areas;
- w) Cleaning chemicals, cleaning equipment, pest control chemicals and equipment shall be located in a room designated for that use and enclosed in cupboards dedicated for that use which is located away from food preparation storage and display areas and not able to contaminate personal effects and clothing;
- x) Where premises are enclosed, windows shall be protected against the entry of pests by being tight-fitting and permanently fixed closed, or fitted with mesh screens which can be removed for cleaning or protected by a permanent mesh screen which can be cleaned in place. Entry/exits, serving hatches and similar openings to food premises shall be protected against the entry of pests by tight-fitting solid self-closing doors, roller shutters or other means of closing off the entrance or tight fitting self-closing mesh screen doors;
- y) A floor waste fitted with a basket arrestor shall be located outside the cool room adjacent to the door;
- z) Condensation from the refrigeration units and cool room motors shall be directed to a tundish installed in accordance with the requirements of Sydney Water Corporation;
- aa) The surrounds of the cool room shall be either open for cleaning and inspection or enclosed so that a vermin proof enclosure is formed;
- bb) All equipment shall be supported on wheels, castors or legs;
- cc) Hot and cold food display and/or holding appliances shall be designed and capable of holding cold perishable foods at or below 5oC; and hot perishable foods at or above 60oC when the appliances are operating at full capacity;
- dd) 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;
- ee) 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 45oC in one bowl for washing purposes; and 80oC in the other bowl for sanitising purposes if hot water sanitising occurs at the sink;
- ff) 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;

- gg) 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;
- hh) Hand wash basins shall be located (kitchen, toilet and front display area) 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;
- ii) 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 and comply with AS 2945;
- jj) 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 micro-organisms 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;
- kk) Grease arrestors shall not be located in areas where food, equipment or packaging material are handled or stored. Access to grease arrestors for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored;
- ll) 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, and
 - 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, and
 - iii) Provide a hose tap connected to the water supply. Water used for cleaning garbage receptacles may be either potable or non- potable water.

mm) The room shall be ventilated with either natural ventilation or alternatively mechanically ventilated in accordance with the requirements of Australian Standards AS 1668.

REASON

To ensure compliance with relevant standards.

48. Glazing Reflectivity

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 the relevant Construction Certificate for the relevant stage of works.

REASON

To ensure that adverse reflectivity impacts are minimised.

49. External Lighting

All proposed external 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.

REASON

To ensure that adverse impacts from lighting are minimised in accordance with relevant standards.

50. Services in Garbage Room

Hot and cold water supply shall be provided to the garbage room. Services or utility systems shall not be located within the garbage room. Details demonstrating compliance shall be provided to the satisfaction of the Principal Certifier, prior to the issue of the relevant Construction Certificate.

REASON

To ensure the proper storage and management of waste and minimise adverse impacts to human health.

51. Aircraft Noise – Compliance with submitted Report

Prior to issue of the relevant Construction Certificate, the measures required in the acoustical assessment report by Pulse White Noise Acoustics Pty Ltd - 125-131 Baxter Road, Mascot – DA Acoustic Assessment R4 – Boston Atlas Hotels Pty Ltd – Report Number: 210550 – Dated 17 September 2024 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.

REASON

To minimise adverse amenity impacts to residents within the building.

52. Rail Noise

The development must be constructed to ensure compliance with the recommendations of the acoustic report by Pulse White Noise Acoustics Pty Ltd - 125-131 Baxter Road, Mascot – DA Acoustic Assessment R4 – Boston Atlas Hotels Pty Ltd – Report Number: 210550 – Dated 17 September 2024 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 Construction Certificate plans submitted to the Principal Certifier prior to the release of the relevant Construction Certificate.

REASON

To minimise adverse amenity impacts to residents within the building.

53. Utilities and Services

Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided to the PRINCIPAL CERTIFIER.

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

REASON

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

54. Provision of Detailed Plans for Construction Certificate Application

Before the issue of the relevant Construction Certificate, detailed plans must be prepared by a suitably qualified person and provided to the Certifier for approval that are consistent with the plans and documentation approved under this consent.

Detailed plans must also show the following:

- 1. Car parking facilities
- 2. Acoustic Report
- 3. Disability Access Plan
- 4. Pedestrian access

REASON

To ensure that detailed Construction Certificate plans are consistent with the approved plans and supporting documentation.

55. Erosion and Sediment Control Plan

Before the issue of the relevant Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the PRINCIPAL CERTIFIER:

- a) Council's relevant Development Control Plan,
- b) the guidelines set out in the NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

REASON

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

56. Dilapidation Report

Before any site work commences, a Dilapidation Report must be prepared by a suitably qualified Engineer detailing the structural condition of adjoining buildings specifically 108 Robey Street Mascot, 113-121 Baxter Road Mascot, structures or works and public land, to the satisfaction of the Principal Certifier.

Where access has not been granted to any adjoining properties to prepare the Dilapidation Report, the Report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

REASON

To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the Dilapidation Report.

57. Waste Management Plan Requirements

Before the issue of the relevant Construction Certificate, a Waste Management Plan for the development must be prepared and provided the PRINCIPAL CERTIFIER. The plan must be prepared as follows:

- a) in accordance with:
 - i) the Environmental Protection Authority's Waste Classification Guidelines as in force from time to time, and
 - ii) a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and
- b) include the following information:
 - i) the contact details of the person removing the waste,
 - ii) an estimate of the type and quantity of waste,
 - iii) whether waste is expected to be reused, recycled or sent to landfill,
 - iv) the address of the disposal location for waste.

A copy of the Waste Management Plan must be kept on-site at all times while work approved under the development consent is being carried out.

REASON

To ensure resource recovery is promoted and local amenity protected during construction.

58. Waste Data Maintained

During both the demolition and construction phases a waste data file is to be maintained, recording building/demolition contractors' details as well as waste disposal receipts/dockets for any waste from the site produced during these stages.

REASON

To manage waste in accordance with Council's Waste Management Technical Specifications.

59. Retaining Walls Over 600mm

Retaining walls over 600mm in height shall be designed and specified by a structural engineer registered with the National Engineering Register (NER).

REASON

To ensure the structural adequacy of new retaining walls.

60. Detailed Landscape Plan

Prior the issue of Construction Certificate, amended landscape plans must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council.

REASON

To ensure compliance with landscape requirements from relevant policies.

61. Landscape Frontage Work Application

Prior to the issue of any Construction Certificate, the applicant must submit a Frontage Works Application (Public Domain Construction – Frontage / Civil Works Application) to Bayside Council. Prior to the commencement of public domain works, a public domain landscape improvements plan shall be submitted to Bayside Council for assessment and approval. The plans shall be undertaken by a suitably experienced Landscape Architect and shall include, but not be limited to, new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping and irrigation. The landscape plan must indicate locations of lighting poles, underground services, stormwater infrastructure etc. The design shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.

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

REASON

To ensure compliance with landscape requirements from relevant policies.

62. 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 Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Bayside Technical Specification Stormwater Management 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 Bayside Technical Specification Stormwater Management.

The detailed drainage design plans shall incorporate the provisions generally made in the stormwater concept plans prepared by TEK CIVIL, project/job number 20031, dated 29.09.24, issue 02 along with the revisions/requirements detailed below:

- a) The stormwater ground floor plan to show the pipe sizes, pit surface and invert levels and the grading of the landscape area.
- b) A OSD lid plan to be submitted for the OSD; showing the distance from pit centre to centre. The grates spacing of the access grates to be a maximum of 6m from centre of pits to pit.
- c) A pit schedule to be provided showing the pits fitted with ocean guards, surface level and invert level.
- d) Details of the rainwater tank to be provided including the rainwater tank top water level. The top water level of the rainwater tank is to be a minimum 100mm higher than the OSD top water level.
- e) The WSUD weir is to be a minimum 100mm lower than the rainwater tank top water level.
- f) The OSD top water level to be a minimum 100mm lower than the rainwater tank top water level.
- g) The OSD is to be revised as per the standard drawing 'SK009' of Bayside Technical Specification Stormwater Management to have only the OSD top water level and weir to be designed to the 1% AEP top water level.
- h) An oil baffle is to be designed in the WSUD chamber. Details to be provided.
- i) A OSD base plan is to be provided for the OSD, showing all base levels and minimum 1% fall towards the outlet pipe. The dimensions of the internal walls to be shown of the OSD including the weir levels.
- j) The drainage extension in Baxter Road is to be revised to be a minimum 375mm diameter RCP stormwater pipe (or approved equivalent box culvert) with sufficient cover provided. The location of the proposed kerb inlet pit adjacent to the driveway is to be shifted west so that a suitable splay can be provided for the driveway crossing to facilitate the swept paths of an SRV vehicle. The detailed design of the drainage extension in Baxter Road is to be approved by the Bayside Council Director of City Futures (or delegate).

REASON

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

63. Detailed Roof Drainage

Prior to the issue of the relevant Construction Certificate, a detailed roof drainage plan to be prepared by a qualified hydraulic engineer designed in accordance with AS/NZS 3500.3 and to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans.

REASON

To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.

64. Detailed Parking Facility Design Requirements and Certification

Prior to the issue of the relevant Construction Certificate, the construction certificate plans and supporting documentation shall demonstrate compliance with the following:

- a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:
 - i. The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and
 - ii. All vehicles are to enter and exit the site in a forward direction, and
 - iii. The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6 and
 - iv. Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1, and
 - v. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and
 - vi. A minimum of 3 bicycle parking spaces, 19 car parking spaces and 2 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively, and
 - vii. The operational management plan for the hotel must detail that the tandem car parking spaces are only for the use of the hotel staff and labelled as "staff parking" on the plans.
- b) Compliance with AS2890.2 Commercial (Service) Vehicle Parking:
 - i. Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the SRV from AS2890.2:2018. Commercial vehicles greater in size and mass than the SRV are not permitted to enter the loading dock in the building *NOTE: An MRV is not permitted to access the loading dock given the constraints of the existing road fronting the site, the largest size vehicle accessing the loading dock shall be restricted to an SRV, and*

- ii. Access for coach/bus vehicles (HRV as per AS2890.2:2018) is permitted via the porte-cochere located in the land to the west of the hotel, and
- iii. The design of the parking facility (including driveways/access ramps/vehicular crossings etc.) shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and
- iv. All service vehicles shall enter the property front in front out, and
- v. Swept path analysis shall be provided for manoeuvring of SRV commercial vehicles, depicting a forward entry and forward exit manoeuvre to/from the site via the loading dock(s) proposed within the development, and
- vi. A longitudinal section plotting headroom clearance along the travel path of the service vehicle(s) is to be provided. It must be demonstrated that a safe headroom clearance of at least 3.5m is achieved along the entire travel path, parking and manoeuvring areas of the SRV within the development, and
- vii. All waste collection must be undertaken on-site, no bins/waste are permitted to be presented to the street for collection.

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

REASON

To ensure compliance with the relevant Australian Standard.

65. Mechanical Parking Facility System – Detailed Design

Prior to the issue of the relevant Construction Certificate, the design of the mechanical parking facility systems proposed (car lift/car stackers/turntable) 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 manufacturer specifications for the mechanical parking facility system(s) required within the development. A detailed design certificate from an experienced/practicing and qualified manufacture designer/installer that confirms that the mechanical parking facility system(s) are functional, workable, fit for purpose and are designed in accordance with the relevant Australian standards shall be provided;
- c) Provide operational details/management plan of the entire facility, demonstrating safe and functional access for all users, including details of safety protection systems for users and non-users; and
- d) The turntable is to be designed to accommodate an SRV vehicle as per AS/NZS2890.2 2018.
- e) The car lift system and car stacker system are to be designed to accommodate a B99 vehicle as per AS/NZS2890.1:2004.
- f) The car stacker system shall be as per the below:

- i. Three separate car stacker shuffle systems are to be provided in spaces numbered 1 to 8 on Level 1. A total of 13 car spaces are to be provided in the car stacker shuffle systems (that can all be independently accessed) so that a total of 19 car spaces are provided on level 1.

The designs must be certified by a qualified engineer (experienced in traffic and parking) as being satisfactory from a traffic and parking perspective.

REASON

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

66. Geotechnical Certification

Prior to the issue of any Construction Certificate, a Geotechnical Engineer must:

- a) Conduct a thorough geotechnical investigation of the site in line with geotechnical industry standards.
- b) Provide detailed recommendations to allow the satisfactory implementation of the works.
- c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure.
- d) Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective.
- e) Inspect the works as they progress at frequencies determined by the geotechnical engineer (where necessary).

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

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

REASON

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

67. Frontage Works Application

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

Prior to the commencement of the public domain works, a Public Domain Frontage Design package must be prepared by suitably qualified professionals for all frontage

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

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

REASON

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

68. DPE - Equal Access to Premises

Before the issue of the relevant Construction Certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the Certifier.

REASON

To ensure safe and easy access to the premises for people with a disability.

69. Sustainability

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

- a) Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the coverage of available non-trafficable space on the rooftop. A storage battery is to be provided where possible. This solar power shall be utilised in communal areas and other suitable areas to reduce the developments demand for electricity from the grid.
- b) Sensor controlled and zoned internal lighting within the building's car park and common areas.
- c) Electric hot water and electric appliances are to be utilised instead of gas.
- d) Use of admixtures in concrete to minimise cement and reduce embodied carbon.

- e) Separate circuiting for temporary power to minimal stair and corridor lighting.
- f) Use of LEDs and other low energy flicker free lighting resources.
- g) Provision of Electric Vehicle (EV) charging car parking spaces. At least 4 car parking spaces must be designed to be equipped with EV charging facilities. The EV charging systems shall be provided as 'Level 2' charging infrastructure with a power range of 7kW-22kW or greater, as defined by NSW Electric and Hybrid Vehicle Plan Future Transport 2056.

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

REASON

To maximise the sustainability of the development.

BEFORE BUILDING WORK COMMENCES (including demolition and excavation)

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

70. Tree Protection

Prior to commencement of any work on site, in order to ensure that street trees along the frontage of the site to Baxter Road are protected during demolition and construction, and the health and structural stability ensured, a Tree Protection Zones (TPZs) shall be established as follows:

- a. In accordance with AS4970-2009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the drip-line. The fence panels must be securely mounted and braced to prevent movement. The area within the fencing must be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken, and
- b. Protective fences at least 1.5 metres high erected, at the greater of the drip lines from the trunks, around each tree or group of trees which is/are to be retained. The protective fences shall consist of para-webbing or chain wire mesh mounted on star pickets or similar metal posts, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction, and
- c. Fencing shall be erected to ensure that the public footway is unobstructed. If there is insufficient space to erect fencing, wrap the trunk with hessian or carpet underlay to a height of 2.5m or to the trees first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails), and
- d. The applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced tree protection zones. Council approval is required prior to commencement of any works.

If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without

permission, then Council may claim all or part of the lodged security bond prior to its release as well as require remedial pruning work.

Council will invoice the Applicant for costs associated with remedial pruning work or tree replacement. For trees on private property, the Applicant will be required to undertake tree maintenance/replacement work, as specified by Council.

The above listed requirements and tree protection measures must be complied with at all times until completion of all building and hard landscape construction.

REASON

To minimise adverse impacts on trees, protect local canopy through tree retention and replacement and ensure best practice is implemented.

71. Acid Sulfate Soils

Prior to any excavation works an acid sulfate soil (ASS) assessment shall be undertaken to determine the presence and extent of any ASS at the site.

Should any potential acid sulfate soil (PASS) or actual acid sulfate soil (AASS) be identified then the an Acid Sulfate Soils Management Plan shall be prepared which shall include any site specific procedures and mitigation measures required and a site analysis from a NATA registered laboratory. All recommendations of the report shall be implemented prior to the commencement of excavation and building works.

REASON

To protect the natural and built environment.

72. Soil Stockpile Area

A sufficient area shall be provided onsite to enable separate stockpiling and treatment of excavated materials for sampling and analysis prior to removal or reuse on site. Details of this area shall be provided in the Erosion and Sediment Control Plan (ESCP) prior to commencement of works.

This plan shall incorporate and reference the construction environmental management plan (CEMP) and address site limitations.

REASON

To minimise adverse impacts on surrounding properties and the environment.

73. Erosion and Sediment Controls in Place

Before any site work commences, the Principal Certifier must be satisfied the erosion and sediment controls in the Erosion and Sediment Control Plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the *NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate'* (the Blue Book) (as amended from time to time).

REASON

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

74. Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside work hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

REASON

Prescribed condition EP&A Regulation, Section 70 (2) and (3).

75. DPE – Notice regarding dilapidation report

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

REASON

To advise neighbours and Council of any dilapidation report.

76. Demolition Management Plan

Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.

The demolition management plan must be prepared in accordance with *Australian Standard 2601 – the Demolition of Structures*, the *Code of Practice – Demolition Work*, Rockdale Development Control Plan 2011 and must include the following matters:

- a) The proposed demolition methods.
- b) The materials for and location of protective fencing and any hoardings to the perimeter of the site.
- c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones.
- d) Details of construction traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with *AS 1742.3 Traffic Control for Works on Roads* and parking of vehicles.

- e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with *AS 4970-2009 Protection of Trees on Development Sites*).
- f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways.
- g) Dust, noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent.
- h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines.
- i) Details of any bulk earthworks to be carried out.
- j) Details of re-use and disposal of demolition waste material in accordance with Bayside Development Control Plan 2021.
- k) Location of any reusable demolition waste materials to be stored on-site (pending future use).
- l) Location and type of temporary toilets on-site.
- m) A garbage container with a tight-fitting lid.

REASON

To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.

77. Disconnection of Services before Demolition Work

Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

REASON

To protect life, infrastructure and services.

78. Notice of Commencement for Demolition

At least one week before demolition work commences, written notice must be provided to Council and the occupiers of neighbouring premises of the work commencing. The notice must include:

- a) Name;
- b) Address;
- c) Contact telephone number;
- d) Licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor;
- e) The contact telephone number of Council; and
- f) The contact telephone number of SafeWork NSW (PH 4921 2900).

REASON

To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

79. 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 damaged is occasioned to any adjoining building or such that there is any removal of support to supported land, the professional engineer, Principal Contractor and any Sub-Contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

REASON

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

80. Dilapidation Report - Public Domain - Pre-Construction

Prior to the commencement of any work, a professional engineer specialising in civil, structural, or geotechnical engineering shall prepare a Dilapidation Report detailing the current condition of Bayside Council's infrastructure adjoining, and within 50m of, the development site. This includes the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices,

signs, retaining walls, driveways, and road pavement) and any other adjacent Bayside Council properties.

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

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

REASON

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

81. Dilapidation Report – Private Land

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all adjoining premises, a photographic survey, and including buildings, foundations, and structures likely to be affected by the excavation as determined by the consulting engineer. This shall include, but not be limited to, the following properties:

- a) 133-137 Baxter Road & 118 Robey Street MASCOT NSW 2020 (also known as 210 O'Riordan Street Mascot) (PT 1 DP 1190559)
- b) 108 Robey Street MASCOT NSW 2020 (Lot 8 DP 884008)
- c) 113-121 Baxter Road MASCOT NSW 2020 (Lot 620 DP 1031958)

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

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

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

REASON

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

82. Utility Services Adjustments

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

REASON

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

83. Hazardous Material Survey before Demolition

Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to Council at least one week before demolition commences.

Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.

The report must include at least the following information:

- a) The location of all hazardous material throughout the site.
- b) A description of the hazardous material.
- c) The form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust.
- d) An estimation of the quantity of each hazardous material by volume, number, surface area or weight.
- e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials.
- f) Identification of the disposal sites to which the hazardous materials will be taken.

REASON

To require a plan for safely managing hazardous materials.

84. Site Preparation

Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are completed:

- a) Protective fencing and any hoardings to the perimeter on the site.
- b) Access to and from the site.
- c) Construction traffic management measures.
- d) Protective measures for on-site tree preservation and trees in adjoining public domain.
- e) On-site temporary toilets.
- f) A garbage container with a tight-fitting lid.

REASON

To protect workers, the public and the environment.

85. Asbestos Removal Signage

Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

REASON

To alert the public to any danger arising from the removal of asbestos.

86. Handling of Asbestos during Demolition

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and of any asbestos material;
- b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool Waste Locate.

REASON

To ensure that the removal of asbestos is undertaken safely and professionally.

DURING BUILDING WORKS (including Demolition, Excavation and Construction)

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

87. Approved Plans Kept on Site

A copy of the Construction Certificate, the Development Consent and the approved and current stamped Construction Certificate plans and specifications must be kept on the site at all times and be available to Council officers upon request.

REASON

To ensure relevant information is available on site.

88. Noise during Construction

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 Environmental Protection Authority's Interim Construction Noise Guidelines and the *Protection of the Environment Operations Act 1997*.

b) Level Restrictions

Any building works being carried out must ensure that any noise caused by demolition, vegetation removal or construction does not exceed the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the Protection of the Environment Operations Act 1997.

c) Out of hours work

For any activity that is required to be undertaken outside normal construction hours due to public safety, traffic related reasons, or significant concrete pour, a separate Out of Hours Works Permit is required prior to commencement of any out of hours works being undertaken.

An Out of Hours Application must be submitted for each separate event to Council a minimum of one month prior to the planned activity being undertaken.

d) Silencing

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

REASON

To protect the amenity of the neighbourhood.

89. Hours of Work

Site work must only be carried out between the following times.

For building work, demolition or vegetation removal from 7:00am to 5:00pm on Monday to Saturday. No works to be carried out on Sunday and public holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a Police Officer of a public authority.

REASON

To protect the amenity of the surrounding area.

90. Deliveries

While site work is being carried out, deliveries of material and equipment must only be carried out between 7:00am to 5:00pm on Monday to Saturday. No deliveries to be carried out on Sunday and public holidays.

REASON

To protect the amenity of neighbouring properties.

91. Procedure for Critical Stage Inspections

While building work is being carried out, the work must not continue after each critical stage inspection unless the Principal Certifier is satisfied the work may proceed in accordance with this consent and the relevant Construction Certificate.

REASON

To require approval to proceed with building work following each critical stage inspection.

92. Implementation of the Site Management Plans

While site work is being carried out:

- a) the measures required by the Construction Site Management Plan and the Erosion and Sediment Control Plan (plans) must be implemented at all times, and
- b) a copy of these plans must be kept on site at all times and made available to Council officers upon request.

REASON

To ensure site management measures are implemented during the carrying out of site work.

93. Site Management – Principal Certifier Inspections

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

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

REASON

To protect public safety and water quality around building sites.

94. Surveys by a Registered Surveyor

While building work is being carried out, the positions of the following must be measured and marked by a registered Surveyor and provided to the Principal Certifier:

- a) All footings / foundations in relation to the site boundaries and any registered and proposed easements.
- b) At other stages of construction – any marks that are required by the Principal Certifier.

REASON

To ensure buildings are sited and positioned in the approved location.

95. Noise and Vibration

While site work is being carried out, noise generated from the site must be controlled in accordance with the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the Protection of the Environment Operations Act 1997. .

REASON

To protect the amenity of the neighbourhood during construction.

96. Noise and Vibration Requirements

While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the site.

REASON

To protect the amenity of the neighbourhood during construction.

97. Responsibility for changes to Public Infrastructure

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

REASON

To ensure payment of approved changes to public infrastructure.

98. Shoring and Adequacy of Adjoining Property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense –

- a) Protect and support the building, structure or work from possible damage from the excavation, and
- b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

REASON

Prescribed condition – EP&A Regulation, Section 74.

99. Implementation of Soil and Water Management Plan

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

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

REASON

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

100. Toilet Facilities

- a) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site, and
- b) Each toilet must:
 - i) Be a standard flushing toilet connected to a public sewer, or
 - ii) Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - iii) Be a temporary chemical closet approved under the *Local Government Act 1993*.

REASON

To ensure compliance with the Local Government Act 1993.

101. Construction Activities – Minimise Pollution

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

- a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and
- b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and
- c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and
- d) Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and
- e) Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition, stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and
- f) Windblown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - i) spraying water in dry windy weather, and
 - ii) cover stockpiles, and
 - iii) fabric fences.

- g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and
- h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and
- i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and
- j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and
- k) An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

REASON

To protect neighbourhood amenity and the quality of the waterways.

102. Site Fencing and Hoarding

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

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

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

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

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

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

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

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

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

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

REASON

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

103. Demolition Requirements During Works

Demolition is to be carried out in the accordance with the following:

- a) The *approved* Safe Work Method Statement required by this consent, and
- b) Demolition is to be carried out in accordance with *Australian Standard 2601:2001: Demolition of structures*, *Work Health & Safety Act 2011 (NSW)*, *Work Health & Safety Regulation 2011 (NSW)* and the requirements of the NSW WorkCover Authority, and
- c) Vibration monitors must be placed at the footings of the nearest residential and/or *commercial* property(s) boundaries prior to any demolition commencing; and
- d) *Hazardous* or intractable wastes arising from the demolition process must be removed *and* disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority, and
- e) Dust *control* - dust emission must be minimised for the full height of the building. Compressed air must not be used to blow dust from the building site, and
- f) Demolition *procedures* must maximise the reuse and recycling of demolished *materials* in order to reduce the environmental impacts of waste disposal, and
- g) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The *footpaths and* roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by

Council against the demolisher and/or owner for failure to comply with this condition, and

- h) All *vehicles* leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, *roads*, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site, and
- i) The burning of any demolished material on site is not permitted and offenders will be *prosecuted*. The demolition by induced collapse and the use of explosives is not permitted, and
- j) Care must be taken during demolition to ensure that existing services on the site (ie, *sewer*, electricity, gas, phone) are not damaged. Any damage caused to existing *services* must be repaired by the relevant authority at the Applicant's expense. *Dial Before You Dig* website: www.1100.com.au should be contacted prior to works commencing, and
- k) Suitable erosion and sediment control measures in accordance with the Soil and Water *Management* Plan must be erected prior to the commencement of demolition works and must be maintained at all times, and
- l) Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with WorkCover NSW requirements. *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operation (Waste) Regulation* and 'Waste Classification Guidelines 2014' prepared by the NSW Office of Environment and Heritage. Following completion, an Asbestos Clearance Certificate is to be provided to Council following the final asbestos clearance inspection.

REASON

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

104. Protection of Council's Property

During demolition, excavation and construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation, and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Bayside Council.

REASON

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

105. Vibration During Demolition Works

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

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

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

REASON

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

106. Approval and Permits under Roads Act and Local Government Act for Works Activities on Public Land

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

- Road, Footpath and Road Related Area Closure – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the Applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
- Stand and Operate Registered Vehicle or Plant – To occupy any part of the road, footpath or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
- Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the Applicant to place unregistered items within the roadway including waste containers and skip bins.
- Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone.
- Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
- Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the Applicant

to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.

- Tower Crane – To swing or hoist over and across Council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
- Public Land Access – To access through or occupy Council land. This permit is required by Applicants in order to access over or occupy Council land.
- Temporary Dewatering – To pump out groundwater from the site and discharge into Council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.
- Road Opening Application - Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the *Roads Act*.

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

REASON

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

107. Waste Management

While site work is being carried out:

- a) all waste management must be undertaken in accordance with the Waste Management Plan, and
- b) upon disposal of waste, records of the disposal must be compiled and provided to PRINCIPAL CERTIFIER, detailing the following:
 - i) The contact details of the person(s) who removed the waste.
 - ii) The waste carrier vehicle registration.
 - iii) The date and time of waste collection.
 - iv) A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill.
 - v) The address of the disposal location(s) where the waste was taken.

- vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the Principal Certifier and Council.

REASON

To require records to be provided, during site work, documenting the lawful disposal of waste.

108. Waste Disposal Verification Statement

On completion of demolition work:

- a) A signed statement must be submitted to Council verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent,
And
- b) If the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to Council within 14 days of completion of the demolition work.

REASON

To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

109. Additional information – Contamination – Cease work addition (with SAS auditor)

Any new information that comes to light during demolition, excavation, or remediation which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council, the appointed Accredited Site Auditor (Contaminated Land), and the accredited certifier immediately. All work on site must cease until the Council is notified in writing 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 Site Auditor (Contaminated Land).

REASON

To ensure remediation of land is in accordance with legislative requirements and that the site is suitable for the proposed use.

110. Acid Sulfate Soil (ASS) Management – Specific Plan

The management of potential and actual ASS must be conducted in accordance with all recommendations within the 'Acid Sulfate Soil Management Plan' (ASSMP), reference E26564.E14_Rev1, by EI Australia, dated 29 October 2024.

REASON

To protect human health and the environment in accordance with legislative requirements.

111. Soil Management

While site work is being carried out, the PRINCIPAL CERTIFIER must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a) All excavation material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the PRINCIPAL CERTIFIER.
- b) All fill material imported to the site must be:
 - i) *Virgin* Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*, or
 - ii) a *material* identified as being subject to a resource recovery exemption by the NSW EPA, or
 - iii) a combination of *Virgin* Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA.

REASON

To ensure soil removal from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

112. Asbestos

Any material containing asbestos found on site during the demolition process 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; and
- d. NSW EPA Waste Classification Guidelines 2014.

REASON

To protect human health and the environment in accordance with legislative requirements.

113. 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.

REASON

To protect human health and the environment in accordance with legislative requirements.

114. Temporary Dewatering Permit - Water Quality Requirements

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

The water quality must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.

All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report.

Reports shall be provided to Council prior to discharge of any groundwater to the stormwater system.

REASON

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

115. 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:

- NSW Environment Protection Authority (EPA) approved guidelines; and
- Protection of the Environment Operations Act 1997; and
- 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.

REASON

To protect human health and the environment in accordance with legislative requirements.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions must be complied with prior to issue of the Occupation Certificate:

116. Occupation Certificate

The Occupation Certificate must be obtained prior to any use or occupation of the building/development or part thereof. The Principal Certifier must ensure that all works are completed in accordance with this consent, including all conditions.

REASON

To ensure that an Occupation Certificate is obtained.

117. Plan of Management

The POM shall be revised to reflect the approved development and address the following matters.

- a. Clarification as to where the Plan of Management will be publicly accessible, how it can be obtained if sought by patrons, neighbors or other interested parties.
- b. Clarification of procedures with respect of the review, future update, revision and/or amendment of the Plan of Management and the advertisement of any changes to affected parties and Council.

A copy of the revised Plan of Management shall be submitted to Councils Director City Futures for review and approval prior to the issue of any Occupation Certificate.

REASON

To manage site operations so that adverse impacts are minimised.

118. General landscape prior OC

1. Prior to the issue of the whole of building Occupation Certificate, the following must be complied with to the satisfaction of the Principal Certifier:
 - a. All landscape works are to be carried out in accordance with the approved landscape plans prior Construction Certificate by Bayside Council for the approved development.
 - b. A Landscape Architect shall provide a report to the principal certifier (with a copy provided to Council, if Council is not the principal certifier) certifying that the landscape works have been carried out in accordance with the approved plans and documentation.
2. Prior to the issue of the whole of building 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 12 months Landscape Maintenance Schedule to provide a guide to the landowner or manager 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);

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

REASON

To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).

119. Landscape – Maintenance

- a. The landscaped areas on the property / site shall be maintained in accordance with any approved landscape plans and Council's Development Control Plan. The landscaped areas shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction at all times, and
- b. Baxter Road landscape setback: Dead or declined trees shall be replaced with same trees as specified in approved plans. Replacement of planting material, including trees as indicated in approved landscape plan, with an alternative tree species shall be approved by the Director City Futures (or delegate) of Bayside Council. Maintenance tasks will include pruning to ensure CPTED principles are always met. All tree works must be done by a qualified arborist with a minimum level 3 in arboriculture (AQF). Trees along frontages are not to be pruned in height, unless required for safety reasons or for better development of the tree.
- c. A landscape contractor shall be engaged weekly for a minimum period of 52 weeks from completion of the landscape installation to maintain the landscaping. After that time monthly maintenance is required, and
- d. An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas, and

REASON

To ensure ongoing maintenance of approved landscaping.

120. Contaminated Land – Site Validation Report

A Site Validation Report (SVR) must be prepared by a suitably qualified contaminated land consultant and must be in accordance with:

- a. NSW EPA 'Consultants reporting on contaminated land' (2020);
- b. NSW EPA approved guidelines under the Contaminated Land Management Act 1997; and
- c. Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

The site validation report must provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report must be submitted to the Principal Certifying Authority, and the Council if the Council is not the Principal Certifying Authority after completion of remediation works and prior to the issue of any occupation certificate.

REASON

To ensure remediation of land is in accordance with legislative requirements and that the site is suitable for the proposed use.

113. Site Audit Statement – Site Suitability

To ensure that the site is suitable for the proposed use, a Section A1 SAS completed by an accredited site auditor under the Contaminated Land Management Act 1997 must be submitted to Council clearly demonstrating that the site is suitable for the proposed development. This must be provided prior to the release of any Occupation Certificate.

Any conditions imposed on the SAS must form part of this consent. The accredited site auditor must provide Council with a copy of the Site Audit Report (SAR) and SAS prior to the issuing of any Occupation Certificate. In circumstances where the accredited Site Auditor is unable to issue a Section A SAS for the site due to remediation work not complying with the requirements of this consent, an application to amend the consent pursuant to the Environmental Planning & Assessment Act 1979 must be submitted to ensure that they form part of the consent conditions.

REASON

To ensure remediation of land is in accordance with legislative requirements and that the site is suitable for the proposed use.

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

Prior to the issue of the relevant 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 lift.

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

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners, and
- b) The proposed method of management of the facility, including procedures, directions to users, safety protection systems, emergency response plan in the event of mechanical failure, etc., and
- c) Any person required to operate the parking system must be trained to do so, and
- d) Provide signage that shall be erected prominently alongside the mechanical parking facility stipulating the maximum height/width/length of vehicle that can enter the facility, and
- e) The SRV vehicle on the mechanical turntable must not obstruct access to the car lift and details are to be included in the operational management plan.

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

Furthermore, an Engineer, registered with the National Engineering Register (NER), is to certify the installation of the Mechanical/Electronic Parking Systems within the completed development in accordance with AS2890.2&AS2890.2. This certification is to include testing and inspections of the system in operation and can rely on the manufacturers installation certificate.

REASON

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

122. Parking Access Management Plan

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

REASON

To ensure that vehicular access to the site is conducted in a suitable manner and the use is operated with minimal adverse impacts on the adjoining properties.

123. Landscape

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

- 1) All landscape works are to be carried out in accordance with the approved landscape plans prior Construction Certificate by Bayside Council for the approved development.
 - 2) A Landscape Architect shall provide a report to the principal certifier (with a copy provided to Council, if Council is not the principal certifier) certifying that the landscape works have been carried out in accordance with the approved plans and documentation.
2. 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 12 months Landscape Maintenance Schedule to provide a guide to the landowner or manager 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);

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

REASON

To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).

124. Acoustic Measures Validation

Prior to issue of the relevant Occupation Certificate, the applicant shall submit to the Principal Certifying Authority (PCA) an acoustic compliance report and validation report to verify that the measures stated in the "PWNA" – Prepared by Pulse White Noise Acoustics Pty Ltd - 125-131 Baxter Road, Mascot – DA Acoustic Assessment R4 – Boston Atlas Hotels Pty Ltd – Report Number: 210550 – Dated 17 September 2024 Version Amended for RFI, 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).

REASON

To ensure the effectiveness of acoustic mitigation measures.

125. Acoustic Certification

Before the issue of the relevant Occupation Certificate, a suitably qualified person must provide details demonstrating compliance to the Principal Certifier that the acoustic measures have been installed in accordance with the Acoustic Report approved under this consent (PWNA – Prepared by Pulse White Noise Acoustics Pty Ltd - 125-131 Baxter Road, Mascot – DA Acoustic Assessment R4 – Boston Atlas Hotels Pty Ltd – Report Number: 210550 – Dated 17 September 2024 Version Amended for RFI).

REASON

To protect the amenity of the local area.

126. Managing Noise

During ongoing use of the premises, the premises must be operated in accordance with any approved acoustic report. (PWNA – Prepared by Pulse White Noise Acoustics Pty Ltd - 125-131 Baxter Road, Mascot – DA Acoustic Assessment R4 – Boston Atlas Hotels Pty Ltd – Report Number: 210550 – Dated 17 September 2024 Version Amended for RFI.)

REASON

To protect the amenity of the local area.

127. Registration

Prior to issue of the relevant Occupation Certificate, the premises food shop must be registered with Council's Environmental Health Section in accordance with the following relevant legislation:

- Food Shop - Food Act 2003.

REASON

To ensure registration of the use in accordance with relevant legislation.

128. DPE - Construction and Installation of Ventilation System

Before the issue of the relevant Occupation Certificate, a suitably qualified person must provide details demonstrating compliance to the Principal Certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.

REASON

To ensure the mechanical ventilation system has been constructed and installed as approved.

129. Section 73 Certificate - Sydney Water

Prior to the issue of the whole of building 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.

REASON

To comply with Sydney Water requirements.

130. Consolidation of Lots

All allotments involved in this proposal must be consolidated into one allotment. Details demonstrating compliance with the requirements of this condition and evidence of registration are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the relevant Occupation Certificate.

REASON

To encourage the orderly and economic use of the land

131. Energy Efficiency Commitments

A Compliance Certificate must be provided to the Principal Certifier confirming that the development has been constructed in accordance with the commitments contained in this consent prior to the issue of the relevant Occupation Certificate.

REASON

To ensure BASIX and Energy Efficiency commitments are fulfilled.

132. Anti-Graffiti Coating

Prior to issue of the relevant Occupation Certificate, ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement.

REASON

To protect the amenity of the surrounding area.

133. Location of Mechanical Ventilation

During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the

site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5 dBa above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.

REASON

To protect the residential amenity of neighbouring properties.

134. Provision of Intercom System

Prior to the issue of the relevant Occupation Certificate, the entry to the car park and each pedestrian entry at the ground floor level of the building shall be provided with an intercom system.

REASON

To ensure safe and effective access to the building.

135. Preservation of Survey Marks

Before the issue of the relevant Occupation Certificate, documentation must be submitted by a registered Surveyor to the Principal Certifier which demonstrates that:

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

REASON

To protect the State's survey infrastructure.

136. Sustainability Commitments

A Compliance Certificate must be provided to the Principal Certifier confirming that the development has been constructed in accordance with the sustainability requirements nominated in this consent, prior to the issue of the relevant Occupation Certificate.

REASON

To ensure sustainability commitments are fulfilled.

137. Loading Dock Plan of Management

Prior to the issue of the relevant Occupation Certificate, the Applicant shall prepare a detailed loading and servicing management plan for the development which includes, but shall not be limited to, operation hours, use of off-peak deliveries, methods to avoid congestion of service vehicles, booking system, how the vicinity will be shared and general mitigation measures to prevent amenity impacts to neighbouring properties.

The plan shall be prepared by a suitably qualified professional and submitted to the Principal Certifier. The management plan is to be implemented for the lifetime of the use of the development.

REASON

To minimise conflict in the use of loading areas on site.

138. Annual Fire Safety Certificate

During occupation and ongoing use of the building, the applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with section 89 of the *EP&A (Development Certification and Fire Safety) Regulation 2021*.

REASON

To ensure annual checks on fire safety measures.

139. Repair of Infrastructure

Before the issue of the relevant Occupation Certificate:

- a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or
- b) if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.

REASON

To ensure any damage to public infrastructure is rectified.

140. Release of Securities

When Council receives an Occupation Certificate, an application may be lodged to release the securities held.

REASON

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

141. Certification of New Stormwater System

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

REASON

To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.

142. Certification of Roof Drainage System

Prior to the issue of any Occupation Certificate, a qualified Engineer must certify that the roof drainage system has been constructed in accordance with the approved plans and in accordance relevant Australian Standard and Codes.

The constructed roof drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications.

REASON

To ensure that the roof drainage system is constructed as approved and in accordance with Australian Standards relevant standards.

143. Completion of Public Utility Services

Before the issue of the relevant Occupation Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the Principal Certifier.

REASON

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

144. Works-As-Executed Plans and any other Documentary Evidence

Before the issue of the relevant Occupation Certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the Principal Certifier:

- (a) All stormwater drainage systems and storage systems, and
- (b) The longitudinal driveway profile.
- (c) Installation of the mechanical turntable, car lift and car stackers.

REASON

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

145. Positive Covenant Application

Prior to the issue of the Occupation Certificate, Positive Covenants pursuant to the Conveyancing Act 1919 are to be created on the title of the lots on which the following systems are present:

- i. Stormwater Detention System
- ii. Stormwater Quality Improvement Devices
- iii. Car Lift
- iv. Car Stacker
- v. Mechanical turntable

The terms of the instruments are to be in favour of Bayside Council and are to be submitted to Bayside Council for review and approval. An application must be lodged with, and approved by, Bayside Council prior to issue of the Occupation Certificate.

Bayside Council must be provided with the relevant fees and all supporting information required (such as works-as-executed drainage plans and certification) prior to Bayside Council endorsing the Instrument. Council requires proof of lodgement of the signed documents with the NSW Land Registry Services prior to the issue of the Occupation Certificate.

REASON

To ensure that the approved stormwater system is maintained in good working condition.

146. Geotechnical Certification

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

REASON

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

147. Rainwater Tank - Plumbing Certification

Prior to the issue of any Occupation Certificate, a registered plumber shall certify that the rainwater tank has been connected to all ground floor toilet flushing and all external taps/landscape irrigations for non-potable stormwater re-use.

REASON

To ensure that subsurface structures are designed to prevent ingress of groundwater.

148. Parking Facility Certification

Prior to the issue of the relevant Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) shall certify that the vehicular access and off-street parking facilities have been constructed & line marked in accordance with the approved construction plans and the applicable Australian Standards (i.e., AS/NZS 2890.1, AS 2890.2, AS 2890.3, AS/NZS 2890.6, AS 1742). The car parking area is to be clearly and appropriately line marked/signposted indicating all the vehicular movements on the site. All parking spaces must be clearly designated as to their use in accordance with this development consent.

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

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

The certification must be submitted to the Principal Certifier.

REASON

To ensure compliance with the relevant standards.

149. Erection of Signage

Prior to the issue of the relevant Occupation Certificate, the following signage shall be erected:

a) Vehicles Enter & Exit in Forward Direction

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

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

REASON

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

150. 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). The company engaged must ensure that all recycling is collected separately from waste. Council must be advised in writing within seven (7) days of a private contractor being engaged for waste collection services.

REASON

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

151. Green Travel Plan

Prior to the issue of the relevant Occupation Certificate, a Green Travel Plan shall be developed by a suitably qualified traffic consultant in order to encourage people (including any and all residents, staff and visitors) to make good use of public transport, cycling, walking and car sharing for commuting work related journeys and reduce car based travel demand. The Green Travel Plan shall be in accordance with Bayside Council requirements and include, but not be limited to, the following:

- a) Encourage people to cycle and/or walk to the workplace, and
- b) Encourage people to use public transport to travel by providing financial incentive or shuttle bus services, and
- c) Adopt car sharing and /or car pool scheme, and
- d) Provide priority parking for car pool, and

- e) Provide bike storage area and end-of-trip facilities in the convenient locations, and
- f) Include clear and time bound targets, actions, measurements and monitoring framework, and
- g) Develop Transport Access Guides (TAGs) to RMS/TfNSW requirements for staff and visitors about information on how to reach the site via public transport, walking or cycling.

The Green Travel Plan and TAGs must be prominently displayed within the communal areas within the development.

REASON

To ensure sustainable transport alternatives are used.

152. Mechanical Parking Systems – Operations and Installation Certification

Prior to the issue of the relevant Occupation Certificate, the Principal Certifier must ensure that an Operation and Management Plan has been prepared and implemented for the mechanical/electronic parking systems (mechanical turntable/car stacker/car lift).

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

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners, and
- b) The proposed method of management of the facility, including procedures, directions to users, safety protection systems, emergency response plan in the event of mechanical failure, etc., and
- c) Any person required to operate the parking system must be trained to do so, and
- d) Provide signage that shall be erected prominently alongside the mechanical parking facility stipulating the maximum height/width/length of vehicle that can enter the facility, and
- e) It must be confirmed that a total of 13 car spaces are provided in the three sets of car stacker shuffle systems that can all be independently accessed.

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, the manufacturers are to certify the installation of the Mechanical Parking Systems within the completed development. This certification is to include testing and inspections of the systems in operation.

REASON

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

153. Loading Dock Management Plan

Prior to the issue of the relevant Occupation Certificate, the Applicant shall prepare a detailed loading and servicing management plan for the development which

includes, but shall not be limited to, operation hours, use of off-peak deliveries, methods to avoid congestion of service vehicles, booking system, how the vicinity will be shared and general mitigation measures to prevent amenity impacts to neighbouring properties and residents within the site. The plan shall be prepared by a suitably qualified professional and submitted to the Principal Certifier. The management plan is to be implemented for the lifetime of the use of the development.

REASON

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

154. Undergrounding of Overhead Services and Installation of Lighting

Prior to the issue of the any Occupation Certificate, all overhead cables, including electricity and telecommunications cables, along the entire length of all frontages of the development site must be relocated underground to the satisfaction of Bayside Council. The Ausgrid lighting and power poles will need to be decommissioned and new underground supplied lighting columns shall be construction (where necessary) satisfying the applicable lighting requirements.

All works shall be carried out at the applicant's expense, to the satisfaction of the asset owner and Bayside Council. If 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 the Occupation Certificate.

REASON

To ensure that overhead services are placed underground to achieve required public domain outcomes.

155. Roads Act / Public Domain Works - Major Development Frontage Works

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

- a) Construction of a new footpath and planting of required street trees/landscaping along all frontages of the development site.
- b) Construction of vehicular entrance/s designed to accommodate the swept paths of the largest vehicle utilising them.
- c) Construction of new kerb and gutter along the frontage of the development site.
- d) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.

- e) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.
- f) Construct new kerb inlet pits and associated minimum 375mm diameter stormwater pipe (or approved equivalent box culvert), connecting to existing stormwater infrastructure in Robey Street to Bayside Council infrastructure specifications.

The public footpaths shall be constructed in accordance with the approved Public Domain Plan and Bayside Council specifications. The footpath dimensions, location, pavement type and construction methods shall be in accordance with these specifications. If pavers are necessary, they shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).

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

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

REASON

To ensure that required public domain outcomes are achieved.

156. DPE – Post-construction dilapidation report

Before the issue of any Occupation Certificate, a post-construction dilapidation report must be prepared by a suitably qualified Engineer, to the satisfaction of the Principal Certifier, detailing whether:

- a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent, and
- c) a copy of the post-construction dilapidation report must be provided to Council (where Council is not the Principal Certifier or a Principal Certifier is not required) and to the relevant adjoining property owner(s).

REASON

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

157. Dilapidation Report – Public Domain – Post-Construction - Major

After the completion of all construction and public domain works, a professional Engineer specialising in civil, structural, or geotechnical engineering shall prepare a dilapidation report detailing the post-construction condition of Bayside Council's infrastructure adjoining, and within 50m of, the development site. This includes the

condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, retaining walls, driveways, and road pavement etc.) and any other adjacent Bayside Council properties.

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

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

REASON

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

158. Porte-Cochere Construction and Management Plan

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

- a) The porte-cochere designed to accommodate a 12.5m long HRV vehicle shall be fully constructed on 133-137 Baxter Road & 118 Robey Street MASCOT NSW 2020 (also known as 210 O'Riordan Street Mascot) (PT 1 DP 1190559).
- b) The applicant shall prepare a detailed (pick-up/drop-off) management plan to address how to manage HRV coach and taxi/visitor movements through the pick-up and drop-off on the neighbouring property will be managed by the Hotel use to ensure that no queuing of vehicles results on to the surrounding road network and road safety is not compromised. A copy of the approved management plan is to be kept on site at all times and shall be implemented for the lifetime of the development.

REASON

To ensure that the Porte cochere are operated in a manner that minimises amenity impacts to the surrounding properties.

159. Shuttle Bus

This development requires a shuttle bus to service the Hotel and must be provided to transport occupants to and from the development site to Sydney Airport and the City at regular hourly intervals from 5am – 11pm, 7 days a week. Prior to the issue of any Occupation Certificate, full details of the shuttle bus service and confirmation that the shuttle bus service will be operational on the day the hotel opens to the public is to be provided.

REASON

To ensure that occupants for the developments have a mode of travel.

160. Post-Construction Dilapidation Report

Before the issue of any Occupation Certificate, a post-construction dilapidation report must be prepared by a suitably qualified Engineer, to the satisfaction of the PRINCIPAL CERTIFIER detailing whether:

- a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, inclusive of the Guild Theatre which is a locally listed heritage item as per Bayside LEP 2021; and
- b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent, and
- c) a copy of the post-construction dilapidation report must be provided to Council (where Council is not the Principal Certifier or a Principal Certifier is not required) and to the relevant adjoining property owner(s).

REASON

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

161. Dilapidation Report – Public Domain – Post-Construction

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

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

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

REASON

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

162. Removal of Waste Upon Completion

Before the issue of any Occupation Certificate:

- a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved Waste Management Plan, and
- b) written evidence of the waste removal must be provided to the satisfaction of the PRINCIPAL CERTIFIER.

REASON

To ensure waste material is appropriately disposed or satisfactorily stored.

163. Completion of Landscape and Tree Works

Before the issue of any Occupation Certificate, the Principal Certifier must be satisfied all landscape and tree-works have been completed in accordance with the approved plans and documents and any relevant conditions of this consent.

REASON

To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

OPERATIONAL CONDITIONS**164. Operation of Vehicular Premises**

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

- a. All vehicles must enter and exit the site in a forward direction.
- b. All commercial vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction and exit the site in a forward direction.
- c. All loading / unloading and garbage / waste collection activities shall take place on-site wholly within the dedicated loading areas and not from public places, public streets, or any road related area (e.g., footpath, nature strip, road shoulder, road reserve).
- d. The maximum size of vehicles accessing the site shall be limited to a 6.4m long SRV Vehicle (as denoted in AS2890.2). The maximum size of vehicles accessing the porte-cochere on the neighboring land shall be restricted to a 12.5m long HRV or a bus/coach.
- e. All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times.
- f. Parking spaces must not be enclosed without further approval of Bayside Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS/NZS 2890.1.
- g. All vehicles shall be parked in the marked parking bays. All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.

REASON

To manage site operations so that adverse impacts are minimised.

165. Hours of Operation

The hours of operation of the approved hotel use shall be 24 hours a day, 7 days per week. The approved hours of operation include trading and preparation but do not include waste collection and deliveries to and from the premises.

REASON

To minimise impacts to the community.

166. Staffing

The maximum number of full time persons working within the hotel development shall be limited to twelve (12) at any one time.

The Manager is responsible for ensuring the number of persons in the premises does not exceed that specified above.

REASON

To minimise adverse impacts resulting from the approved use.

167. Landscape

- a) The landscaped areas on the property / site shall be maintained in accordance with any approved landscape plans and Council's Development Control Plan. The landscaped areas shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction at all times, and
- b) Green corridors/ Gateway/ landscape setbacks: Dead or declined trees shall be replaced with same trees as specified in approved plans. Replacement of planting material, including trees as indicated in approved landscape plan, with an alternative tree species shall be approved by the Director City Futures (or delegate) of Bayside Council. Maintenance tasks will include pruning to ensure CPTED principles are always met. All tree works must be done by a qualified arborist with a minimum level 3 in arboriculture (AQF). Trees along frontages are not to be pruned in height, unless required for safety reasons or for better development of the tree.
- c) A landscape contractor shall be engaged weekly for a minimum period of 52 weeks from completion of the landscape installation to maintain the landscaping. After that time monthly maintenance is required, and
- d) An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas, and

REASON

To ensure ongoing maintenance of approved landscaping.

168. Health Impacts (Non-Residential Uses)

The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.

REASON

To manage site operations so that adverse impacts to the locality are minimised.

169. Smoking

The proposed use of the premises must comply with the *Smoke-Free Environment Act 2000*, *Smoke-free Environment Regulation 2016* and *Public Health (Tobacco) Act 2008*, *smoking in enclosed areas and outdoor areas for food premises is prohibited*:

- *Commercial outdoor dining areas in licensed venues (including clubs and hotels), restaurants and cafes must be smoke free;*
- *Areas within four metres of a pedestrian entrance to or exist from a licensed venue, restaurant or café must be smoke free; and*
- *Mandatory prescribed signage 'NO SMOKING' must be displayed within a commercial outdoor dining area.*

Smoke means use, consume, hold or otherwise have control over a tobacco product, non-tobacco smoking product or e-cigarette that is generating (whether or not by burning) smoke or an aerosol or vapour.

Smoking accessory includes cigarette papers, pipes, cigarette holders, hookahs, water pipes or any other smoking implement.

REASON

To ensure compliance with the relevant legislation.

170. Maintenance of Food Premises

The food premises must be maintained in accordance with the following:

- a) *Food Act 2003*, and
- b) *Food Regulation 2015*, and
- c) *Australia and New Zealand Food Standards Code*, and
- d) *The Australian Standard AS 4674-2004: Construction and fit out of food premises*, and
- e) *Standard 3.2.3 – Food Premises and Equipment.*

REASON

To ensure compliance with the relevant standards and legislation.

171. Maintenance of Sound Attenuation

Sound attenuation must be maintained in accordance with the Acoustic Report submitted by PWNA –Prepared by Pulse White Noise Acoustics Pty Ltd - 125-131 Baxter Road, Mascot – DA Acoustic Assessment R4 – Boston Atlas Hotels Pty Ltd – Report Number: 210550 – Dated 17 September 2024 Version Amended for RFI.

REASON

To manage site operations so that adverse impacts to the locality are minimised.

172. Noise emissions – Licenced Premises

Noise emissions from the licensed premises shall comply with the following:

- a. The LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises, and
- b. The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not

be audible within any habitable room in any residential premises between the hours 12.00 midnight to 7.00 am. Where this condition is inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licensing Court, the more stringent condition shall prevail.

REASON

To manage site operations so that adverse impacts to the locality are minimised.

173. Noise from Mechanical Plant / Ventilation and Air Conditioning

- a) 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*, and
- b) The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the *NSW Industrial Noise Policy – 2000*.

REASON

To manage site operations so that adverse impacts to the locality are minimised.

174. Odour Control

The operation shall not give rise to offensive odour or other air impurities in contravention of the *Protection of the Environment Operations Act 1997*. The

principal contractor shall ensure that all practical means are applied to minimise odours from the site.

REASON

To ensure compliance with the Protection of the Environment Operations Act 1997.

175. Water Pollution Prevention

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.

REASON

To ensure compliance with the Protection of the Environment Operations Act 1997.

176. Acoustic Impacts

The proposed use of the premises and the operation of all plant and equipment shall not give rise to 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations:

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

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

REASON

To manage site operations so that adverse impacts to the locality are minimised.

177. Vibration from Plant and Equipment

The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the Environment Protection Authority's *Technical Guidelines for Assessing Vibration*.

REASON

To manage site operations so that adverse impacts to the locality are minimised.

178. Odour and Dust Control

The operation shall not give rise to offensive odour or other air impurities in contravention of the *Protection of the Environment Operations Act 1997*. The Principal contractor shall ensure that all practical means are applied to minimise dust and odour from the site.

REASON

To ensure compliance with the Protection of the Environment Operations Act 1997.

179. Plan of Management – Compliance with Approved PoM

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

The approved Plan of Management (as referred to in Condition 1) shall be complied with at all times. Any amendments to the Plan of Management shall require a separate approval from Council.

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.

REASON

To manage site operations so that adverse impacts are minimised.

180. External Lighting during Ongoing Use

During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans.

REASON

To ensure the safe operation of the premises and protect the amenity of the local area.

181. Entry and Exit of Patrons

During ongoing use of the premises, patrons must enter and leave the vicinity of the premises in an orderly manner.

Assisting signage must be placed in clearly visible positions within the premises, with due regard to maintaining the amenity of the area.

REASON

To ensure patrons do not detrimentally affect the amenity of the neighbourhood.

182. Registration – Environmental Health

Prior to issue of an Occupation Certificate, the premises food premises and cooling tower must be registered with Council's Environmental Health Section in accordance with the following relevant legislation:

- a) Food Shop - NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.
- b) Cooling Towers / Evaporative cooler / warm water system - Public Health Act 2010 and Public Health Regulation 2012,

REASON

To ensure registration of the use in accordance with relevant legislation.

183. Water Authority Certification

Before the issue of an Occupation Certificate, a certificate of compliance must be obtained in relation to the proposed use(s) from Sydney Water.

REASON

To ensure compliance with the water supply authority's requirements.

184. Notice of Food Business

Before the issue of an Occupation Certificate, Council must be notified of the food business in accordance with the *NSW Food Act 2003* and the *Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements*.

REASON

To enable Council to ensure compliance with the consent when the business is operating.

185. Food Safety Supervisor

Prior to issue of any Occupation Certificate, 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.

REASON

To ensure that food premises are operated in accordance with relevant policy requirements.

186. Construction and Installation of Ventilation System

Before the issue of an Occupation Certificate, a suitably qualified person must provide details demonstrating compliance to the Principal Certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.

REASON

To ensure the mechanical ventilation system has been constructed and installed as approved.

187. Trade Waste Agreement

Liquid trade waste materials are to be disposed of in accordance with the requirements of Sydney Water, under a Trade Waste License Agreement.

A copy of a Trade Waste Agreement demonstrating compliance with the requirements of this condition is to be submitted, to the satisfaction of the Principal Certifier, prior to the issue of any Occupation Certificate.

REASON

To ensure compliance with Sydney Water requirements.

188. DPE - Storage and Disposal of Waste Materials during Ongoing Use

During ongoing use of the premises:

- (a) An adequate number and size of bins must be put on the premises for the storage of any waste that is generated (including for recycling).
- (b) All garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time.
- (c) Arrangements must be implemented for the separation of recyclable materials from garbage.
- (d) Any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests.
- (e) Where Council does not provide commercial garbage and recyclable materials collection services:

- (i) A contract must be entered into with a licensed contractor to provide these services for the premises; and
- (ii) A copy of the contract must be kept on premises and provided to relevant authorities including Council officers on request.
- (f) Where the collection of garbage and recyclable materials from the premises is undertaken by a licensed contractor, it must only occur between 7.00am and 7.00pm Monday to Sunday.
- (g) All liquid trade waste discharged to sewerage system must comply with the trade waste approval issued by the relevant water authority.
- (h) All liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by the relevant water authority.

REASON

To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises

189. Operation of Vehicular Premises

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

- a. All vehicles must enter and exit the site in a forward direction.
- b. All commercial vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction and exit the site in a forward direction.
- c. All loading / unloading and garbage / waste collection activities shall take place on-site wholly within the dedicated loading areas and not from public places, public streets, or any road related area (e.g., footpath, nature strip, road shoulder, road reserve).
- d. The maximum size of vehicles accessing the site shall be limited to a 6.4m long SRV Vehicle (as denoted in AS2890.2). The maximum size of vehicles accessing the porte-cochere on the neighboring land shall be restricted to a 12.5m long HRV or a bus/coach.
- e. All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times.
- f. Parking spaces must not be enclosed without further approval of Bayside Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS/NZS 2890.1.
- g. All vehicles shall be parked in the marked parking bays. All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.

REASON

To manage site operations so that adverse impacts are minimised.

190. 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 all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking. Rainwater tanks shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.

REASON

To protect waterways and minimise adverse impacts to the environment.

191. Green Travel Plan and Transport Access Guide

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

REASON

To reduce car dependency.

192. DPE – Maintenance of Wastewater and Stormwater Treatment Device

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

REASON

To protect sewerage and stormwater systems.

193. Ongoing Use Mechanical Parking Facility

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

REASON

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

194. Shuttle Bus Ongoing Operation

A shuttle bus is required to service the Hotel and must be provided to transport occupants to and from the development site to Sydney Airport and the City at regular hourly intervals from 5am – 11pm, 7 days a week. If the shuttle bus no longer be provided, for whatever reason, a separate development application shall be submitted to Council to provide an alternative travel and parking arrangement for the development.

REASON

To manage and maintain the mode of travel for the occupants of the development.

195. Private Waste Collection

The Operator must comply with the following at all times during operations:

- a) Compliance with the approved Waste Management Plan as referred to under "Approved Plans and Supporting Documents" condition, at all times during use and operation of the premises, and
- b) On the day of service, a private waste collection vehicle will enter the site from Baxter Road and park in the loading bay. Once bins are serviced, the collection vehicle will exit the site onto Baxter Road in a forward direction.
- c) Waste and recyclable material must not be collected between the hours of 9.00pm and 8.00am.
- d) The operator shall ensure that a commercial contract for the collection of trade / commercial waste and recyclables arising from the premises is in place at all times during operations. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

REASON

To minimise adverse impacts to the locality.

196. Illumination

All cables, wiring and conduits of externalised lighting shall be concealed. No consent is given nor implied for any form of floodlighting. Lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties. External lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.

REASON

To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.

197. Waste Management – Comply with Approved WMP

- a) The approved Waste Management Plan, shall be complied with at all times during use and operation of the premises, and

- b) A sign shall be erected within or adjacent to the garbage room encouraging residents to recycle and not place recyclables into waste bins. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the Occupation Certificate.

REASON

To minimise adverse impacts to the locality.

198. Landscape – Maintenance

- a) The landscaped areas on the property / site shall be maintained in accordance with any approved landscape plans and Council's Development Control Plan. The landscaped areas shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction at all times, and
- b) All deep soil areas and front setback deep soil areas shall preserve the planted trees at all times as indicated in approved landscape plans at all times. Dead or declined trees shall be replaced with same trees as specified in approved plans.

Replacement of planting material, including trees as indicated in approved landscape plan, with an alternative tree species shall be approved by the Director City Futures (or delegate) of Bayside Council. Maintenance tasks will include pruning to ensure CPTED principles are always met. All tree works must be done by a qualified arborist with a minimum level 3 in arboriculture (AQF). Trees along frontages are not to be pruned in height, unless required for safety reasons or for better development of the tree.
- c) A landscape contractor shall be engaged weekly for a minimum period of 52 weeks from completion of the landscape installation to maintain the landscaping. After that time monthly maintenance is required, and
- d) An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas, and
- e) The Applicant / occupier is responsible for the maintenance of the new street trees for 12 months after planting. Such maintenance shall include watering, feeding, weed removal and adjustment of stakes and ties (any stakes and ties shall be removed at the expiration of the 12month period). Any trimming or pruning shall require Council's approval under the Tree Preservation Order.
- f) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
 - i) A 12 months Landscape Maintenance Schedule to provide a guide to the landowner or manager 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);

- ii) Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
- iii) Details of safety procedures;
- iv) Laminated copies of 'As Built' Landscape drawings consistent with Council approved CC landscape plans; and CC Council approved plans with areas to be maintained by strata and areas to be maintained by private unit owners.
- v) Manufacturer's contact details and copies of manufacturers' typical details and specification;
- vi) Copies of warranties and guarantees relating to all materials and plant used in construction.

REASON

To ensure ongoing maintenance of approved landscaping.

DEVELOPMENT CONSENT ADVICE

Lapsing of Consent

This consent will lapse five (5) years from the date of consent, unless the building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

Out of Hours Construction Work

For any activity that is required to be undertaken outside normal construction hours due to public safety, traffic related reasons, or significant concrete pour, a separate Out of Hours Works Permit is required prior to commencement of any out of hours works being undertaken.

An Out of Hours Works Application must be submitted for each separate event to Council, a minimum of one month prior to the planned activity being undertaken.

Consult with Utility Provider

You are advised to consult with your utility providers (i.e. Ausgrid, Telstra, etc.) in order to fully understand their requirements before commencement of any work.

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.

Dividing Fences Act 199

This approval is not to be construed as a permission to erect any structure on or near a boundary contrary to the provisions of the *Dividing Fences Act 1991*.

Asbestos

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*, and
- b) *Work Health and Safety Regulation 2011*, and
- c) *Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]*, and
- d) *Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]*, and
- e) *Protection of the Environment Operations (Waste) Regulation 2005*.

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 the Health and 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*.

Hazardous Waste

Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:

- a) *Work Health and Safety Act 2011*, and
- b) *Work Health and Safety Regulation 2011*, and
- c) *Protection of the Environment Operations (Waste) Regulation 2005*.

Annual Fire Safety Statement

In accordance with Clause 177 of the *Environmental Planning and Assessment Regulation 2000*, the owner of the building premises must cause the Council to be given an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building.

The Annual Fire Safety Statement must be given:

- a) Within 12 months after the date on which the Fire Safety Certificate was received, and

- b) Subsequent Annual Fire Safety Statements are to be given within 12 months after the last such statement was given, and
- c) An Annual Fire Safety Statement is to be given in or to the effect of Clause 181 of the *Environmental Planning and Assessment Regulation 2000*, and
- d) A copy of the statement is to be given to the Commissioner of Fire and Rescue NSW, and a further copy is to be prominently displayed in the building.

Street

A street number shall be prominently displayed at the front of the development. The street number shall be a minimum of 120mm in height to assist emergency services and visitors to locate the property. The numbering shall be erected prior to commencement of operations.

Lead-Based Paint

The removal, cleaning and disposal of lead-based paint shall conform with the requirements of the NSW Environment Protection Authority's Guideline - "*Lead Alert – The Six Step Guide to Painting Your Home (2014)*".

Noise Minimisation during Demolition and Construction

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, and
- b) choosing alternatives to noisy activities, and
- c) relocating noise sources away from affected neighbours, and
- d) educating staff and contractors about quiet work practices, and
- e) informing neighbours of potentially noise activities in advance, and
- f) equipment such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8.00 pm and 7.00 am, 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.