

Annexure B

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA/437/2021

Development: Demolition of buildings, works to the Coogee Bay Hotel, including refurbishment to provide for 18 hotel rooms, a new 3 storey building to the southern side of the beer garden with 13 new hotel rooms, construction of a 5/6 storey shop top housing comprising 58 dwellings, 11 retail premises, internal laneway from Coogee Bay Road, basement parking for 159 spaces, subdivision, landscaping and associated works (Local Heritage Item, variations to FSR and height of buildings of the RLEP 2012, Integrated Development).

Site: 212 Arden Street, Coogee (legally described as Lot 1 in DP 872553), 227-233 Coogee Bay Road, Coogee (legally described as Lot A in DP 437308), 5-7 Vicar Street Coogee (legally described as Lot B in DP 437308), 15A Vicar Street Coogee (legally described as Lot A in DP 337724).

Schedule of Modifications:

| Date approved | Modification Application Number | Decision maker (Land and Environment Court or relevant council) | Proceedings Name and Number (if applicable) |
|------------------|---------------------------------|---|---|
| 3 February 2025 | DA/437/2021/B | Randwick City Council | Not applicable |
| 17 December 2025 | DA/437/2021/A | The Land and Environment Court | Simmattown Pty Ltd v Randwick City Council, LEC No: 2025/00043370 |

Date of determination: 3 May 2024

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal

**DEVELOPMENT APPLICATION
NOTICE OF DETERMINATION**

*Issued under the Environmental Planning and Assessment Act 1979
Sections 4.16, 4.17 & 4.18 (1)(a)*

Development Application No: DA/437/2021

Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.

Property Address: 212 Arden St, 227-233 Coogee Bay Rd, 5-7 & 15A Vicar St, COOGEE NSW 2034

Development: Demolition of buildings, works to the Coogee Bay Hotel, including refurbishment to provide for 18 hotel rooms, a new 3 storey building to the southern side of the beer garden with 13 new hotel rooms, construction of a 5/6 storey shop top housing comprising 58 dwellings, 11 retail premises, internal laneway from Coogee Bay Road, basement parking for 159 spaces, subdivision, landscaping and associated works (Local Heritage Item, variations to FSR and height of buildings of the RLEP 2012, Integrated Development).

Determination Approved (SECPP)

Determination Date: 3 May 2024

Consent to operate from: On the approval of DA/437/2021/A

Prior to the commencement of the erection of the building, a construction certificate must be obtained from a Registered Certifier, in accordance with Section 6.7 of the *Environmental Planning and Assessment Act 1979*.

This consent is an operational consent.

The conditions of consent are as follows:

Development Consent Conditions

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations and to provide reasonable levels of environmental amenity.

APPROVED PLANS & SUPPORTING DOCUMENTATION

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below except where amended by Council by other conditions of this consent:

| Plans / Documents | Drawing /Report No. | Rev. | Drawn by / Provided by | Dated | Received by Council |
|--------------------------------|----------------------------|-------------|-------------------------------|----------------------|----------------------------|
| Architectural drawings | | | | | |
| Demolition Plan – Ground Floor | DA008 | 09 | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Demolition Plan – Level 1 | DA009 | 09 | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Demolition Plan – Level 2 | DA010 | 08 | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Site Plan Proposed | DA011 | 08 | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Basement Level 01 | DA099 | 17 | Fender Katsalidis | 16.12.20 24 | 19 December 2024 |
| Ground Floor Plan | DA100 | 20 | Fender Katsalidis | 10.08.20 23 | 1 March 2024 |
| Level 01 Floor Plan | DA101 | 17 | Fender Katsalidis | 19.07.20 23 | 1 March 2024 |
| Level 02 Floor Plan | DA102 | 15 | Fender Katsalidis | 19.07.20 23 | 1 March 2024 |
| Level 03 Floor Plan | DA103 | 14 | Fender Katsalidis | 19.07.20 23 | 1 March 2024 |
| Level 04 Floor Plan | DA104 | 13 | Fender Katsalidis | 19.07.20 23 | 1 March 2024 |
| Level 05 Floor Plan | DA105 | 13 | Fender Katsalidis | 19.07.20 23 | 1 March 2024 |
| Level 06 Roof Plan | DA106 | 12 | Fender Katsalidis | 19.07.20 23 | 1 March 2024 |
| Elevation – North (Part 1) | DA200 | 13 | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Elevation – North (Part 2) | DA200a | 02 | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Elevation – West (Part 1) | DA201 | 13 | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Elevation – West (Part 2) | DA201a | 02 | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Elevation – East (Part 1) | DA202 | 14 | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Elevation – East (Part 2) | DA202a | 02 | Fender | 17.06.00 | 1 March |

| | | | | | |
|---|-------------------------------------|-----|---|--------------------------|-------------------|
| | | | Katsalidis | 21 [sic] | 2024 |
| Elevation – South | DA203 | 12 | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Elevation – Selinas Laneway N/S | DA204 | 14 | Fender Katsalidis | 2.10.202 5 | 9 October 2025 |
| Elevation – Selinas Laneway E/W | DA205 | 13 | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Elevation Internal | DA206 | 10 | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Materials Palette | DA209 | 08 | Fender Katsalidis | 17.06.00 21 [sic] | 16 March 2023 |
| Section AA (Vicar St) | DA250 | 14 | Fender Katsalidis | 02.10.20 25 | 9 October 2025 |
| Section BB (Arden St) | DA251 | 10 | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Section CC | DA252 | 06 | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Section DD (Pool) | DA253 | N/A | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Section EE (Pool) | DA254 | N/A | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Sunset Gates Elevations | DA800 | N/A | Fender Katsalidis | 17.06.00 21 [sic] | 1 March 2024 |
| Landscape architecture | | | | | |
| Landscape design report (ref. S20-009) | N/A | J | Oculus | 26.07.23 | 1 March 2024 |
| Other supporting documentation | | | | | |
| GFA Diagrams | DA413 | 09 | Fender Katsalidis | 10.08.20 23 | 1 March 2024 |
| Traffic Report (ref. II437/4) | N/A | N/A | Colston Budd Rogers & Kafes Pty Ltd | February 2023 | 16 March 2023 |
| Addendum to the traffic report (ref. JH/II437/jh) | N/A | N/A | Colston Budd Rogers & Kafes Pty Ltd | 29 June 2023 | 1 March 2024 |
| Addendum to the traffic report (ref. JH/II437/jh) | N/A | N/A | Colston Budd Rogers & Kafes Pty Ltd | 20 July 2023 | 1 March 2024 |
| Public Laneway Plan of Management | 3455- 0883-2319 v.1 | N/A | Urbis | Undated | 9 October 2025 |
| Draft communal spaces plan of management | N/A | N/A | Urbis | undated | 16 March 2023 |
| Coogee Bay Hotel Plan of Management | Version: For Masterplan DA | N/A | Coogee Bay Hotel | 08.09.23 | 1 March 2024 |
| Aboriginal impact assessment report | N/A | N/A | Jacksons Nature Works | 27 Septembe r 2022 | 16 March 2023 |
| Plan of subdivision of Lot 1 in DP 872553, Lot A in DP 337724 and | N/A | N/A | LTS | 20 February 2023 | 16 March 2023 |

| | | | | | |
|--|---|-------|-------------------------------------|-------------------|-----------------|
| Lots A & B in DP 437308 (ref. 51849 001DP-STG1) (4 sheets) (the "first subdivision" or "subdivision strategy plan") | | | | | |
| Plan of subdivision of Lot 10 in DP ____ [sic] and easement affecting Lot 11 in DP ____ [sic] (ref. 51849 001DP-STG2) (4 sheets) (the "second subdivision" or "retail subdivision plan") | N/A | N/A | LTS | 20 February 2023 | 16 March 2023 |
| Acoustic Assessment | N/A | 5 | Renzo Tonin & Associates | 07.09.2023 | 1 March 2024 |
| Addendum Acoustic Assessment | N/A | N/A | Renzo Tonin & Associates | 31 July 2023 | 1 March 2024 |
| Detailed Site Investigation (ref. 99670.03) | R.001.Rev0 | 0 | Douglas Partners | 2 May 2022 | 16 March 2023 |
| Geotechnical Investigation (ref. 99670.02) | R.001.Rev0 | 0 | Douglas Partners | 13 May 2022 | 16 March 2023 |
| Groundwater Level Monitoring Addendum to Geotechnical Investigation (ref. 99670.02) | N/A | 0 | Douglas Partners | 13 September 2022 | 16 March 2023 |
| Geotechnical and Environmental Comment Regarding Revised Architectural Drawings (ref. 99670.02) | R.003.Rev0 | 0 | Douglas Partners | 5 October 2022 | 16 March 2023 |
| Heritage Impact Statement (ref. J4006) | N/A | 10 | Weir Phillips Heritage and Planning | 13 March 2023 | 16 March 2023 |
| NatHERS Certificate Class 2 Summary | Cert No. 0008469290 | Rev 8 | Jamie Bonnefin Certified Energy | 13.02.2023 | 1 March 2024 |
| Coogee Bay Hotel Proposed Works - Modification Application for DA437/2021 - Acoustic Masterplan | TM638-08F01 CBH Acoustic Masterplan (r9) | 9 | Renzo Tonin & Associates | 07.12.2025 | 8 December 2025 |
| Precinct Noise Management Plan DP872553, DP437308, DP337724 | TM638-09F04 Precinct Noise Management Plan (r6) | 6 | Renzo Tonin & Associates | 07.12.2025 | 8 December 2025 |

| BASIX Certificate No. | Dated | Received by Council |
|------------------------------|-----------------|----------------------------|
| 1204790M_04 | 17 October 2023 | 1 March 2024 |

(Modified by DA/437/2021/A)

1A. In this consent, a reference to:

- The Acoustic Master Plan is a reference to the document listed in condition 1 or otherwise approved under this consent.
- The Precinct Noise Management Plan is a reference to the document listed in condition 1 or otherwise approved under this consent. The Precinct Noise Management Plan includes two subplans:
 - Coogee Bay Hotel Noise Management Plan; and
 - Mixed Use Development Noise Management Plan.

(Modified by DA/437/2021/A)

2. PLAN OF MANAGEMENT FOR PARKING AND LOADING DOCK

- a. A Plan of Management for the ground floor and basement parking (including a Loading Dock Management Plan) is to be prepared, and is to include detail on:
- i. Allocation of parking: a fully coloured parking allocation plan and compliance table is to be included on the revised plans that resolves the required car, motorcycle and bicycle spaces by user (including residents, Hotel/commercial staff, security, service vehicles). The coloured parking allocation plan is to be included in the Parking and Loading Dock Plan of Management.
 - ii. Management of vehicle (car and truck) conflict;
 - iii. Identify visitor paths of travel, and location of directional signage to exit/enter parking as well as waste storage and loading areas;
 - iv. Management and method of resident and visitor/staff entry and exit, including methods to ensure residents are not utilising retail, hotel or staff parking spaces.
 - v. The detailed Loading Dock Plan of Management is to adequately outline the time management of all trucks plus details of traffic management measures that are necessary to avoid conflict with opposing traffic flows generated by the other users of the proposed car park.
 - vi. Time of day 'slots' for use of the loading dock by specific tenants should be provided and included with all future revisions and updated to the Plan of Management.
 - vii. Large Heavy Rigid Vehicles (HRV's) in accordance with AS2890.2:2018 that use the loading dock, shall be restricted to one (1) a day, in accordance with Clause 1.4.16 of AS2890.2:2018. The use of the reduced driveway width on Arden Street, requires the HRV to utilise the majority of the width when leaving the site via a left turn into Arden Street. Therefore all HRV's are to be restricted to early morning deliveries (arrival & departure), with the exit time from the loading dock being no later than 8:00am.
 - viii. A Driveway Risk Assessment is to be provided and included as part of the Parking and Loading Dock Plan of Management.

The Plan of Management for parking and the loading dock required under condition 2a. above is to be prepared to the satisfaction of Council's Manager Development Assessment prior to the issue of any construction certificate.

AMENDMENT OF PLANS & DOCUMENTATION

3. Prior to the issue of a construction certificate the approved plans and documents must be amended to the satisfaction of the principal certifying authority, in accordance with the following requirements:

Parking, Road/Driveway & Splay Corner

- a. The applicant/owner shall provide a minimum 1.5 metre x 1.5 metre splay corner on the ground floor at the north-west corner of the development site (intersection of Vicar Street and Coogee Bay Road). The splay corner does not need to be dedicated to Council however it must remain free of any impediments / structures at the ground floor level. The Construction Certificate plans must demonstrate compliance with this condition.
- b. The Architectural Plans shall be amended to correspond with the approved Ground Floor Plan. That is, the Eastern Elevations (Arden Street) are to be updated to reflect the approved splay to the driveway, adjacent to the southern elevation of the southern Hotel/Bistro wing.
- c. The use of the loading dock is restricted to a maximum of one (1) Heavy Rigid Vehicle (HRV) truck length of 12.5m and one (1) Medium Rigid Vehicle (MRV) truck length of 8.8m, in accordance with AS2890.2:2018, at any one time.
- d. All on-site car parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1-2004..
- e. The following Electric Vehicle Infrastructure is to be identified on plans:
 - 100 per cent of resident car spaces are to be electric vehicle ready, i.e with appropriate electrical cabling to the parking space;
 - 10 per cent of all car spaces are to accommodate complete electric vehicle charging infrastructure.

Acoustic Masterplan and the Precinct Noise Management

- f. The Acoustic Masterplan and Precinct Noise Management (referred to in condition 1 above) must be amended to delete the management control for the residential air conditioning condensers set out in:
 - Acoustic Masterplan, page 72, entry 3 in the table on that page (last paragraph in the third column only).
 - Appendix B of the Precinct Noise Management Plan, page 7, section 4.2.

(Modified by DA/437/2021/A)

RESTRICTION ON ANY ADDITIONAL GROSS FLOOR AREA

4. The gross floor area of the proposed eastern lot described as 'Lot 11' in the draft 'Plan of Subdivision of Lot 1 in DP 872553, Lot A in DP 337724 and Lots A & B in DP 437308' prepared by LTS dated 20 February 2023 (being the hotel and associated food and drink premises) shall not exceed a maximum of 4,306m².

A covenant is to be created on the proposed eastern lot as a result of the first subdivision. The particular of the positive covenant/dealing on title is to burden

the whole of the lot in restricting the creation of any additional gross floor area and maintain the gross floor area to a maximum of 4,306m², as approved.

The applicant is to prepare the covenant to Council's satisfaction and all costs associated with the preparation and registering of the covenant are at the applicant's cost.

The covenant is to be registered on title as part of the registration of the first subdivision

Prior to any final Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Randwick Local Environmental Plan 2012, applicable at the time of the grant of this development consent, to the satisfaction of the Principal Certifier.

COMPENSATION FOR LOSS OF AFFORDABLE HOUSING

5. Prior to demolition, written evidence must be provided to the Certifying Authority that a monetary contribution of **\$669,600** has been paid to Council for affordable housing under Section 7.32 of the *Environmental Planning and Assessment Act 1979*. This contribution figure has been calculated in accordance with the provisions of Clause 48 contained in Chapter 2, Part 3 of *State Environmental Planning Policy (Housing) 2021*.

The contribution, for the purpose of mitigating the loss of low-cost rental accommodation proposed by the Development Application, is required to be paid to Council. The contribution monies will be transferred to the relevant NSW Government Agency.

6. Each current residential tenant as of the date of determination of this development consent shall be:
- a. Provided with a minimum of 3 months Notice to Vacate;
 - b. Assisted to find alternative comparable accommodation. This shall include genuine efforts in making enquiries with local real estate agents and/or relevant community housing providers; and
 - c. Provided with a one-off payment of \$2,500.00 for each two bedroom unit and \$3,000 for each 3 bedroom unit, to assist with relocation expenses.

The applicant shall inform the tenants of the units of this condition, and documentary evidence shall be submitted to Council showing that the tenants have been notified and that the one-off contribution payment to each tenant has been paid, prior to the issue of the first Construction Certificate.

Note: This condition has been imposed in consideration of the matters set out in section 47 of the *State Environmental Planning Policy (Housing) 2021*.

7. TREE REMOVAL AND LANDSCAPING

The applicant must contact Ausgrid to ascertain whether the *Washingtonia robusta* (identified as Tree 8A, Tree 8, Tree 10, Tree 11, Tree 12, Tree 13, Tree 14, Tree 14A, Tree 15, Tree 15A, Tree 15B in the Arboricultural Impact Assessment Report prepared by Jacksons Nature Works dated 27 September 2022) can be reasonably transplanted within the site in light of the proximity of the relevant trees to Ausgrid assets and potential for transplantation to impact those assets. If Ausgrid does not provide a substantive or complete response to

the developer's enquiry, the applicant is to obtain a report from a building services and/or electrical engineer.

Documentary evidence from Ausgrid (and a building services and/or electrical engineer in the circumstances described above) and a minimum AQF level 5 arborist is to be submitted to the Council demonstrating whether the relevant trees can be retained by way of transplanting, or whether they must be removed entirely.

If the documentary evidence confirms to the satisfaction of the Council that the relevant trees must be removed (and not transplanted) due to their proximity to the Ausgrid assets, the relevant trees may be removed in accordance with the Arboricultural Impact Assessment Report prepared by Jacksons Nature Works dated 27 September 2022.

If the documentary evidence confirms to the satisfaction of the Council that the relevant trees can be retained by way of transplanting despite their proximity to the Ausgrid assets, the developer is to submit a tree relocation plan to the satisfaction of the Council demonstrating the locations for transplantation of the relevant trees. The relevant trees must then be transplanted and successfully established in the locations shown on the approved tree relocation plan.

- 8.** Landscape Concept Plans are to be updated to include the location of removed trees, retained trees and replacement trees to align with condition 7. Where the palm trees can be retained or transplanted, the landscape plan is to be updated to demonstrate their location. Council recommends replacement palm trees within the southern deep soil area.
 - 9.** Planter boxes forward of the terraces to units 106, 107, 108, 110, 111 and 112 are to include plantings of a type which provide visual privacy.
 - 10.** The setback of the southern pathway (adjacent to the boundary with 17 Vicar Street) to be at least 2.0m from the southern boundary, with landscaping to be within the setback. Plantings are to be a type which provide visual privacy. Services (including access hatch) may be repositioned within the southern setback, but are not to be within 2.0m of the southern boundary with 17 Vicar Street.
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REQUIREMENTS BEFORE A RELEVANT CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a relevant 'Construction Certificate' is issued for the development by a Registered (Building) Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the relevant construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

- 11.** The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

EXTERNAL COLOURS, MATERIALS & FINISHES

- 12.** The colours, materials and finishes of the external surfaces to the building are to be compatible with the approved materials palette, and the adjacent development to maintain the integrity and amenity of the building and the streetscape.
- 13.** Details of the colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing the relevant construction certificate for the development.

14. SECTION 7.12 DEVELOPMENT CONTRIBUTIONS

In accordance with Council's 'Section 94A (s94A) Development Contributions Plan' effective from 21 April 2015, based on the development cost of \$105,525,059.00 the following applicable monetary levy must be paid to Council: \$1,055,250.59.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to the first construction certificate being issued for the proposed development (other than as provided in section 20 'Deferred or periodic payments' in the *Council's 'Section 94A (s94A) Development Contributions Plan' effective from 21 April 2015*. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9093 6000 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\mathbf{IDC = ODC \times CP2/CP1}$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of this condition requiring payment of the levy.

Council's Development Contribution Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

15. LONG SERVICE LEVY PAYMENTS

The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 6.8 of the *Environmental Planning and Assessment Act 1979*.

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$250,000 or more, at the rate of 0.25% of the cost of the works.

16. SECURITY DEPOSITS

The following security deposits requirement must be complied with prior to the first construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 4.17 of the *Environmental Planning and Assessment Act 1979*:

- \$10,000.00 - Damage / Civil Works Security Deposit

The security deposits may be provided by way of a cash, cheque or credit card payment and are refundable upon a satisfactory inspection by Council upon the completion of the works which confirms that there has been no damage to Council's assets and infrastructure.

The developer/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge and other assets prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a Security Deposit Refund Form is to be forwarded to Council's Development Engineer upon issuing of an occupation certificate or completion of the civil works.

17. SYDNEY WATER REQUIREMENTS

All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

The Tap in™ service provides 24/7 access to a range of services, including:

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information

- Water meter installations
- Pressure boosting and pump approvals
- Change to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ in online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

The Principal Certifier must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.

A *Section 73 Compliance Certificate*, under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site www.sydneywater.com.au > *Building and developing* > *Developing your Land* > *Water Servicing Coordinator* or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifier and the Council prior to issuing an Occupation Certificate or a Subdivision Certificate, whichever occurs first.

It is recommended to make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

18. ELECTRICITY SUBSTATION

The applicant must liaise with Ausgrid prior to obtaining a construction certificate (for any above ground works), to determine whether or not an electricity substation is required for the development. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on relevant construction certificate and landscape plans.

19. SITE CONSOLIDATION

Prior to obtaining the first Construction Certificate the applicant must, if the first subdivision has not yet been registered, consolidate the development site into one allotment. A plan of consolidation must be prepared and registered before obtaining any Construction Certificate.

20. PARKING & SERVICING

Off-Street (On-Site) parking shall be provided for a total of 76 residential car spaces, 15 residential visitor car spaces, 57 restaurant car spaces, 10 pub car spaces, 5 resident motorcycle spaces, 6 commercial motorcycle spaces, 31 resident bicycle spaces, 9 resident visitor bicycle spaces and 7 commercial bicycle spaces. The parking must be allocated in accordance with the MINIMUM rates provided in the Tables 1 & 2 below. Any parking provision above the RCDCP 2013 rates will be included as GFA calculations as per Control (i) in Section 3.2 of Part B7. This parking must be allocated in any subsequent strata subdivision of the development.

Table 1: RESIDENTIAL PARKING TABLE

| Component | Parking Required | Total |
|---|-------------------------|--------------|
| 7 by 1 bed unit | 1 per unit | 7 |
| 25 by 2 bed unit | 1.2 per unit | 30 |
| 24 by 3 bed unit | 1.5 per unit | 36 |
| 2 by 4 bed unit | 1.5 per unit | 3 |
| Visitor (58 units) | 1 per 4 units | 15 |
| Accessible car parking included in total (14) | 1 per adaptable unit | 14 |
| Total Cars | | 91 |
| Motorbike (91) | 5% of parking | 5 |
| Bicycle (58 units) | 1 per 2 units | 29 |
| Visitor Bicycle (58 units) | 1 per 10 units | 6 |

Notes:

- (a) All residential visitor spaces and loading bays shall be labelled as common property on the final strata plan for the site.

Table 2: COMMERCIAL PARKING TABLE

| Component | Parking Required | Total |
|---------------------|--|--|
| Restaurant | 1 per 40sqm GFA for first 80sqm plus 1 per 20sqm thereafter | 57 |
| Pub | No change to current provision as pub floor space is reduced | 10 |
| Motorbike (67) | 5% of parking | 3 |
| Bicycle (67) | 1 per 10 spaces | 7 |
| Loading / Unloading | Requires an Operational Loading Dock Plan of Management | 2 bays (1 @ HRV size and 1 @ MRV size) |

The parking allocation condition and above Tables applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the Environmental Planning and Assessment Act 1979 or a Complying Development Certificate issued in accordance with Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

- a. All on-site car parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1-2004.
- b. 100 per cent of resident car spaces are to be electric vehicle ready, i.e with appropriate electrical cabling to the parking space.
- c. 10 per cent of all car spaces are to accommodate complete electric vehicle charging infrastructure.

Installation of additional electric vehicle charging infrastructure shall be installed to respond to future occupant demand.

21. TELECOMMUNICATIONS INFRASTRUCTURE

Prior to the issue of a first Construction Certificate in connection with this development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Principal Certifier that arrangements have been made for:

- a. The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and;
- b. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: Real estate development project has the meanings given in section 372Q of the Telecommunications Act 1997 (Cth).

22. SURVEY INFRASTRUCTURE

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to the appointed Certifying Authority and the Council that includes and addresses the following:

- a. A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site.
- b. The above letter is required to confirm if any survey infrastructure will be affected or impacted upon by the proposal. If no impact is identified this must be detailed by the Registered Land Surveyor.
- c. In the event that survey infrastructure is identified as vulnerable or will be affected or impacted upon by the approved development, a copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report) is required.

The applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Note: Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General.

23. STREET TREE MANAGEMENT

The applicant must submit a payment of **\$2,947.95** (GST inclusive) to cover the following costs:

- a. For Council to remove, stump-grind and dispose of *the Callistemon viminalis* (Bottlebrush, T3 in the Arborist Report) from the Vicar Steet footpath, just past the northern site boundary to allow for a new healthy specimen to be planted in its place so as to improve the streetscape, as well as the *Araucaria heterophylla* (Norfolk Island Pine, T7) from the Arden Street footpath, just north of the existing 'through site driveway' given its poor condition as well as to allow for the new widened/relocated vehicle access in this same area as shown;

- b. For Council to supply, plant and maintain 1 x 25 litre Bottlebrush back on the Vicar Street footpath as a direct replacement for T3, as well as 1 x 100 litre *Araucaria columnaris* (Cooks Pine) back on the Arden Street footpath as a direct replacement for T7, which will also now achieve consistency of species in this area, with this fee also covering the costs of preparing a tree planting square/pit, as determined by Council.

This fee must be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre **prior to the first Construction Certificate being issued for the development.**

The applicant must contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number) **and give up to six weeks notice** to arrange for both removal prior to commencement and replacement upon completion.

After advising of the receipt number, any further enquiries regarding scheduling/timing or completion of tree works are to be directed to Council's North Area Tree Preservation & Maintenance Coordinator on 9093-6843.

24. STREET TREE PROTECTION

To ensure retention of three *Washingtonia robusta* (Mexican Fan Palms) that are located within the Vicar Street footpath, being T1 just north of the existing 'through-site driveway', the smaller 2A just north of the more northern crossing/access, then T2 just past the northern site boundary, as well as the three *Araucaria columnaris* (Cooks Pines, Trees 4-6) that are out on the Arden Street footpath adjacent the existing Beer Garden in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of their trunks, canopies, SRZ's, TPZ's and Tree Identification Numbers as taken from the Arboricultural Impact Assessment by Jacksons Nature Works dated 27/09/22 ("*the Arborist Report*") to be clearly and accurately shown in relation to the site and all new works.
- b. Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 Consulting Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as '*the Project Arborist*' for the duration of works and will be responsible for both implementing and monitoring compliance with these conditions of development consent, as well as Section 4.0, Recommendations of the Arborist Report, and any other verbal instructions issued on-site.
- c. The Project Arborist must be present on-site at the relevant stages of works and must keep a log of the dates of attendance and the works performed, which is to be presented as a '*Final Compliance Report*' for the approval of the Principal Certifier, prior to any Occupation Certificate.
- d. Prior to the commencement of any site works, their trunks must be physically protected by wrapping layers of geo-textile, underfelt, carpet, hessian or similar, from ground level to a height of 2m, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around its circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.

- e. This protection shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION, DO NOT REMOVE".
- f. To prevent soil/sediment being washed over their root systems during upgrade of the respective frontages (Public Domain), erosion control measures must be provided at ground level around the perimeter of the tree planting pits during this component of the works.
- g. Where roots are encountered which are in direct conflict with any approved external/Public Domain works, they may be cut cleanly using only hand-held tools, not machinery, with the affected area to then be backfilled with clean site soil as soon as practically possible.
- h. The applicant is not authorised to perform any other works to these public trees and must contact Council's Landscape Development Officer on 9093-6613 should clearance pruning or similar be necessary. If approval is given, it can only be performed by Council, wholly at the applicants cost, GIVING UP TO SIX WEEKS NOTICE, with payment to be received prior to pruning or any Occupation Certificate.
- i. Within the TPZ's there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to comply with these requirements.
- j. The Principal Certifier and Project Arborist must ensure compliance with these requirements, both on the plans as well as on-site during the course of works and prior to any Occupation Certificate.
- k. A refundable deposit in the form of cash, credit card or cheque OR bank guarantee (with no expiry date) for an amount of **\$10,000.00** must be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to the issue of the first Construction Certificate being issued for the development** to ensure compliance with the conditions listed in this consent in relation to street trees, and ultimately, preservation of the trees.

The refundable deposit will be eligible for refund following an Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form' and pending a satisfactory inspection by Council's Landscape Development Officer (9093-6613).

Any contravention of Council's conditions relating to the street trees at any time during the course of the works or prior to an Occupation Certificate may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 4.17 (6) of the Environmental Planning and Assessment Act 1979.

25. PROTECTION OF PALMS WITHIN SITE

To ensure retention of the row of four mature Phoenix canariensis (Canary Island Date Palms, T16-17 & 19-20) that are located within existing planters in the Beer Garden, along the eastern site boundary in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of their trunks, crowns, SRZ's, TPZ's and Tree Identification Numbers as taken from the Arborist Report to be clearly and accurately shown on all plans in relation to the site and new works.
- b. Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 Consulting Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as '*the Project Arborist*' for the duration of works and will be responsible for both implementing and monitoring compliance with these conditions of development consent, as well as Section 4.0, Recommendations of the Arborist Report, and any other verbal instructions issued on-site.
- c. The Project Arborist must be present on-site at the relevant stages of works and must keep a log of the dates of attendance and the works performed, which is to be presented as a '*Final Compliance Report*' for the approval of the Principal Certifier, prior to any Occupation Certificate.
- d. All Construction Certificate plans must show that all four Palms will be retained in-situ within their existing planters, with these structures/areas unable to be demolished, reduced in size or altered in anyway without firstly having the express written approval from the Project Arborist, including how the Palms will be stabilised during such a process.
- e. Any new fencing/screening or similar along the eastern site boundary must not involve excavations being positioned within any of these dedicated planters, with details confirming compliance to be shown.
- f. Prior to the commencement of any site works, each of their trunks must be physically protected by wrapping layers of geo-textile, underfelt, carpet, hessian or similar, from ground level to a height of 2m, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around its circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
- g. This protection shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION, DO NOT REMOVE".
- h. There is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within the planters, with all Site Management Plans to comply with these requirements.

The Principal Certifier and Project Arborist must ensure compliance with these requirements, both on the plans as well as on-site during the course of works and prior to any Occupation Certificate.

26 MAXIMUM NUMBER OF PATRONS

The designated patron capacity for each area/tenancy and referenced control measure shall be submitted to and approved by Council's Director of City Planning.

The maximum number of patrons to be accommodated within each area/tenancy within the development, shall be determined based on the more restrictive of the following controls:

- The BCA report prepared by: Charbel Gabriel/Dean Goldsmith of Blackett Maguire and Goldsmith, Dated: 20 February 2024, Ref: 200089 Revision 7, Titled: BCA Assessment Report Coogee Bay Road, Coogee, Council Ref: D04898012.

Once approved the designated area/tenancy capacity must be consistently reflected in all subsequently submitted documentation.

Any proposed variation to the specified patron numbers for each area/tenancy will require written approval from the Director of City Planning, prior to the variation being implemented.

A sign is to be placed above the entry/front door of each area/tenancy indicating the maximum patron capacities.

(Modified by DA/437/2021/A)

26A ACOUSTIC REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The development shall be designed and certified by a competent acoustic consultant (refer definition below) in accordance with the approved Acoustic Masterplan and the relevant subplan (ie Appendix A 'Coogee Bay Hotel Noise Management Plan' or Appendix B 'Mixed Use Development Noise Management Plan') of the approved Precinct Noise Management Plan. In addition:

- a. Prior to the issue of a construction certificate for any tenancy-specific fit out of the commercial tenancies in the Mixed Use site, the proponent of any business premises or retail premises use of a commercial tenancy in the Mixed Use site must submit to Council a noise emission assessment prepared by a competent acoustic consultant outlining the treatments and management controls for ongoing compliance with the 'Mixed Use development Noise Management Plan' in Appendix B of the approved Precinct Noise Management Plan.
- b. Prior to the issue of any relevant construction certificate, a noise emission assessment prepared by a competent acoustic consultant (refer definition below) must be submitted to Council outlining the treatments for ongoing compliance with relevant subplan of the approved Precinct Noise Management Plan.

- c. That assessment shall ensure that all acoustical constructions and treatments identified in the Acoustic Masterplan report by Renzo Tonin and Associates dated 7th Dec 2025 with reference number TM638-08F01 CBH Acoustic Masterplan (r9) have been implemented in the design or substituted with alternative constructions that provide acoustic performance equivalent to that than stated in the report.
- d. The report shall confirm that the noise-levels at on-site residential receivers produced by all mechanical plant will comply with noise criteria stated in the Acoustic Masterplan R9. The assessment shall be based on the finalised mechanical design.
- e. Any recommendations and requirements included in the Acoustic Masterplan report and/or as may be specified by Council are to be included in the Construction Certificate accordingly. The report shall be prepared by a competent acoustic consultant (refer to condition 26B).

(Modified by DA437/2021/A)

26B COMPETENT ACOUSTIC CONSULTANT

The acoustic assessments and services required by this consent must be undertaken by a competent person who is appropriately qualified and experienced in the relevant area of acoustics to a standard sufficient to enable that person to accurately interpret and apply the advice set out in relevant acoustics standards, guidelines and policies and satisfies each of the following:

- undertake the duties of an acoustic consultant on behalf of a consultancy firm that is a member of the Association of Australasian Acoustical Consultants (AAAC)
- have recognised tertiary qualifications and relevant experience sufficient to fulfil the requirements of 'member' grade of the Australian Acoustical Society (AAS).

(Modified by DA437/2021/A)

26C NOISE MASKING SYSTEM FOR ENTERTAINMENT NOISE SOURCES

a. Reason

To ensure that any approved electronic noise masking system that is used to mitigate entertainment noise impacts in new residential apartments and the Hotel rooms in the southern building is:

- i. designed and validated by appropriately qualified acoustical specialists;
- ii. installed, commissioned and calibrated prior to occupation;
- iii. maintained, operated and governed effectively for the life of the building;
- iv. transparently disclosed to prospective owners and occupants, including any long-term obligations and costs.
- v. the installation is mandated in a by-law for the future strata.

b. System Requirement and Scope

- i. The noise masking system must be provided as part of the base building works and installed in all bedrooms and other nominated habitable rooms within the development such as living rooms and study rooms.
- ii. The system must remain capable of providing a stable, continuous masking spectrum appropriate for controlling perceptibility of entertainment noise, particularly low-frequency components, having regard to the variability in internal background noise levels post-midnight.
- iii. The noise-masking system shall shape a pink noise signal to reproduce the sound in the room over the frequency range of 31 Hz to 10 kHz with the sound pressure levels in octave bands stated in the table below. The spectrum of the noise shall have a smooth continuous interpolation of levels from one octave and band to the next.

| Description | dBA | Octave Band Centre Frequency (Hz) dBZ | | | | | | | |
|---|-----|---------------------------------------|----|-----|-----|-----|------|------|------|
| | | 31.5 | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 |
| Required level in bedrooms dBZ <small>Leq,1min</small> | 35 | 65 | 55 | 44 | 35 | 30 | 25 | 20 | 18 |
| Required level in Living Rooms and Hotel Rooms dBZ <small>Leq,1min</small> | 40 | 70 | 55 | 44 | 35 | 30 | 25 | 20 | 18 |

- iv. The system shall utilise i) a number of small loudspeakers which are flush mounted in the ceiling of apartments to reproduce the frequency range of 125 Hz to 10 kHz, and ii) at least two subwoofers per room that are fed with separate pink noise signals that are not phase coherent.

The subwoofers shall have a low profile allowing them to be flush mounted into the ceiling cavity.

c. Acoustic Design Report

Prior to the issue of a Construction Certificate, a report describing the design of the proposed noise masking system must be submitted to and approved by Council. The report must:

- i. be prepared by a competent acoustic consultant with demonstrated experience in the design and commissioning of electronic masking systems;
- i. detail the design rationale for the system and how the required levels relate to predicted post-construction internal background noise levels;
- ii. confirm that masking is compatible with and supplementary to the façade design, ventilation strategy, and compliance with State Environmental Planning Policy (Housing) 2021 and the Apartment Design Guide;
- iii. consider perceptibility, individual threshold variance, low-frequency sensitivity, health impacts, and occupants who may find masking intrusive;

- iv. provide evidence that the proposed system does not conflict with any statutory entertainment noise criteria applicable to the Coogee Bay Hotel or other licensed premises;
- v. demonstrate how the system will remain effective despite variations in ambient noise, and resident behaviour.

Council may require amendments where insufficient evidence or uncertainty is identified.

(Modified by 437/2021/A)

REQUIREMENTS TO BE INCLUDED IN THE RELEVANT CONSTRUCTION CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the relevant construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

- 27.** Warm water systems and/or Cooling Towers must be designed, installed and maintained in accordance with the requirement of the *Public Health Act 2010* (Part 4 Microbial Control) and Regulations. The air handling system cooling tower must be designed, installed and operated in accordance with the relevant requirements of AS/NZS 3666.1 (2002), AS/NZS 3666.2 (2002) and AS/NZS 3666.3 (2000).

Details of compliance must be provided with the construction certificate application.

Wastewater from cooling tower warm water systems is to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.

- 28.** The premises is to be designed, constructed and operated in accordance with the *Food Act 2003, Food Regulation 2015, Australia & New Zealand Food Standards Code* and Australian Standard AS 4674 (2004), Design, construction and fit-out of food premises and details of compliance are to be included in the documentation for the construction certificate.

Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be provided in the construction certificate.

COOLROOMS

- 29.** Coolrooms, refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the *National Construction Code Building Code of Australia (BCA)*, and:
- a. The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
 - b. All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.

- c. The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- d. Must be fitted with a door that can be opened at all times from inside without a key.
- e. An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 dB(A) when measured 3 metres from a sounding device.
- f. The space between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).

WASTE ROOMS

- 30.** To ensure the adequate storage and collection of waste from the occupation of the building, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area. The waste storage area must be designed and constructed in accordance with the following requirements to minimise odours, deter vermin, and protect surrounding areas:-

- (i) Provided with a hose tap connected to the water supply.
- (ii) Paved with impervious floor materials.
- (iii) Coved at the intersection of the floor and walls.
- (iv) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water).
- (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act 1997*.
- (vi) An adequate lighting system must be provided (natural or artificial) to the waste room to aid with cleaning and the detection of pest activity.
- (vii) Fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*.

FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

- 31.** Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to satisfy the relevant provisions of the Building Code of Australia/NCC and relevant standards and allow for the discharge of effluent air above roof level. In addition, mechanical exhaust systems must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future.

Mechanical exhaust systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings.

Emission control equipment shall be provided in the mechanical exhaust system serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.

Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the construction certificate for the development.

ADDITIONAL ACOUSTIC REPORTING REQUIRED – MECHANICAL PLANT

- 32.** Prior to the issue of any relevant construction certificate, a competent acoustic consultant must be engaged to undertake and report on the predicted noise levels from all mechanical plant selected at the detailed design stage and included on relevant construction certificate plans.
- i. The design shall be developed to the extent that all noise-attenuating devices such as acoustic louvres, inline attenuators and barriers are selected to be consistent with the approved Acoustic Master Plan and the approved Precinct Noise Management Plan. The addition of these devices to the structure shall not exceed the approved height envelopes of the building.
 - ii. A mechanical engineer shall certify that this design of the mechanical system and the attenuation devices is capable of meeting the as-built air-handling requirements of the entire site.
 - iii. [Delete]
 - iv. The acoustic report must be submitted to the Director of City Planning for review and written approval prior to the issue of any relevant construction certificate.

Notes:

The stricter of the amenity/intrusiveness criteria becomes the prevailing criteria for the development.

Refer to Condition 26B for definition of a Competent Acoustic Consultant..

(Modified by DA/437/2021/A)

- 33.** Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the approved Acoustic Master Plan and the approved Precinct Noise Management Plan (including, where the tenancy-specific fit out works are the subject of a construction certificate, any tenancy-specific acoustic report/s for Selina's Laneway and Coogee Bay Road retail/commercial tenancies west of Selina's Laneway), with reference to relevant documentation. This must be done by a competent Acoustic Consultant. This work will be to the satisfaction of the accredited certifier.

(Modified by DA/437/2021/A)

NO CHARCOAL OR SOLID FUEL COOKING

- 34.** No charcoal or solid fuel cooking is approved as part of this application.

For the purpose of this condition solid fuel cooking should be defined as any solid material used as a fuel to produce energy and provide heating through combustion for the purpose of cooking. Solid fuels will include but are not limited to wood, charcoal, peat, coal etc.

BUILDING CODE OF AUSTRALIA& RELEVANT STANDARDS

- 35.** In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and section 69 of the *Environmental Planning and Assessment Regulation 2021*, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).

Details of compliance with the relevant provisions of the BCA and referenced Standards must be included in the relevant Construction Certificate application.

- 36.** Access, facilities and car parking for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Registered Certifier for the development. Details of the required access, facilities and car parking for people with disabilities are to be included in the relevant construction certificate for the development.

BASIX REQUIREMENTS

- 37.** In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and section 75 of the *Environmental Planning and Assessment Regulation 2021*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the relevant construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifier.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to the relevant construction certificate being issued.

SITE STABILITY, EXCAVATION AND CONSTRUCTION WORK

- 38.** A report must be obtained from a suitably qualified and experienced professional engineer/s, which includes the following details, to the satisfaction of the appointed Certifier for the development:
- a. Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjoining properties.
 - b. Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
 - c. Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.

- d. Recommendations and requirements in the geotechnical engineers report shall be implemented accordingly and be monitored during the course of the subject site work.
- e. Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the appointed Certifier for the development prior to issue of a relevant construction certificate.

- 39.** Swimming Pools and Spa Pools are to be designed and installed in accordance with the requirements of the Building Code of Australia and be provided with a child-resistant barrier in accordance with the *Swimming Pools Act 1992*; the *Swimming Pools Regulation 2018* and Australian Standard AS 1926.1 (2012) (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).

Details of compliance are to be provided in the relevant Construction Certificate.

Temporary pool safety fencing is also required to be provided to swimming pools pending the completion of all building work and swimming pools must not be filled until a fencing inspection has been carried out and approved by the Principal Certifier.

Note: This development consent does not approve the design and location of swimming/spa pool safety barriers. Swimming/spa pool safety barriers are required to comply with the Swimming Pools Act 1992, Swimming Pools Regulation 2018 and relevant Standards. Details of compliance are required to be included in the relevant Construction Certificate, to the satisfaction of the appointed Certifier for the development.

- 40.** Swimming pools are to be designed, installed and operated in accordance with the following general requirements:
- Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation.
 - Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed with a building to minimise noise emissions or result in a noise nuisance.
 - Water recirculation and filtrations systems are required to comply with AS 1926.3 (2010) Swimming Pool Safety – Water Recirculation and Filtration Systems.
 - Paving and ground surfaces adjacent to swimming pools are to be graded and so as to ensure that any pool overflow water is drained away from buildings and adjoining premises, so as not to result in a nuisance or damage to premises.

TRAFFIC CONDITIONS

- 41.** Adequate provisions are to be made to provide pedestrian visibility and safety. As a minimum all new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the Principal Certifier and Council, are to be included in the construction certificate documentation.

The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.

- 42.** Vehicular Access shall not be provided from Vicar Street. Only one (1) vehicular access shall be provided to and from the site via Arden Street only and at its southern end but offset from the southern property boundary by 1.5m.
- 43.** Prior to the issue of the relevant construction certificate, the Applicant shall submit to the Principal Certifier, a detailed "Design" certificate from an experienced and qualified traffic engineer with tertiary qualifications that certifies that the design of the following matters complies with relevant clauses of AS2890.1-2004 (cars and motorcycles), AS2890.2:2018 (commercial vehicles, restricted in length to a 12.5m long Heavy Rigid Vehicle (HRV), AS2890.6-2009 (disabled parking) and AS2890.3-2015 (bicycles):
- a. The vehicular access to and from the site.
 - b. Internal vehicular circulation ramps.
 - c. Off-street commercial vehicle loading area / bay and associated access / manoeuvring area, limited to a maximum rigid truck length of 12.5m.
 - d. Off-street parking provision and compliant access / manoeuvring for cars, motorcycles and bicycles.
 - e. That the above listed matters have been designed in accordance with the approved plans and specifications.
 - f. That all vehicles outlined above can enter and leave the site in a forward direction.
 - g. The sight line for drivers of vehicles leaving the Site complies with Clause 3.2.4 and Figure 3.3 of AS2890.1-2004 with design certification of that aspect included.

The certification is to be submitted to the Certifier prior to the issue of the relevant construction certificate.

- 44.** Prior to the issue of the relevant construction certificate, the Applicant shall submit to the Principal Certifier, a detailed "Design" certificate from an experienced and qualified turntable installer that certifies that the specifications and detailed design of the proposed turntable located within the loading dock area is functional, safe, workable and "fit-for-purpose".

DESIGN ALIGNMENT LEVELS

- 45.** The design alignment level (the finished level of concrete, paving or the like) at the property boundaries for driveways, access ramps and pathways or the like, shall be obtained in writing from Council's Development Engineer Coordinator prior to lodgement of any Construction Certificate.

The design alignment levels at the property boundary as issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any request to vary the design alignment level/s must be forwarded to and approved in writing by Council's Development Engineers and may require a formal amendment to the development consent via a Section 4.55 application.

Enquiries regarding this matter should be directed to Council's Development Engineer Coordinator on 9093-6924.

46. The above alignment levels and the site inspection by Council's Development Engineering Section will be issued at a prescribed fee of **\$4,686** calculated at **\$60.00** per metre of site frontage to Arden Street. This amount is to be paid prior to the first construction certificate being issued for the development.

STREET AWNINGS

47. Plans submitted for the construction certificate shall demonstrate the proposed awnings complying with the following council requirements:
- a. The minimum clear distance from the existing footpath in Arden Street, Coogee Bay Road and Vicar Street to the underside of any proposed awning shall be 3.00 metres.
 - b. All new awnings shall be set back a minimum of 600mm from the face of kerb.

STORMWATER DRAINAGE & FLOOD MANAGEMENT

48. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the Principal Certifier prior to the issue of any construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the Principal Certifier. The drawings and details shall include the following information:

- a. A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
- b. A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
- c. Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- d. Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- e. The details of any special features that will affect the drainage design e.g. the nature of the soil in the site and/or the presence of rock etc.
- f. The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - Roof areas
 - Paved areas
 - Grassed areas
 - Garden areas

49. Prior to the lodging of the first Construction Certificate the applicant must obtain from Council the critical 1%AEP (1 in 100 year) flood levels at all points along the Vicar Street, Coogee Bay Road, Arden Street site frontages and within the development site.
- a) The floor level of all retail and commercial areas must be at or above the critical 1%AEP flood level, or be suitably waterproofed up to this same level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation; and
 - b) .All habitable floor areas must be at or above the critical 1% AEP (1 in 100 year) flood levels plus 500mm or be suitably waterproofed up to this same level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
50. The proposed internal driveway shall be designed with a high point at least 300 mm above the critical 1%AEP (1 in 100 year) flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
51. Windows, vents and other openings into the carpark areas (excluding the driveway opening) are to be located at least 300 mm above the critical 1%AEP (1 in 100 year) flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
52. The ground floor level located along the Vicar Street, Coogee Bay Road and Arden Street site frontages shall be designed to *structurally* withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the Principal Certifier with the construction certificate.

This requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be *structurally* damaged in manner that could endanger lives during the PMF event.

INTERNAL DRAINAGE

53. The site stormwater drainage system is to be provided in accordance with the following requirements:
- a. The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Principal Certifier* and details are to be included in the construction certificate.
 - b. The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter and or existing kerb inlet pits in the streets fronting the development site. The point/s of connection must be determined in consultation with Council's Development Engineer Coordinator.
 - ii. To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

NOTES:

- Infiltration will not be appropriate if the site is subject to rock and/or a water table within 2 metres of the base of the proposed infiltration area, or the ground conditions comprise low permeability soils such as clay.
 - If the owner/applicant is able to demonstrate to Council that he/she has been unable to procure a private drainage easement through adjoining premises and the ground conditions preclude the use of an infiltration system, a pump-out system may be permitted to drain the portion of the site that cannot be discharged by gravity to Council's street drainage system in front of the property.
 - Pump-out systems must be designed by a suitably qualified and experienced hydraulic consultant/engineer in accordance with the conditions of this consent and Council's Private Stormwater Code.
- c. Should stormwater be discharged to Council's street drainage system the maximum discharge from the site to the kerb must not exceed **25L/S** for all storm events up to the 1 in 20 year storm event. All stormwater run-off from the site exceeding this amount is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the Principal Certifier.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year / 1%AEP storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.

- d. Should stormwater be discharged to an infiltration system the following requirements must be met;
- i. Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
 - ii. The infiltration area shall be sized for all storm events up to the 5% AEP (1 in 20 year) storm event with provision for a formal overland flow path to Council's Street drainage system.

Should no formal overland escape route be provided for storms greater than the 5% AEP (1 in 20yr) design storm, the infiltration system shall be sized for the 1% AEP (1 in 100yr) storm event.
 - iii. Infiltration areas must be a minimum of 3.0 metres from any structure (Note: this setback requirement may not be necessary if a structural engineer or other suitably qualified person certifies that the infiltration area will not adversely affect the structure)
 - iv. Infiltration areas must be a minimum of 2.1 metres from any site boundary unless the boundary is common to Council land (e.g. road, laneway or reserve).
- e. Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique

as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.

- f. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1% AEP (1 in 100 year), 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code.

- g. Should a charged system be required to drain any portion of the site, the charged system must be designed such that;
- i. There are suitable clear-outs/inspection points at pipe bends and junctions.
 - ii. The maximum depth of the charged line does not exceed 1m below the gutter outlet.
- h. If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- i. Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- j. Generally all internal pipelines must be capable of discharging a 5% AEP (1 in 20 year) storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- k. A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.

- A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
- Provision of a sign adjacent to the pit stating, "This sediment/silt arrester pit shall be regularly inspected and cleaned".

Sketch details of a standard sediment/silt arrester pit may be obtained from Council's Drainage Engineer.

- l. The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

- m. The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
- i. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - ii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - iii. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
 - iv. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

Note: Above ground storage of stormwater is not permitted within basement car parks or store rooms.

- n. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- o. A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- p. Mulch or bark is not to be used in on-site detention areas.
- q. Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.

SITE SEEPAGE, GROUNDWATER AND DEWATERING

54. A report must be obtained from a qualified, experienced Hydrogeological Engineer, which provides an assessment of the site and the potential impact of groundwater, the water table or seepage flows upon the development to the satisfaction of the Principal Certifier.

The report must confirm whether or not the site is or may be affected by *groundwater, fluctuating water table or seepage flows* and the report must include details of the measures to be implemented to effectively manage any groundwater.

The report must be completed before the issue of any construction certificate for site works including demolition or excavation, with recommendations to manage groundwater carrying through to any construction certificate including demolition, excavation and the erection of any new basement or new building, until such a time the final occupation certificate is issued.

55. If the proposed basement level/s extend into the water table, be affected by fluctuations of the water table or affected by seepage flows the following requirements apply:

- a. The design and construction of the basement level/s must preclude the need for dewatering after construction.

That part of the development that may be impacted by the water table or seepage flows must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.

- b. Groundwater management systems shall be designed to transfer groundwater or seepage water around, through or under the proposed development without a change in the range of the natural groundwater level fluctuations in the locality.

Where an impediment to the natural flow paths is created as a result of the nature of the construction methods utilised or the bulk of the below-ground structure, artificial drains such as perimeter drains and through drainage may be utilised. These systems may only be utilised where it can be demonstrated that the natural groundwater flow regime is restored both up-gradient and down-gradient of the site, without any adverse effects on surrounding property or infrastructure.

Groundwater management systems:

- Are to be designed to be easily maintained.
- Should have a design life of 100 years.

- c. The basement level/s of the building must be designed by a structural engineer who is qualified and experienced in the design of structures below a water table. Details of the proposed methods of managing groundwater, tanking and waterproofing must be submitted to and approved by the Principal Certifier, prior to issuing the **construction certificate**. A copy of the engineer's qualifications and experience must also be submitted to the Principal Certifier.

In the event of the development being modified in a manner that changes building/structural loads or alters the basement design, a suitably qualified and experienced structural engineer must certify that the design of the basement remains adequate for the site conditions.

- 56.** Prior to the issue of the first construction certificate, a report must be submitted to and approved by the Principal Certifier, detailing the proposed methods of excavation (including support), managing groundwater, managing seepage flows and dewatering the site.

The report is to be prepared by a suitably qualified and experienced Geotechnical and/or Hydrogeological Engineer and include:

- a. Details of compliance with relevant approvals and licences (e.g. Council's conditions of consent and Water Licence from Water New South Wales (Water NSW). **Note – any temporary dewatering for construction will require the prior approval of Water NSW.**
- b. The proposed method of excavation, shoring/piling and dewatering.
- c. Assessment of the potential risk of off-site impacts such as damage to surrounding buildings or infrastructure due to differential sediment compaction and surface settlement during and following pumping of groundwater. *Note: The assessment must demonstrate that the proposed method of excavation and dewatering will not pose an unacceptable risk of damage.*
- d. The zone of any possible settlement.
- e. Details of the proposed temporary disposal of groundwater and/or construction site stormwater to Council's drainage system. *Note: Prior to discharging groundwater (or site stormwater) into Council's stormwater drainage system, separate written approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993.*
- f. The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- g. Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in an environmentally sensitive manner. The details must demonstrate compliance with relevant requirements and approvals of the Office of Environment & Heritage, Council and the Protection of the Environment Operations Act 1997.
- h. The program to monitor fluctuations of the water table during dewatering/construction to ensure that the conditions of consent and other relevant requirements are satisfied.
- i. The location of all proposed monitoring and pumping equipment in relation to the property boundaries (where monitoring or pumping equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).

- j. Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises)
- k. Certification that the proposed methods of dewatering and excavation are:
 - appropriate and in accordance with 'best practice' principles; and
 - should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

A copy of the approved report must be submitted to Council, (for Council's record keeping purposes and as confirmation that this condition has been complied with), prior to the commencement of any site construction works.

Any practices or recommendations made by the consulting engineer/s in the approved report must be implemented accordingly and the dewatering process must be monitored by the consulting engineer/s to the satisfaction of the Principal Certifier.

PUBLIC UTILITIES

- 57.** A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.

The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other authorities to adjust, repair or relocate their services as required.

UNDERGROUNDING OF SITE POWER

- 58.** Power supply to the proposed development shall be provided via an underground (UGOH) connection. No Permanent Private Poles are to be installed with all relevant documentation submitted for a construction certificate to reflect these requirements to the satisfaction of the Principal Certifier. The applicant/owner is to liaise with an Ausgrid Accredited Service Provider to carry out the works to the requirements and satisfaction of Ausgrid and at no cost to Council.

WASTE MANAGEMENT - DETAIL

- 59.** Prior to the issue of the first Construction Certificate, an amended Waste Management Plan including a Demolition and Construction Waste Management Plan using Council template for Council approval. Additionally, detailed floor and section plans shall be submitted to and approved by Council for the waste storage and loading area/s. The plans shall identify the location of the waste storage area/s and incorporate the following requirements:

- a. Bearing capacity and dimensions of the turn table;
- b. Minimum provision of bins (number of bins) and collection frequency is to comply with Council's Development Control Plan and the approved Waste Management Plan.
- c. Detail on the processing of food waste, including operation of required machinery and removal of waste created;
- d. Operational detail on the cardboard compactor, including removal of waste created;

- e. Sufficient space for access by residents and occupants, storage and easy manoeuvring of bins;
- f. A concrete floor graded to an approved sewer connection comprising a sump and galvanised fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer;
- g. Adequate ventilation to the external air by natural or mechanical means;
- h. The door to the room must be tight fitting and self-closing;
- i. A hose cock adjacent to the garbage storage area to facilitate cleaning of bins and the storage area. If the hose cock is located inside the waste storage area, it shall not protrude into the space indicated for the placement of bins;
- j. Sufficient lighting to permit usage at night; and
- k. Should garbage chutes be integrated into the design of the building, operational instructions shall be located prominently next to the chute.

On-site waste collection will require a **Deed of Indemnity**, to be signed and accepted by Council.

Any modifications to the construction of the waste storage area require Council's prior written approval.

60. TRANSPORT FOR NSW (TFNSW) CONDITIONS

The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) are to be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.

AMENDED LANDSCAPE PLANS

- 61.** The approved Landscape Plans, by Oculus, must be amended to comply with the following requirements:
 - a. A Planting Plan must nominate exactly what will be planted where, including quantity/density, location and pot size, along with any other details required to properly describe the works;
 - b. Details must be provided showing how safe and compliant access will be facilitated for the purposes of maintaining the 'Planted Awning' above the driveway that is parallel with the southern site boundary;
 - c. Pending the outcome of condition 6, the location of any relocated/transplanted palms.
- 62.** Written certification from a qualified professional in the Landscape industry (must be eligible for membership with a nationally recognised organisation/association) must state that the amended scheme, submitted for the Construction Certificate, complies with the requirements specified above, with both this written statement and revised plans to then be submitted to, and be approved by, the Principal Certifier.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF WORKS

The following conditions of consent must be complied with prior to the commencement of works on the site or prior to the commencement of the erection of a building (as indicated). The necessary documentation and information must be provided to the Principal Certifier for the development or the Council, as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations and to provide reasonable levels of public health, safety and environmental amenity.

WATER NSW (GENERAL TERMS OF APPROVAL (GTA))

- 63.** The development is to demonstrate compliance with all relevant General Terms of Approval issued by Water NSW, dated 22 December 2023 (**Attachment 1**).

BUILDING CERTIFICATION AND ASSOCIATED REQUIREMENTS

- 64.** The following requirements must be complied with prior to the commencement of any building works (including any excavation work and any demolition work to be carried out
- a. a *Registered (Building) Certifier* must be appointed as the *Principal Certifier* for the development to carry out the necessary building inspections and to issue an *occupation certificate*; and
 - b. a *principal contractor* must (if the person having the benefit of the consent is not carrying out the relevant work as an owner-builder) be appointed for the building work, or in relation to residential building work, an owner-builder permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the *Principal Certifier* and Council must be notified accordingly (in writing); and
 - c. the principal contractor and/or person having the benefit of this development consent must be advised of the required critical stage inspections and other inspections to be carried out, as specified by the *Principal Certifier*; and
 - d. at least two days notice must be given to the *Principal Certifier* and Council, in writing, prior to commencing any works.

CONSTRUCTION CERTIFICATE

- 65.** A *Construction Certificate* must be obtained from a Registered (Building) Certifier prior to the commencement of the erection of the building, in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

DILAPIDATION REPORTS

- 66.** A dilapidation report (incorporating photographs of relevant buildings and structures) must be obtained from a Professional Engineer, detailing the current condition and status of all of the buildings and structures located upon all of the properties adjoining the subject site, and any other property or public land which

may be affected by the works, to the satisfaction of the *Principal Certifier* for the development. However, if a property owner declines to provide reasonable access for the carrying out of dilapidation reports (on receipt of a written request seeking the same and proof that the request as delivered by post or courier and 21 days for a response having lapsed) any dilapidation report of that owner's property may, with the approval of the *Principal Certifier*, be prepared to the extent that is practicable (given the lack of access).

The dilapidation report must be submitted to the *Principal Certifier*, Council and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).

CONSTRUCTION SITE MANAGEMENT PLAN

67. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective site fencing and hoardings
- location of site storage areas, sheds, plant & equipment
- location of building materials and stock-piles
- tree protective measures
- dust control measures
- details of sediment and erosion control measures
- site access location and construction
- methods of disposal of demolition materials
- location and size of waste containers/bulk bins
- provisions for temporary stormwater drainage
- construction noise and vibration management
- construction traffic management details
- provisions for temporary sanitary facilities
- measures to be implemented to ensure public health and safety

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works.

A copy of the Construction Site Management Plan must be provided to the Principal Certifier and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

SEDIMENT CONTROL PLAN

68. A *Sediment and Erosion Control Plan* must be developed and implemented throughout the course of demolition and construction work in accordance with the manual for *Managing Urban Stormwater – Soils and Construction*, published by Landcom. A copy of the plan must be maintained on site and a copy is to be provided to the Principal Certifier and Council.

DEMOLITION WORK PLAN

69. A Demolition Work Plan must be developed and be implemented for all demolition work, in accordance with the following requirements:

- a) Demolition work must comply with Australian Standard AS 2601 (2001), Demolition of Structures; SafeWork NSW requirements and Codes of Practice and Randwick City Council's Asbestos Policy.
- b) The Demolition Work Plan must include the following details (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials in the building (including materials containing asbestos)
- Method/s of demolition (including removal of any hazardous materials including materials containing asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials (including asbestos)
- Other measures to be implemented to ensure public health and safety
- Date the demolition works will commence/finish.

The Demolition Work Plan must be provided to the Principal Certifier prior to commencing any demolition works or removal of any building work or materials. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

If the demolition work involves asbestos products or materials, a copy of the Demolition Work Plan must be provided to Council not less than 2 days before commencing any work.

Notes: *it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits and if the work involves the removal of more than 10m² of bonded asbestos materials or any friable asbestos material, the work must be undertaken by a SafeWork Licensed Asbestos Removal Contractor.*

CONSTRUCTION NOISE & VIBRATION MANAGEMENT PLAN

- 70.** Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies.

A Construction Noise & Vibration Management Plan must be developed and implemented throughout demolition and construction work.

The *Construction Noise & Vibration Management Plan* must be prepared by a competent acoustic consultant (refer to definition in condition 26B), in accordance with the Environment Protection Authority *Guidelines for Construction Noise and Assessing Vibration: A Technical Guideline* (or other relevant and recognised Vibration guidelines or standards) and the conditions of development consent. The plan shall consider the likely noise and vibration levels impinging upon neighbouring residences and the recommended methods for the mitigation of noise and vibration levels including liaison with nearby residents to manage that noise. The report shall be submitted to the Principal Certifier and Council for approval prior to any works commencing on site (including demolition works).

- a. Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management and mitigation strategies.
- b. Noise and vibration levels must be monitored during any demolition and during the works in the ground and building works up until the fit out/painting stage. A further report must be obtained from the acoustic/vibration consultant as soon as practicable after the

commencement of the works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.

- c. Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to the Principal Certifier and Council.

A copy of the Construction Noise & Vibration Management Plan and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to the Principal Certifier and Council prior to commencement of any site works.

- d. Noise and vibration levels must be monitored during the site work and be reviewed by the acoustic/vibration consultant periodically, to ensure that the relevant strategies and requirements are being satisfied and details are to be provided to the Principal Certifier and Council accordingly.

(Modified by DA/327/2021/A)

PUBLIC LIABILITY

71. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$20 million and a copy of the Insurance cover is to be provided to the Principal Certifier and Council.

PUBLIC DOMAIN

72. The applicant shall meet all costs associated with upgrading the Vicar Street site frontage in accordance with Council's Urban Design Elements Manual in a treatment such as can be seen with the Arden Street and Coogee Bay Road footpaths. All works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property.

A detailed streetscape plan for the Vicar Street site frontage showing proposed paving design, street furniture, grades, services, finished levels, extent and location of awnings, doors/entranceways, street trees, planting pits, tree guards, street signs and any other details required by Council's Landscape Architects shall be submitted to, and approved by, Council's Director of City Services prior to the commencement of any external streetscape works.

The applicant must liaise with Council's Landscape Architect on 9039-6577 prior to preparation of the streetscape plan to obtain any detailed, site specific landscape design requirements.

Following approval of the streetscape plan; and prior to commencement of the streetscape works on Council property, the applicant must also liaise with Council's Engineering Technical Officer on 9399-6922, regarding scheduling of work including inspections, supervision fees and compliance with Council's requirements for public liability insurance.

The approved streetscape works must then be completed to the satisfaction of Council's Landscape Architect and Engineering Technical Officer, with confirmation of both their approval for this to be provided in writing, prior to any Occupation Certificate.

CONSTRUCTION TRAFFIC MANAGEMENT

- 73.** An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Arden Street and/or Coogee Bay Road and/or Vicar Street for the duration of the demolition & construction works.

The 'Works Zone/s' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone/s. The application for the Works Zone/s must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

- 74.** A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including Transport for NSW, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.

- 75.** Any necessary approvals must be obtained from NSW Police, Transport for NSW (TfNSW), and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

All conditions and requirements of the NSW Police, TfNSW, State Transit Authority and Council must be complied with at all times.

CIVIL WORKS

- 76.** A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

PUBLIC UTILITIES

- 77.** Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifier prior to the commencement of any demolition, excavation or building works.

The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other service authorities to adjust, repair or relocate their services as required.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations and to provide reasonable levels of public health, safety and environmental amenity during construction.

- 78.** Hazardous materials arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of SafeWork NSW and the Environment Protection Authority, and with the provisions of:
- *Work Health and Safety Act 2011*;
 - *Work Health and Safety Regulation 2017*;
 - *Protection of the Environment Operations Act 1997*;
 - *Protection of the Environment Operations (Waste) Regulation 2014*;
 - *NSW EPA Waste Classification Guidelines (2014)*;
 - SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
 - Australian Standard 2601 (2001) – Demolition of Structures;
 - Randwick City Council’s Asbestos Policy.

Details of Compliance must be provided to the Principal Certifier for the development and Council, prior to commencement of site works.

NOTIFICATION – NEW CONTAMINATION EVIDENCE

- 79.** The Director of City Planning and the Principal Certifier must be notified immediately of any new information which comes to light during remediation, demolition, excavation or construction works which has the potential to alter previous conclusions about site contamination.

All works must cease until written concurrence from a NSW EPA Approved Site Auditor and Council is obtained on the suitability of any changes to remediation action plans, strategies or conditions of this development consent.

CLASSIFICATION OF WASTE

- 80.** Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *NSW EPA Waste Classification Guidelines, Part1: Classifying Waste (2014)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste.

For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

- 81.** The applicant is to engage the services of a suitably qualified person to respond to enquiries and complaints made by the community or Council in relation to the site and construction work.

A specific contact number is to be made available for such enquiries and complaints (including an after-hours emergency contract number) and a complaints register is to be maintained to record all such enquiries, complaints,

dates and actions taken in response to same, which is to be made available to Council officers upon request.

DETAILED SITE INVESTIGATION

82. Following demolition and prior to construction, the following is to be conducted in accordance with the approved Detailed Site Investigation (Contamination) Report:

- a. Data gap investigation: The investigation should comprise at least 10 test locations (ideally utilising test pits rather than boreholes) targeting previously inaccessible areas / building footprints to be demolished in order to meet minimum recommended sampling densities and to assess any potential impacts resulting from demolition on surficial soils, in accordance with the approved Detailed Site Investigation (prepared by Douglas Partners).

Where contamination of the site is detected, the applicant is to prepare a Remediation Action Plan, to be reviewed and approved by Council.

- b. Should the report referred to above in sub-clause a) identify that the land is not contaminated or, the land is contaminated but no remediation works are proposed to be carried out (having regard to the extent and nature of the proposed development), the following requirements must be satisfied:
 - i. **Prior to issuing a construction certificate** for the development, details must be submitted to and approved by Council's Director of City Planning in writing, which demonstrates that the land is (or will be) suitable for the intended development and use.
 - ii. The report and details must be provided by a suitably qualified Contaminated Land Consultant and any requirements, procedures, plans or strategies specified in the report and approved by Council form part of this consent and are required to be complied with and all relevant reports, documentary evidence, certification and validation must be provided to Council's satisfaction.

83. TRANSPORT FOR NSW (TFNSW) CONDITIONS

- a. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- b. Unless an application for a 'Works Zone' is approved under condition 73, all demolition and construction vehicles are to be contained wholly within the site, and vehicles must enter the site before stopping.
- c. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state classified road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

SITE SIGNAGE

84. A sign must be installed in a prominent position at the front of the site before/upon commencement of works and be maintained throughout the works, which contains the following details:

- name, address, contractor licence number and telephone number of any *principal building contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
- name, address and telephone number of the *Principal Certifier*,
- a statement stating that "unauthorised entry to the work site is prohibited".

BUILDING & DEMOLITION WORK REQUIREMENTS

- 85.** Building, demolition and associated site works must be carried out in accordance with the following requirements:

| Activity | Permitted working hours |
|---|---|
| All building, demolition and site work, including site deliveries (except as detailed below) | <ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted |
| Excavations within rock, sawing of rock, use of jack-hammers, driven-type piling or the like | <ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm (maximum) • As may be further limited in Noise & Vibration Management Plan • Saturday - No work permitted • Sunday & public holidays - No work permitted |
| Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises | <ul style="list-style-type: none"> • Monday to Saturday - No time limits (subject to work not being audible in any residential dwelling or commercial/industrial tenancy or building) • Sunday & public holidays - No work permitted |
| Additional requirements for all development (except for single residential dwellings) | <ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted |

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

TEMPORARY SITE FENCING

- 86.** Temporary site safety fencing or site hoarding must be provided to the perimeter of the site prior to commencement of works and throughout demolition, excavation and construction works, in accordance with the SafeWork guidelines and the following requirements:
- a. Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), heavy-duty plywood sheeting (painted white), or other material approved by Council in writing.

- b. Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
- c. All site fencing, hoardings and barriers must be structurally adequate, safe and be constructed in a professional manner and the use of poor-quality materials or steel reinforcement mesh as fencing is not permissible.
- d. Adequate barriers must also be provided to prevent building materials or debris from falling onto adjoining properties or Council land.
- e. Site access gates must open inwards and not onto Council land.

Notes:

- *Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.*
- *A separate Local Approval application must be submitted to and approved by the Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

TREATMENT OF SITE FENCING AND HOARDINGS

- 87.** Any site hoarding or fencing, including temporary, construction, perimeter or safety fencing, are to incorporate artwork or historic images of the local area to improve the visual amenity of the site during demolition and for the interim period until construction is completed on the site.
- 88.** Details of artwork and/or historic images, and of the fencing/hoarding, are to be submitted to and approved by Council's Manager Development Assessment prior to the commencement of any works on site including demolition.
- 89.** The approved artwork/historic images are to remain on the fencing/hoarding throughout demolition works, and until such time as the construction works including the future development on site has been fully completed.
- 90.** Any graffiti on the hoarding/fencing shall be removed at the expense of and by the developer/owner.

OVERHEAD HOARDINGS

- 91.** An overhead ('B' class) type hoarding is required to be provided to protect the public (unless otherwise approved by Council) if:
 - goods or materials are to be hoisted (i.e. via a crane or hoist) over a pedestrian footway
 - building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment
 - it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or adjoining land
 - as may otherwise be required by SafeWork NSW, Council or the Principal Certifier.

SITE MANAGEMENT

- 92.** Public safety and convenience must be maintained during demolition, excavation and construction works and the following requirements must be complied with at all times:

- a. Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- b. Soil, sand, cement slurry, debris or any other material must not be permitted to enter or be likely to enter Council's stormwater drainage system or cause a pollution incident.
- c. Sediment and erosion control measures must be provided to the site and be maintained in a good and operational condition throughout construction.
- d. The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times.
- e. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- f. During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident.
- g. Excavations must also be properly guarded to prevent them from being dangerous to life, property or buildings.
- h. The prior written approval must be obtained from Council to discharge any site stormwater or groundwater from a construction site into Council's drainage system, roadway or Council land. If an emergency discharge is necessary protect safety or avoid significant destruction of property, such a discharge may occur without Council approval, but the Council must be promptly (and in any event within 24 hours) informed of the incident in writing (and the circumstances in which it has taken place and any rectification works undertaken).
- i. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- j. A Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

SITE ACCESS

- 93.** A temporary timber, concrete crossing or other approved stabilised access is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council throughout the works, unless access is via an existing suitable concrete crossover. Any damage caused to the road, footpath, vehicular crossing or nature strip during construction work must be repaired or stabilised immediately to Council's satisfaction.

REMOVAL OF ASBESTOS MATERIALS

- 94.** Demolition work must be carried out in accordance with relevant SafeWork NSW requirements and Codes of Practice; Australian Standard – AS 2601 (2001) - Demolition of Structures and Randwick City Council’s Asbestos Policy. Details of compliance are to be provided in a *demolition work plan*, which shall be maintained on site and a copy is to be provided to the Principal Certifier and Council.

Demolition or building work relating to materials containing asbestos must also be carried out in accordance with the following requirements:

- A licence must be obtained from SafeWork NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro),
- Asbestos waste must be disposed of in accordance with the *Protection of the Environment Operations Act 1997* and relevant Regulations
- A sign must be provided to the site/building stating “Danger Asbestos Removal In Progress”,
- Council is to be given at least two days written notice of demolition works involving materials containing asbestos,
- Copies of waste disposal details and receipts are to be maintained and made available to the Principal Certifier and Council upon request,
- A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist or Licensed Asbestos Removal Contractor) which is to be submitted to the Principal Certifier and Council upon completion of the asbestos removal works,
- Details of compliance with these requirements must be provided to the Principal Certifier and Council upon request.

A copy of Council’s Asbestos Policy is available on Council’s web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council’s Customer Service Centre.

DUST CONTROL

- 95.** Dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Landscaping and revegetation of disturbed areas.*

EXCAVATIONS & SUPPORT OF ADJOINING LAND

- 96.** In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and section 74 of the *Environmental Planning and Assessment Regulation 2021*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

COMPLAINTS REGISTER

- 97.** A Complaints Management System must be implemented during the course of construction (including demolition, excavation and construction), to record resident complaints relating to noise, vibration and other construction site issues.

Details of the complaints management process including contact personnel details shall be notified to nearby residents, the Principal Certifier and Council and all complaints shall be investigated, actioned and responded to and documented in a Complaints Register accordingly.

Details and access to the Complaints Register are to be made available to the Principal Certifier and Council upon request.

SURVEY REQUIREMENTS

- 98.** A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building:

- prior to construction (pouring of concrete) of footings for the building and boundary retaining structures,
- prior to construction (pouring of concrete) of new floor levels,
- prior to issuing an Occupation Certificate, and
- as otherwise may be required by the Principal Certifier.

The survey documentation must be forwarded to the Principal Certifier and a copy is to be forwarded to the Council.

BUILDING ENCROACHMENTS

- 99.** There must be no encroachment of any structures or building work onto or within Council's road reserve, footway, nature strip or public place. However, this condition does not operate to require the demolition or removal of any existing heritage fabric that so encroaches.

TREE MANAGEMENT

- 100.** Approval is granted for removal of the following vegetation from within this development site, subject to full implementation of the adopted Landscape Plans, including the Palm Replacement Strategy shown on Sheet 6.13 by Oculus:

- a. The group of various palms along the southern site boundary, adjacent the existing 'through-site driveway' and Beer Garden, comprising from west to east, 8A, 8, 9, 9A, 10, 11, 12, 13, 14, 14A, 15, 15A, 15B & 18 as identified in the Arborist Report.

NOTE: Council must firstly provide written confirmation that Condition 7 has been satisfied before the approvals listed above can physically take place.

SITE SEEPAGE & STORMWATER

- 101.** Details of the proposed connection and or disposal of any site seepage, groundwater or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineering Coordinator, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

Details must include the following information:

- Stormwater/De-Watering Management Plan (prepared by a suitably qualified Environmental Consultant);
- Detailed plans and specifications;

- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the *Protection of the Environment Operations Act 1997*
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the *Protection of the Environment Operations Act 1997* and associated Regulations and Guidelines
- **Copy of any required approvals and licences from other Authorities (e.g. A water licence from Water NSW).**
- Details of compliance with any relevant approvals and licences

ROAD/ASSET OPENING PERMIT

102. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:

- a. A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- b. Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c. Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d. The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
- e. Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f. Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g. Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h. The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.

- i. The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j. Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k. The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

ROADWAY

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

TRAFFIC MANAGEMENT

- 104.** Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- 105.** All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.
- 106.** All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

STORMWATER DRAINAGE

- 107.** Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Principal Certifier.

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

- 108.** Any required dewatering must be monitored by the consulting Engineer/s to the satisfaction of the Principal Certifier and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the Principal Certifier and the Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.

- 109.** A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater or construction site water into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

STREET AWNING CERTIFICATION

- 110.** A report is required to be obtained from a professional structural engineer, which assesses and reports on the structural adequacy of the awning attached to the subject premises, located over the footway.

The report is required to:

- a. Confirm that the subject awning is currently structurally adequate and fit-for-purpose, or;
- b. Detail the necessary works required to be carried out to ensure that the awning is structurally adequate and fit-for-purpose.

In the case of a report provided in accordance with a) above, the report must be provided to Council and the Principal Certifier prior to the issuing of an Occupation Certificate or commencement of the use (whichever the sooner).

In the case of a report provided in accordance with b) above, the necessary works identified in the report must be carried out and a further report or certificate must be provided to the Council and the Principal Certifier which confirms that the necessary work has been carried out and the subject awning is structurally adequate and fit-for-purpose, prior to the issuing of an Occupation Certificate or commencement of the use of the land (whichever the sooner) or other timeframe approved by Council in writing.

Notes:

- If works are required to make the awning structurally adequate, any necessary approvals under the Local Government Act (1993), Roads Act (1993) and/or the Environmental Planning and Assessment Act (1979) must be obtained prior to the commencement of works to the awning.

The structural engineering report referenced in this condition is NOT required if evidence is submitted to demonstrate that the subject awning was approved and constructed less than 10 years ago.

REQUIREMENTS PRIOR TO THE ISSUE OF THE RELEVANT OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the *Principal Certifier* issuing the relevant *Occupation Certificate*.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

POST-CONSTRUCTION DILAPIDATION REPORTS

- 111.** A post-construction Dilapidation Report is to be prepared by a professional engineer for the adjoining and affected properties of this consent, to the satisfaction of the Principal Certifier, prior to the issue of a final Occupation Certificate.

The dilapidation report shall detail whether:

- a. after comparing the pre-construction dilapidation report to the post-construction report dilapidation report required under this consent, there has been any damage (including cracking in building finishes) to any adjoining and affected properties; and
- b. where there has been damage (including cracking in building finishes) to any adjoining and/or affected properties, that it is a result of the building work approved under this development consent.

In respect of those buildings and structures in relation to which permission for access for the purposes of preparing the report was sought from the relevant landowners (on receipt of written request seeking the same), but not granted the post-construction dilapidation report only needs to address the extent areas of reporting undertaken on those buildings and structures in accordance with Condition 66.

The report is to be submitted as a PDF in Adobe format or in A4 format and a copy of the post-construction dilapidation report must be provided to the Principal Certifier and to Council (where Council is not the principal certifier). A copy shall also be provided to the owners of the adjoining and affected properties and Council shall be provided with a list of owners to whom a copy of the report has been provided.

OCCUPATION CERTIFICATE

- 112.** The relevant Occupation Certificate must be obtained from the Principal Certifier in relation to building work prior to any occupation of the relevant building work (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

FIRE SAFETY CERTIFICATE

- 113.** A *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the relevant *Occupation Certificate*, in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- a. A copy of the *Fire Safety Certificate* must be displayed in the building entrance/foyer at all times and a copy of the *Fire Safety Certificate* and *Fire Safety Schedule* must also be forwarded to Fire and Rescue NSW.

STRUCTURAL CERTIFICATION

- 114.** A Certificate must be obtained from a *professional engineer*, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the *Principal Certifier*. A copy of which is to be provided to Council.

BASIX REQUIREMENTS & CERTIFICATION

- 115.** In accordance with the *Environmental Planning and Assessment (Development, Certification & Fire Safety) Regulation 2021*, a Certifier must not issue an Occupation Certificate for this development, unless it is satisfied that any relevant BASIX commitments and requirements have been satisfied.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the *Principal Certifier* and Council upon issuing an Occupation Certificate.

COUNCIL'S INFRASTRUCTURE, VEHICULAR CROSSINGS & ROAD OPENINGS

- 116.** The owner/developer must meet the full cost for a Council approved contractor to:
- a. Construct a full width concrete industrial vehicular crossing and layback at kerb opposite the vehicular entrance to the premises in Arden Street to Council's specifications and requirements. The design of the vehicular crossing shall be based on Council's assessment of turning manoeuvres / swept paths into and from the development site.
 - b. Remove all redundant concrete vehicular crossings and laybacks and to reinstate the area to Council's specification.
 - c. Reconstruct/ upgrade the Vicar Street site frontage in accordance with Council's Urban Design Elements Manual in a treatment such as can be seen with the Arden Street and Coogee Bay Road footpaths.
- 117.** Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
- 118.** All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:
- a. Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.
 - b. Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
 - c. The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.

SURVEY INFRASTRUCTURE – RESTORATION

- 119.** Where a Surveyor-General's Approval for Survey Mark Removal has been granted by NSW Spatial Services, documentary evidence of restoration of the removed survey mark must be prepared by a Registered Surveyor and submitted to the appointed certifying authority and the Council prior to the issue of an occupation certificate.

The documentary evidence is to consist of a letter Signed by a Registered Land Surveyor confirming that all requirements requested under the Surveyor-

General's Approval for Survey Mark Removal under condition "Survey Infrastructure – Identification and Recovery" have been complied with.

UNDERGROUNDING OF POWER

- 120.** The Principal Certifier shall ensure that power supply to the completed development has been provided as an underground (UGOH) connection. All work is to be to the requirements and satisfaction of Ausgrid and at no cost to Council.

Note: Any private poles must be removed prior to the issuing of an occupation certificate.

STORMWATER DRAINAGE

- 121.** If any onsite storm water detention or infiltration system is required a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
 - c. Evidence of registration of the Positive Covenant and Restriction (by receipt and/or title search) on the title of the subject property must be provided to the satisfaction of the Principal Certifier.
- 122.** A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifier and the Council. The works-as-executed plan must include the following details (as applicable):
- Finished site contours at 0.2 metre intervals;
 - The location of any detention basins/tanks with finished surface/invert levels;
 - Confirmation that orifice plate/s have been installed and orifice size/s (if applicable);
 - Volume of storage available in any detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).
- 123.** The applicant shall submit to both the Principal Certifier and to Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the Principal Certifier.

- a. The applicant shall submit to the Principal Certifier and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent. **There must be no dry weather seepage/groundwater flows discharging to Council's street gutter or underground drainage system.**

LANDSCAPE AND ARBORIST CERTIFICATION

- 124.** Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the approved Landscape Plans, including the approved Palm Replacement Strategy, both prepared by Oculus, and any other relevant conditions of consent.
- 125.** Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.
- 126.** Prior to any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Principal Certifier, a Final Compliance Report detailing compliance with the conditions of consent, Arborists Report Recommendations, the dates of attendance and works performed/supervised relating to the retention of **T1, 2, 2A, 16-17 & 19-20.**

COMMERCIAL/INDUSTRIAL – USE OF THE DEVELOPMENT AND PLANT/EQUIPMENT

- 127.** A report, prepared by a competent acoustic consultant, shall be submitted to the Principal Certifier and Council, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority Noise Policy for Industry 2017, the approved Acoustic Master Plan and the approved Precinct Noise Management Plan and conditions of this development consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council.

(Modified by DA/437/2021/A)

- 128.** The assessment and report must include all relevant fixed and operational noise sources and confirm that all required structural acoustic measures have been implemented and are operating as intended to achieve the relevant internal noise criteria in habitable rooms within the development.
All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

NOISE – INSTALLATION, SETUP, TESTING AND CALIBRATION OF LIMITER/S,

- 129.** Prior to the issue of an Occupation Certificate, a Competent Acoustic Consultant* is to provide a Noise Limiter/s Verification Report to the written satisfaction of the

Principal Certifying Authority that the development complies with the requirements of relevant noise criteria and acoustic condition requirements set out in this development consent and the approved Acoustic Master Plan and the approved Precinct Noise Management Plan.

The limiters shall be installed in locked cabinets located in a secure area. Access to limiter post-calibration shall be restricted to the contractor servicing the limiter and made available to Council officers upon request.

The limiter settings must be set and certified by the Competent Acoustic Consultant to ensure compliance with noise criteria for the residential accommodation both inside and outside the development. The operation of the limiters shall be checked and re-calibrated by the Competent Acoustic Consultant every two years.

Note: *A Competent Acoustic Consultant is defined in Condition 26B.

Modified by DA/437/2021/A

COMPREHENSIVE PLAN OF MANAGEMENT

- 130.** A comprehensive plan of management for each stratum lot created under this consent must be submitted to and approved by the Council's Director of City Planning prior to the issue of an occupation certificate for each of the relevant stratum lots.

This plan shall outline the specific measures and controls to be implemented to:

- Ensure full compliance with the relevant conditions of the development consent and the approved Acoustic Master Plan and the approved Precinct Noise Management Plan.
- Minimise potential environmental and amenity impacts on neighbouring residents.
- Effectively minimise and manage any instances of anti-social behaviour.
- Establish an effective system to manage and address resident complaints.
- Ensure responsible service of alcohol and prioritise harm minimisation.
- Provide adequate security and surveillance measures (e.g. CCTV).
- Ensure that the maximum number of patrons does not exceed the authorised capacity, as per the Council's consent.

The use and operation of the development must be implemented in accordance with the approved Plan of Management and conditions of this consent.

In the event of any inconsistency, the conditions of consent shall prevail over the Plan of Management.

Modified by DA/437/2021/A

- 131.** A certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant, which confirms that the design and construction of the *food business* will satisfy the relevant requirements of the *Food Act 2003*, Food Standards Code and AS 4674 (2004) - Design, construction and fit-out of food premises, prior to a construction certificate being issued for the 'fit-out' of the *food business*, to the satisfaction of the Principal Certifier.

- 132.** The food premises must be registered with Council's Health, Building & Regulatory Services department and the NSW Food Authority in accordance with

the Food Safety Standards, prior to commencement of any food business operations.

Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales. Details of the proposed waste collection and disposal service provider are to be submitted to Council prior to occupation of the building and Council must be notified of any future changes to the waste collection service provider.

132A. ACOUSTIC REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Prior to the issue of any relevant Occupation Certificate, a noise-compliance report shall be prepared by a competent acoustic consultant confirming the following items have been implemented:

- a) Construction of the built forms (or acoustical equivalent to the satisfaction of Council /certifier), and acoustical treatments outlined in the acoustic assessment for the use of the tenancy resulting from condition 133A, the approved Acoustic Masterplan and the relevant subplan of the approved Precinct Noise Management Plan.
- b) Noise emissions from services plant and equipment comply with the relevant subplan of the approved Precinct Noise Management Plan.
- c) Calibration of music sound limiters in accordance with the relevant subplan of the approved Precinct Noise Management Plan.
- d) For the Coogee Bay Hotel, calibration in accordance with the 'Coogee Bay Hotel Noise Management Plan' shall be undertaken within the following spaces:
 - i. Beer Garden, outdoor dining, and patron balconies
 - ii. Diner Bar (formerly Beach Bar / Marra)
 - iii. Sports Bar
 - iv. Bistro
 - v. Lounge / Foyer / Arden Bar (West of Beer Garden)
 - vi. Pre-Function
 - vii. Function
 - viii. Wine Bar
 - ix. Gaming Room
- e) Calibration of the sound-masking system in the Mixed-Use Apartments and new Hotel Rooms has been undertaken in accordance with the Precinct Noise Management Plan.

(Modified by DA/437/2021/A)

132B. INSTALLATION, COMMISSIONING AND VALIDATION OF NOISE MASKING SYSTEM

Prior to the issue of an Occupation Certificate for the residential apartments or new hotel rooms, the following items must be completed:

- a) System Installation

The noise masking system must be installed throughout all nominated habitable rooms, with concealed wiring and control interfaces accessible to the occupants (allowing them to adjust to preset levels or switch off).

b) Commissioning and Calibration

A post-installation commissioning and calibration report must be prepared by a competent acoustic consultant.

The report must verify:

- i. installed masking levels achieve the validated design intent;
- ii. state the variation of the level in each octave band over the habitable area of each room (+/- dB)
- iii. commissioning accounts for actual internal ambient noise levels (measured) after the building is completed but before occupation;
- iv. that masking efficacy is demonstrated under real operational conditions for music sound;
- v. that masking does not introduce intrusive or harmful noise.

c) Certification

A compliance certificate confirming the system meets the approved Acoustic Masterplan and relevant subplan of the Precinct Noise Management Plan and the conditions of this consent must be submitted to Council.

(Modified by DA/437/2021/A)

132C MIXED USE NOISE MANAGEMENT PLAN

Prior to the issue of the Occupation Certificate, the Mixed Use Noise Management Plan shall be appended with a report by a competent acoustic consultant to and submitted to Council and endorsed to:

- a) Define governance responsibilities such that:
 - The Owners Corporation is solely responsible for operation, calibration, maintenance, record-keeping, and ongoing costs.
 - Individual owners or residents must not be responsible for calibration or technical maintenance; and
- b) Establish Maintenance and Calibration Protocols by either:
 - i. Minimum biennial inspection and recalibration, plus recalibration after any system failure, renovation, or internal building modification affecting acoustics, or at the request of the occupant or Council acting reasonably (for example, in response to a complaint) including compliance with the following:
 - Document retention for at least 10 years.
 - Requirement for a competent acoustic consultant to conduct all recalibration work
 - The Council at its discretion may dispense with the requirement for regular schedule calibration; or
 - ii. Failure Response Procedure including compliance with the following:

- The system must include automatic failure or calibration alerts to the Owners Corporation or its appointed Strata manager.
 - System failures must be rectified within 72 hours.
 - Any period of non-operation must be recorded, reported to the Strata manager, Owners Corporation, and notified to impacted owners; and
- c) Resident Information and Use
- Clear instructions must be included in all occupant manuals regarding system purpose, operation and limitations.
 - Residents must be informed that turning off the system may compromise amenity; and
- d) Review and Update
- This appendix to the Mixed Use Noise Management Plan must be reviewed every three (3) years, and any amendments must be submitted to Council for approval prior to any changes being made to the plan.

(Modified by DA/437/2021/A)

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifier' issuing a 'Subdivision certificate' or 'Strata Certificate'.

These conditions have been applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works.

- 133.** A formal application for a subdivision certificate for each of the first subdivision and the second subdivision (as detailed in Condition 1) is required to be submitted to and approved by Council and all relevant conditions of this development consent are required to be satisfied. The first subdivision may be registered before or after the issue of any Construction Certificate.

EAT STREET TENANCIES

133A. Eat Street tenancies (on the eastern and western side of Selina's Laneway, as well as the tenancies fronting Coogee Bay Road west of Selina's Laneway) are to be operated in accordance with:

- Appendix B 'Mixed Use Development Noise Management Plan' of the approved Precinct Noise Management Plan; and
- individual tenancy criteria required under the that subplan; and
- the relevant L&GNSW Criteria if applicable; and
- Non-licenced tenancies must also comply with the *Protection of the Environment Operations Act 1997*.

(Modified by DA/437/2021/A)

COVENANT FOR ACOUSTIC REQUIREMENTS

133B. The proposed plan of subdivision that is the subject of an application for a subdivision certificate must include an instrument for the imposition of a restrictive covenant on title of the relevant lots under s88B of the Conveyancing Act. The covenant must benefit the Council (and may only be released or varied with the Consent of the Council and the relevant landowner).

The terms of the covenant must provide for the following:

- a. The operation of the Eat Street tenancies (on the eastern and western side of Selina's Laneway, as well as the tenancies fronting Coogee Bay Road west of Selina's Laneway) are to comply with the requirements of condition 133A.
- b. If a complying development certificate is issued for a subject tenancy — a letter from Council confirming Council's satisfaction that the tenancy will operate in accordance with Appendix B 'Mixed Use development Noise Management Plan' of the approved Precinct Noise Management Plan is required prior to the tenancy commencing trading. The letter from Council may also require the undertaking of a noise validation assessment by a competent acoustic consultant (as defined in Condition 26B) within 6 months of issuance of the Occupation Certificate which demonstrates and confirms that the tenancy is operating in accordance with Appendix B 'Mixed Use development Noise Management Plan' of the approved Precinct Noise Management Plan.

- c. If a complying development certificate is not issued for a subject tenancy — a development application for the use of the tenancy must be submitted and a development consent obtained prior to the tenancy commencing trading. As part of that development application, the applicant must propose suitable noise management measures for the tenancy, in accordance Appendix B 'Mixed Use development Noise Management Plan' of the approved Precinct Noise Management Plan'.
- d. The Owners Corporation must make any future retail tenancy owner or occupier aware of the obligations of the noise budget as set out in the Acoustic Master Plan and the Mixed Use Noise Management Plan.

The terms of the covenant must otherwise be to the satisfaction of the Council.

(Modified by DA/437/2021/A)

133C. The by-laws accompanying any strata plan must include a by-law that sets out:

- a. the Owner Corporation's and individual lot owner's responsibilities in relation to noise masking for the residential apartments;
- b. that the Owner's Corporation must make any future retail tenancy owner or occupier aware of the terms of the covenant on title, imposed under Condition 133A, such that the matters required by the covenant are addressed by and complied with by the owner or occupier of the retail tenancies.

This by-law will include a provision that it cannot be modified or deleted without the consent of the Council.

(Modified by DA/437/2021/A)

134. Conditional upon an onsite detention system or infiltration system being constructed, a "restriction on the use of land" and "positive covenant" (under section 88B of the *Conveyancing Act 1919*) shall be placed on the title of the subject property (in conjunction with registration of the plan of subdivision) as part of the second subdivision to ensure that the onsite detention system and/or infiltration/pump-out system is maintained and that no works which could affect the design function of the infiltration/detention/pump-out system are undertaken without the prior consent (in writing) from Council. The restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

The "restriction on the use of land" and "positive covenant" are to be prepared and specified to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's City Services Department.

135. The applicant shall:

- (a) as part of the first subdivision, create suitable rights of carriageway and easements as required; and
- (b) as part of the second subdivision, create suitable rights of carriageway and easements as required.

Note: Staging of subdivision is as approved and listed in Condition 1.

SURVEY INFRASTRUCTURE

- 136.** Prior to the issue of any Subdivision Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to the appointed certifying authority and the Council addressing survey mark preservation and protection.

This evidence must include:

- i. A copy of any Surveyor-General's Approval for the Deferment of any Survey Marks granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the draft deposited plan) or
- ii. A letter, signed by a current NSW Registered Land Surveyor including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all survey marks shown on the Deposited Plan as referring to, or being connected to, the boundaries of the subject land remain in place at the completion of development works.

Note: Pursuant to Section 38 of the Surveying and Spatial Information Regulation 2017, if it is likely that any new survey mark will be disturbed by associated works (for example, footpath or kerb and gutter construction), a surveyor may defer the placement of those marks.

- 137.** The relevant conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored before (or as part of) the endorsement of the second subdivision plan.

OPERATIONAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations and to provide reasonable levels of environmental amenity.

STORMWATER DETENTION/INFILTRATION SYSTEM

- 138.** If a detention system or infiltration system is required the detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.

RESIDENTIAL PARKING PERMITS

- 139.** All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.

- a. A notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking permits.

STREET AND/OR SUB-ADDRESS NUMBERING

- 140.** Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

If this application results in an additional lot, dwelling or unit, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and/or unit numbers for the development. The street and/or unit numbers must be allocated prior to the issue of an occupation certificate.

Please note: any Street or Sub-Address Numbering provided by an applicant on plans, which have been stamped as approved by Council are not to be interpreted as endorsed, approved by, or to the satisfaction of Council.

WASTE MANAGEMENT

- 141.** Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

Trade/commercial waste materials must not be disposed in or through Council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council prior to commencing operation of the business.

The operator of the business must also arrange for the recycling of appropriate materials and make the necessary arrangements with an authorised waste services contractor accordingly.

GREASE AND LIQUID WASTE TRAPS

- 142.** A grease trap as required by Sydney Water must be installed in accordance with the relevant Sydney Water requirements.
- a. Prior to the issue of a Construction Certificate, plans and details are to be submitted to and approved by the Principal Certifier showing the following:
- i. The grease trap is not located in any kitchen, food preparation or food storage areas.
 - ii. The grease trap is constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
 - iii. The grease trap is constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.

Note: In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas. The installation of any grease traps and treatment equipment must be carried out by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*.

COMMERCIAL PLANT NOISE CRITERIA

- 143.** Noise from commercial plant and industrial equipment must not exceed the criteria set out in the approved Acoustic Master Plan and the approved Precinct Noise Management Plan.

(Modified by DA/437/2021/A)

- 144.** Any modifications to the approved Acoustic Master Plan or the approved Precinct Noise Management Plan (or the Appendix A 'Coogee Bay Hotel Noise Management Plan' or Appendix B 'Mixed Use development Noise Management Plan' of the latter) must be confirmed as satisfactory to the Council's Director of City Planning prior to implementation. Once such approval is provided, the revised approved document becomes the prevailing approved document for the purposes of this consent and must be complied with at all times as per the terms of this consent.

(Modified by DA/437/2021/A)

- 145.** [Delete]

(Modified by DA/437/2021/A)

NOISE FROM RESIDENTIAL AIR CONDITIONERS

- 146.** No air conditioning condensers are to be installed on the residential apartment balconies.

(Modified by DA/437/2021/A)

- 147.** The use and operation of the development (including all plant and equipment) shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and *Regulations*.

If "offensive noise" complaints are substantiated by an authorised officer under the *Protection of the Environment Operations Act, 1997* an acoustic report must be submitted and approved by the Planning Manager of Randwick City Council following a request from an authorised officer. The submitted acoustic report

must be prepared by a competent acoustic consultant and include appropriate noise mitigation measure that will be required to allow the premises to cease causing "offensive noise" during their permitted use.

148. POST-OCCUPANCY ACOUSTIC VALIDATION REPORT

- a) An acoustical report, prepared by a competent acoustic consultant, must be provided to the Council within six months of the issuing of an occupation certificate for the Coogee Bay Hotel licenced component, which demonstrates and confirms that the relevant provisions of the *Protection of the Environment Operations Act 1997* and the noise criteria and requirements contained in this consent have been satisfied (including any relevant adopted acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.
- b) The report shall confirm that the measured noise levels from mechanical equipment complies with the criteria stated in the Acoustic Masterplan and music entertainment complies with the levels stated in the Acoustic Masterplan at:
- i. The façades of representative noise-affected apartments that are on site.
 - ii. The boundaries of residents external to the site.

For these tests, the sound systems in each of the Hotel spaces listed below shall be simultaneously operated at the maximum level allowed by the limiters.

- Beer Garden, outdoor dining, and patron balconies
- Diner Bar (formerly Beach Bar / Marra)
- Sports Bar
- Bistro
- Lounge / Foyer / Arden Bar (West of Beer Garden)
- Pre-Function
- Function
- Wine Bar
- Gaming

- c) Requirements for the competent consultant are detailed within Condition 26B of this consent.

(Modified by DA/437/2021/A)

- 149.** The operator of any approved business must establish and maintain a formal and documented system for the recording and resolution of complaints made to the premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the manager (or other nominated position). The appropriate remedial action, where possible, is to be implemented immediately and the Manager (or nominated position) shall contact the complainant within 48 hours to confirm details of action taken. The Complaints register shall be made available to Council officers and Police upon request.

NEIGHBOURHOOD AMENITY

- 150.** Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage shall be in bold letters not less than 25mm in height on a contrasting background.

- f. The management/licensee of any approved operations must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

REMOVAL OF GLASS

- 151.** Signs must be placed in clearly visible positions within the premises requiring patrons to be prevented from removing glasses, opened cans, bottles or alcohol from the premises (except from any approved bottle shop area) or approved outdoor dining area included in the boundaries of the licensed premises. The signage shall be in bold letters not less than 25mm in height on a contrasting background.

GLASS CRUSHER

- 152.** All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located inside the premises) prior to the removal of such waste from the premises.

NOISE FROM GLASS REMOVAL

- 153.** Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

WASTE/RECYCLING COLLECTION

- 154.** The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

LOADING DOCK & DELIVERY VEHICLES

- 155.** Operations including loading and unloading within the loading dock area must only occur between 7:00am and 10:00pm weekdays and 8:00am and 8:00pm on weekends and public holidays. The exception is for Heavy Rigid Vehicles (HRVs). This condition is to be reflected in the Plan of Management for the Parking and Loading Dock (Condition 2).

USE - SEPARATE DA REQUIRED

- 156.** No consent is granted or implied for the fit-out or specific use of each individual commercial/retail tenancy located on 'Eat Street' or 'Selina's Laneway' (11 tenancies).

- g. A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fit-out and use of each individual tenancy prior to such fit-out or use commencing.

SWIMMING POOLS

- 157.** Swimming Pools are to be provided with a child-resistant barrier (i.e. fence, in accordance with the Swimming Pools Act 1992; the Swimming Pools Regulation 2018 and Australian Standard AS 1926.1 (2012) (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).

- 158.** A 'warning notice' must be installed in a prominent position in the immediate vicinity of a Swimming Pool, in accordance with the provisions of the Swimming Pools Regulation 2018, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

- 159.** The owner of the premises must 'register' their Swimming Pool on the NSW Swimming Pool Register, in accordance with the Swimming Pools Act 1992. The Swimming Pool Register is administered by the NSW Government and registration on the Swimming Pool Register may be made on-line via their website www.swimmingpoolregister.nsw.gov.au.

Registration must be made prior to the issue of an Occupation Certificate for the pool and a copy of the NSW Swimming Pool Certificate of Registration must be forwarded to the Principal Certifier and Council accordingly.

TRAFFIC ENGINEER CERTIFICATION

160. Prior to the issue of a final occupation certificate, the Applicant shall submit to the Principal Certifier, a detailed "As-Constructed" certificate from an experienced and qualified traffic engineer with tertiary qualifications that certifies that the construction of the following components complies with relevant clauses of AS2890.1-2004 (cars and motorcycles), AS2890.2:2018 (commercial vehicles, restricted in length to a 12.5m long Heavy Rigid Vehicle (HRV), AS2890.6-2009 (disabled parking) and AS2890.3-2015 (bicycles):

- i. The vehicular access to and from the site.
- ii. Internal vehicular circulation ramps.
- iii. Off-street commercial vehicle loading area / bay and associated access / manoeuvring area, limited to a maximum rigid truck length of 12.5m.
- iv. Off-street parking provision and compliant access / manoeuvring for cars, motorcycles and bicycles.
- v. That the above listed matters have been designed in accordance with the approved plans and specifications.
- vi. That all vehicles outlined above can enter and leave the site in a forward direction.
- vii. The sight line for drivers of vehicles leaving the Site complies with Clause 3.2.4 and Figure 3.3 of AS2890.1-2004 with "as-constructed" certification of that aspect included.

The certification is to be submitted to the Certifier prior to the issue of the occupation certificate.

161. Prior to the issue of a occupation certificate, the Applicant shall submit to the Principal Certifier, a detailed "As-Constructed" certificate from an experienced and qualified turntable installer that certifies that the installed / constructed turntable located within the loading dock area is functional, fully operational, safe, workable and "fit-for-purpose".

NSW POLICE CONDITIONS

162. RESTRICTION ON SHORT TERM LEASES

No residential apartment is to be leased for a short term lease of less than one month. This does not preclude such apartments being used for short-term rental accommodation purposes in accordance with Part 6 of *the State Environmental Planning Policy (Housing) 2021*.

163. LIGHTING

When Selina's Laneway (i.e. the 'Eat Street') is not publicly accessible, low level security lighting must be maintained to ensure visibility from the external areas.

CAR PARK

164. The public car park is to be time limited. Parking is to be by way of a time fee or through validation of the parking ticket at one of the retail premises or Hotel.

165. The ceilings, walls and any pylons within the carpark are to be painted white. Lighting within this area must meet the Australian Standards and maintained.

SURVEILLANCE CAMERAS

166. CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:

- a. principal entrance/s and exits;
- b. all areas, to the extent reasonable, within the premise occupied by the public (excluding toilets);
- c. staircases in multilevel premises; and
- d. the area within a 10m radius external to the public entrance(s) to the premise,

This obligation does not extend to any areas which are only accessible to occupants of dwellings (residents) and their guests, nor does it extend to the interior or any retail premises that are not licenced.

Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".

All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.

CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.

All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The applicant (or its nominated person whose name and contact details are to be provided to Council's Manager of Development Assessment in writing) shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.

All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.

The CCTV recording device shall be secured within the premises and only be accessible to the nominated person or/and appropriate senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.

Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

167. CRIME SCENE PRESERVATION

The manager/licensee must ensure that immediately after the licensee or a staff member becomes aware of any incident involving an act of violence causing an injury to a person on the hotel premises, the following is adhered to:-

- a. The manager/licensee and/or staff take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police.
- b. The manager/licensee and/or staff make direct and personal contact with the Local Area Command or his/her delegate and advise the Commander or delegate of the incident; and
- c. The manager/licensee and/or staff comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

168. OMCG and declared organisation

The Licensee must not permit any person to enter the hotel premises, or to remain on the hotel premises, if the person is wearing or carrying any clothing, jewellery or accessory displaying:

- a. the name of any of the following motorcycle related and similar organisations: Bandidos, Black Uhlans, Coffin Cheaters, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Highway 61, Life & Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Outlaws, Phoenix, Rebels, Hells Angels, Scorpions, Mongols, Notorious, Muslim Brotherhood Movement; or any "declared organisation" within the meaning of the Crimes (Criminal Organisation Control) Act 2012,
- b. the colours, club patch, insignia or logo of any such organisation, or
- c. the "1%" or "1%er" symbol
- d. any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, any of the organisations specified in point (a).

169. After 12am all access and egress to the Coogee Bay Hotel Bar areas (except the Diner Bar (previously Marrah Bar & Restaurant) and the outdoor Brasserie must be via the central entrance to the beer garden from Arden Street and the pub entry to the sports bar accessible via Coogee Bay Road (except in the case of emergency). The Hotel is to ensure that any queueing that occurs must be maintained in a neat and orderly fashion and the free flow of pedestrians along Coogee Bay Road.

170. Between 6pm and 10am all *hotel accommodation* guest access must be through the Hotel reception accessed off the "Eat Street/Selina's Lane", except in the case of emergency.

LIQUOR LICENCE CHANGE OF BOUNDARIES

171. Subject to the approval of the change of boundaries for licensed premises, the proponent is required to apply to Liquor and Gaming NSW to formalise this

change. The submitted plans for the proposed licensed boundaries must identify and name each area to be consistent with the documentation submitted as part of this consent i.e. Coogee Bay Plan of Management version for masterplan DA 08 09 23.

- 172.** A copy of the relevant development consent is to be kept on the hotel premises and with the **Liquor Licence** and made available for inspection on the request of a police officer, council officer, or any other person who is an authorised officer under the Environmental planning & Assessment Act 1979.

173. SECURITY

- a. From 9pm on Friday, Saturday, Sunday and the night preceding a public holiday, the hotel must provide a security guard to patrol Selina's Laneway (the "Eat Street") from Arden Street through to Coogee Bay Road. This security guard is to be wearing a High Visibility vest with the Name of the hotel clearly visible. The Security guard is to be equipped with a 2-way radio for communication with hotel Management and other contracted security guards. This guard is to disperse any person who has been excluded from the hotel. This guard is to remain in position until Selina's Laneway ("Eat Street") is closed and all persons have left the area.
- b. From 9pm, in addition to the guard required in point (a), a second guard is to be positioned within the entrance to Selina's Laneway ("Eat Street") to monitor the bottle shop and hotel accommodation entrance. This security guard is to be wearing a High Visibility vest with the Name of the hotel clearly visible. The Security guard is to be equipped with a 2-way radio for communication with hotel Management and other contracted security guards. This guard is to disperse any person who has been excluded from the hotel.
- c. The mail room and End of Trip Facilities (bike storage) for the Residential Complex must not be accessible to the public, and resident's entry is to be via a swipe card or key.
- d. The management of the Selina's Laneway ("Eat Street") is to ensure that the Toilets are patrolled, maintained and cleaned. A log is to be maintained in relation to these services to ensure efficient and timely cleaning services are provided.
- e. A sign is to be placed within the toilet facilities with a contact phone number for the property manager for members of the public or lease holders to contact them should the toilets be identified as needing to be cleaned.
- f. The toilets are to be locked upon the close of the 'Eat Street' area.
- g. Should repair or maintenance requirements be identified, the management of the 'Eat Street' is to ensure that the issue is rectified as soon as practical.

TRADING HOURS

- 174.** Beer Garden: the use of the beer garden is to be limited to the trading hours between 5am and 3am on Monday to Saturday (inclusive) and between 7am and 12 midnight on Sunday.

- 175.** Trading hours of the ground floor (except the gaming room and sports bar) is restricted to between 5am and 3am on Monday to Saturday (inclusive) and between 5am and 12am on Sunday. However, later trading in accordance with licensed trading hours (with the exception of the beer garden) can be granted on a trial basis for a period of not more than 1 year.
- 176.** The Hotel (*hotel accommodation*) comprising of the short-term accommodation is permitted to operate for 24 hours, 7 days a week.
- 177.** Pool and Gym operating hours (Residential Complex): Access to the pool must be limited to 6am-10pm. Access to the Gym must be limited to 7am-10pm Monday to Saturday and 8am-10pm on Sunday and public holidays.

(Modified by DA/437/2021/A)

- 178.** The area known as 'Eat Street' between Arden Street and Coogee Bay Road must only be open to the public between 6am - 12 midnight Monday to Saturday and 6am-10pm on Sundays and public Holidays. Management must ensure all patrons are directed to leave the area in a timely fashion.
- a. Signs are to be erected at access egress points to Selina's Laneway ("Eat Street") to notify the public of the areas operational hours.
 - b. Gates must be installed at either end of the Selina's Laneway ("Eat Street"). These gates are to be locked once all members of the public have vacated the area.
 - c. Notwithstanding (b.), the positioning of the gate must allow for unfettered access to the hotel accommodation.
 - d. A key to these gates must be provided to the Licensee of the Coogee Bay Hotel and remain with the shift manager to provide access to the area should access be required to this area.

ALCOHOL FREE ZONE

- 179.** Other than areas authorised/licensed under the Liquor Act, the entire Selina's Laneway ("Eat Street") is to be an "Alcohol Free Zone", unless the separate commercial and retail tenancies are also the subject of a liquor license.
- a. Signs must be placed in clearly visible positions within Selina's Laneway / Eat Street advising pedestrians that alcohol is not permitted to be consumed within Selina's Laneway / Eat Street unless within a licensed premises. The signage shall be in bold letters not less than 25mm in height on a contrasting background.

Note: At the time of this consent, no use applied to the 11 (eleven) additional retail and commercial tenancies.

SIGNAGE

- 180.** Directional Signage must be maintained including signage located at the entry to the complex clearly indicating location of property managers office, building names and unit numbers. This signage must include contact details for the complex management.
- 181.** The noise associated with the entire development including any future land uses (i.e. retail tenancies) must comply with the approved Acoustic Master Plan and the approved Precinct Noise Management Plan at all times.

(Modified by DA/437/2021/A)

182. NOISE FROM MECHANICAL SERVICES

- a) Noise from the development must not cause an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and must not exceed the criteria outlined in the Acoustic Masterplan and Precinct Noise Management Plan.
- b) Vibration from the development shall be assessed in accordance with the DECC (EPA) *Assessing Vibration – A Technical Guideline* and relevant Australian Standards and conditions of this development consent.
- c) The noise from commercial plant, when assessed as an LAeq, 15 min must not exceed:
 - i) 27 dBA internally when assessed inside any habitable room of any affected residence on the site (assessed with doors and windows closed);
 - ii) the LA90, 15 min background noise level by more than 3dB when assessed inside any habitable room of any noise-sensitive commercial premises on the site when in use (assessed with doors and windows closed).
- d) Residential dwellings in mixed-use development are to be designed and constructed to satisfy the following acoustic criteria:
 - i) In naturally ventilated spaces – the repeatable maximum Leq (1 hour) should not exceed:
 - 35 dB(A) between 10.00pm and 7.00am in sleeping areas when windows are closed,
 - 40 dB(A) in living areas when windows are closed (24 hours),
 - ii) In mechanically ventilated spaces within the site– the repeatable maximum Leq (1 hour) should not exceed the following criteria (when the mechanical ventilation system is operating and doors and windows are closed):
 - 35 dB(A) in sleeping areas (24 hours).
 - 40 dB(A) in living areas (24 hours).

(Modified by DA/437/2021/A)

183. LICENSED PREMISES/ENTERTAINMENT

- a) All events or activities in the licensed spaces of the Hotel shall utilise the house sound system that has been properly installed with limiters that have been calibrated. It is not permitted to allow third parties who hire a space to bring their own sound system.
- b) The proposed development is to incorporate noise control measures to ensure the standard LA10 Condition imposed by Liquor & Gaming NSW is satisfied inside those occupied spaces with doors and windows closed and any alternative ventilation system is operating as follows:
 - i) The cumulative LA10 (90th percentiles) from licensed premises shall not exceed the background noise level in any octave-band centre frequency (31.5 Hz – 8 kHz inclusive) by more than 5 dB between 7am and midnight when measured at the most-affected residential boundary external to the site.

- ii) The cumulative LA10* from licensed premises shall not exceed the background noise level in any octave-band centre frequency (31.5 Hz – 8 kHz inclusive) between midnight and 7am.
- iii) The noise from licensed premises shall be inaudible in any habitable room of any residential premises external to the site between the hours of midnight and 7am.

(Modified by DA/437/2021/A)

184. GYMNASIUMS OR THE LIKE

Noise and vibration from gymnasiums and other exercise facilities must satisfy the following additional requirements:

- a) Structure borne noise emanating from impulsive noise from weight-drops or other similar sources impacting residential apartments is not to exceed the Acoustical Consultants Guideline for Gymnasium & Exercise Facility Assessment V1.0 Guidelines at commercial premises. ii) The following criteria apply to impulsive noise from weight-drops or other similar sources impacting residential apartments. Overall contributed LAFmax within octave bands of interest (octave bands containing the impulse energy, generally 31.5 Hz to 250 Hz, as determined by the acoustic consultant) should not exceed the following levels:

- $LAF_{max}(\Sigma_{Oct,31.5-250Hz}) \leq 30$ dB for daytime¹ and evening²

Notes:

1. Daytime is 7am to 6pm
2. Evening is 6pm to 10pm

- b) Music noise in the gym is to be limited to 65dB(A) and 80dB(C) Leq(15min)n through an integrated speaker system.
- c) Other than as provided in the preceding subcondition, there shall be no other amplified music permitted in the gym, however headphones are permitted.
- d) Signage shall be installed in the gym to the effect of the preceding subcondition.

(Modified by DA/437/2021/A)

185. ACOUSTIC REQUIREMENTS FOR ONGOING OPERATION

- a) General
 - i. The development shall be operated in accordance with the approved Acoustic Masterplan and the relevant subplan of the Precinct Noise Management Plan
 - ii. The doors of the various internal spaces in the Hotel shall be closed in accordance with the relevant statements in the Acoustic Masterplan (R9).
- b) Noise from residential swimming pool pumps
 - i. Noise generating pool plant and equipment shall be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

- ii. The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
 - before 8.00am or after 8.00pm on any Sunday or public holiday; or
 - before 7.00am or after 8.00pm on any other day.
- c) Complaints management
- The operator of the business must establish and maintain a formal and documented system for the recording and resolution of complaints made to the premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the manager (or other nominated position). The appropriate remedial action, where possible, is to be implemented immediately and the Manager (or nominated position) shall contact the complainant within 48 hours to confirm details of action taken. The Complaints register shall be made available to Council officers and Police upon request.
- d) Loudspeakers
- i. The only outdoor loudspeakers that can be used are in the Hotel's beer garden, outdoor dining, and Level 1 balconies and shall be installed as described in the Acoustic Masterplan R9.
 - ii. Internal loudspeakers must not be directed towards outdoor areas.

(Modified by DA/437/2021/A)

186. LEGAL AND ADMINISTRATIVE REQUIREMENTS

a) Section 10.7(2) Planning Certificate

The consent authority must ensure that each affected apartment has a notation on the Planning Certificate stating:

"This dwelling is subject to an approved acoustic noise masking system, ongoing operation and maintenance obligations, and associated costs under an endorsed Acoustic Management Plan."

b) Disclosure to Purchasers

Prior to sale of any lot, the developer must provide prospective purchasers with:

- i. the endorsed Mixed Use Development Noise Management Plan;
- ii. an explanation of operational requirements including the noise masking system;
- iii. an estimate of annual maintenance costs;
- iv. notification that the noise masking system must remain operational to maintain expected internal amenity.

(Modified by DA/437/2021/A)

187. OWNERS CORPORATION REQUIREMENTS

The Owners Corporation must:

- a) maintain the noise masking system in perpetuity;
- b) budget for ongoing costs;
- c) ensure no owner disconnects or modifies the noise masking system.

(Modified by DA/437/2021/A)

188. SYSTEM PERFORMANCE AND LIMITATIONS

- a) The noise masking system must not replace or reduce façade acoustic performance requirements or natural ventilation compliance.
- b) The noise masking system must not be used to justify exceedances of intrusive or amenity-based entertainment noise criteria.
- c) The burden of ensuring continued amenity rests with the Owners Corporation and not with Council.
- d) The noise masking system does not relieve surrounding licensed premises from complying with their regulatory noise obligations.

(Modified by DA/437/2021/A)

189. COUNCIL REVIEW AND ENFORCEMENT

- a) Council may request audits of the noise masking system operation or maintenance records at any time.
- b) Non-compliance with the Mixed Use Development Noise Management Plan constitutes a breach of this development consent.
- c) Council may require system upgrades or replacement where the noise masking system no longer achieves the approved acoustic outcomes, having regard to noise emanating from the site.

- 190.** The deep soil zone area between 17 Vicar Street and the approved building shall not be used as communal open space or any type of social gathering.

(Modified by DA/437/2021/A)