

**Draft Development Consent Conditions  
(Mixed use)**



<b>Folder /DA No:</b>	DA/483/2022
<b>Property:</b>	2-6 Girawah Place, MATRAVILLE NSW 2036
<b>Proposal:</b>	Construction of three buildings ranging in height between 5 and 7 storey containing a mixed use industrial, warehouse and recreational development with 2 basement levels for parking, storage and plant areas (Water NSW & Integrated Development).
<b>Recommendation:</b>	Deferred Commencement Approval

**Deferred Commencement Conditions:**

Pursuant to Section 4.16 (3) of the *Environmental Planning & Assessment Act 1979*, notice is given that the abovementioned development application has been determined by granting of **deferred commencement consent** subject to the conditions below:-

This consent shall not operate until:

- A1 The building on Lot 1 is to be modified to introduce an 8m setback to the eastern boundary on Levels 3, 4 and 5. The displaced floor area associated with the gym tenancy on Level 3, the outdoor play area of the child care centre on Levels 3 and 4 and the indoor recreation tenancy on Level 5 may be relocated within the 8m setback. An overall increase in the GFA proposed as a consequence of relocating floor area is not permitted.
- A2 The eastern elevation of the aquatic centre level is to be modified to increase the size and amount of glazing to create an improved visual connection between the pool area and the RE1 Public Recreation zoned land.
- A3 The green wall is to be extended vertically on the southern half of the east elevation of the building on Lot 1 to enhance the visual appearance up to and including Level 2.
- A4 Requirement to provide a median island on the main driveway to separate movements, accommodate intercom, and allow for a pedestrian refuge along the public footpath.
- A5 That accommodation be made for at least one service bay to accommodate an 8.8m Medium Rigid Vehicle (MRV) in accordance with AS2890.2. An MRV must be able to enter and exit the site in a forward gear.

**Period within which evidence must be produced**

The applicant must produce evidence to Council sufficient enough to enable it to be satisfied as to those matters above within **730 days (24 months)** of the date of determination.

No development can lawfully occur under this consent unless it operates.

*Note: Nothing in the Act prevents a person from doing such things as may be necessary to comply with this condition. (See section 4.16(3) of the Act)*

*Note: Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No Construction Certificate can be issued until all conditions including this condition required to be satisfied prior to the issue of any Construction Certificate have been satisfied.*

Evidence required to satisfy these conditions must be submitted to Council within **24 months** of the date of this consent.

The consent will not operate until such time that Council notifies the Applicant in writing that deferred commencement conditions, as indicated above, have been satisfied.

Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in the 'Development Consent Conditions' 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 and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
<b>Architectural Plans</b>			
Proposed Site Plan	Bennett Murada Architects	3/4/2023	19/11/2023
Basement 3 Plan	Bennett Murada Architects	2/11/2023	19/11/2023
Basement 2 Plan	Bennett Murada Architects	2/11/2023	19/11/2023
Basement 1 Plan	Bennett Murada Architects	2/11/2023	19/11/2023
Ground Floor Plan	Bennett Murada Architects	2/11/2023	19/11/2023
Level 1 Floor Plan	Bennett Murada Architects	2/11/2023	19/11/2023
Level 2 Floor Plan	Bennett Murada Architects	2/11/2023	19/11/2023
Level 3 Floor Plan	Bennett Murada Architects	2/11/2023	19/11/2023
Level 4 Floor Plan	Bennett Murada Architects	2/11/2023	19/11/2023
Level 5 Floor Plan	Bennett Murada Architects	2/11/2023	19/11/2023

Roof Plan	Bennett Murada Architects	2/11/2023	19/11/2023
Building 1 Elevations	Bennett Murada Architects	2/11/2023	19/11/2023
Building 2 Elevations	Bennett Murada Architects	2/11/2023	19/11/2023
Building 3 Elevations	Bennett Murada Architects	2/11/2023	19/11/2023
Section 1-2	Bennett Murada Architects	20/10/2023	19/11/2023
Section 3-4	Bennett Murada Architects	20/10/2023	19/11/2023
Materials and Finishes	Bennett Murada Architects	19/10/2023	19/11/2023
<b>Landscape Plans</b>			
Overall Landscape Plan	Sturt Noble Associates	15/11/2023	19/11/2023
Sun Terrace Plan	Sturt Noble Associates	7/11/2023	19/11/2023
Botany Road Frontage Plan	Sturt Noble Associates	7/11/2023	19/11/2023
Streetscape and Development Edge Plan	Sturt Noble Associates	15/11/2023	19/11/2023
Landscape Sections	Sturt Noble Associates	7/11/2023	19/11/2023
Landscape Sections	Sturt Noble Associates	7/11/2023	19/11/2023
Eastern Boundary Buffer Planting	Sturt Noble Associates	7/11/2023	19/11/2023
Plaza and Garden Seating Indicative Planting	Sturt Noble Associates	5/4/2023	19/11/2023
Streetscape Indicative Planting	Sturt Noble Associates	5/4/2023	19/11/2023

<b>Report</b>	<b>Author</b>	<b>Dated/Version</b>	<b>Received by Council</b>
Arboricultural Impact Assessment	Sturt Noble Arboriculture	4/4/2023	5/5/2023
BCA Assessment Report	BCA Logic	13/9/2022	4/10/2022
DA Premises Standard – Accessibility Report	Urban Health Access & Heritage Consultants	18/9/2022	4/10/2022
Dewatering Management Plan	Katarina David, PRGEO (Hydrology)	22/11/2022	23/11/2022
Fire Engineering DA Statement	Voss Grace & Partners	16/09/2022	4/10/2022
Geotechnical Investigation Report	Geo-Environmental Engineering	16/9/2022	4/10/2022
Noise Impact	Pulse White	19/10/2023, Issue 5	23/10/2023

Assessment	Noise Acoustics		
Plan of Management V3	King Beats Fitness	17/10/2023, Version 3	23/10/2023
Traffic Impact Assessment Report	Salt3	16/11/2023, F05	19/11/2023
Waste Management Plan	Salt3	27/11/2023, F04	19/11/2023
Riparian and Aquatic Assessment Report	Spirecorp Pty Ltd	16/09/2022	04/10/2022

## **REQUIREMENTS BEFORE A 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.

### **Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirement:
  - a. A fence shall be provided on each car parking level to separate the parking areas associated with the recreational use building on Lot 1 from the parking areas associated with the high technology use buildings on Lots 2 and 3.

### **Consent Requirements**

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

### **Separate Application for Uses and Fit-Outs Required**

4. Separate application(s) are required for the use and fit-out of the child care centre, aquatic centre, indoor recreation tenancies (except for the gymnasium over Levels 3 and 4) and all food and drink premises. The separate application(s) are to be via Development Application or (where applicable) Complying Development Certificate Application. The spaces within the buildings labelled on the approved plans as the aforementioned uses are not to be occupied until development consent has been granted for the use and fit-out.

### **External Colours, Materials & Finishes**

5. The colours, materials and surface finishes to the development must be consistent with the relevant plans, documentation and colour schedules provided with the development application.

### **Transport for New South Wales Conditions**

6. The conditions provided by Transport for New South Wales dated 3 November 2022 must be complied with. The conditions are provided in Attachment A.

### **Sydney Airport Conditions**

7. The conditions provided by Sydney Airport dated 12 October 2022 must be complied with. The conditions are provided in Attachment B.

**Water NSW General Terms of Approval**

8. The Water NSW General Terms of Approval dated 6 December 2022 must be complied with. The General Terms of Approval are provided in Attachment C.

**Ausgrid Conditions**

9. The conditions provided by Ausgrid dated 1 November 2022 must be complied with. The conditions are provided in Attachment D.

**Section 7.12 Development Contributions**

10. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$41,582,900.00 the following applicable monetary levy must be paid to Council: \$415,829.00.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. 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:

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

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 the condition requiring payment of the levy.

Council's Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au).

**Long Service Levy Payments**

11. 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.*

**Security Deposits**

12. The following damage / civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$7000.00 - Damage / Civil Works Security Deposit

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

The owner/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 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 Director of City Services upon issuing of an occupation certificate or completion of the civil works.

### **Sydney Water Requirements**

13. 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™** online service is available at:

<https://www.sydneywater.com.au/tapin>

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

### **Site Consolidation**

14. The applicant/owner shall prepare and register a 'Plan of Consolidation' that consolidates all current lots within the subject development site into 1 lot. The applicant/developer shall meet all costs associated with the registration of the 'Plan of Consolidation' and evidence of registration shall be provided to the satisfaction of the Principal Certifier.
15. Prior to lodging a Construction Certificate the applicant shall provide to Council full details of all encumbrances on the titles of the development lots including, but not limited to, positive covenants, restrictions, drainage easements, easements for services and rights of way.
16. Prior to lodging a Construction Certificate the applicant/owner shall either:

- Prepare and register a 'Plan of Consolidation' that consolidates all current lots within the subject development site into 1 lot. The applicant/developer shall meet all costs associated with the registration of the 'Plan of Consolidation and evidence of registration shall be provided to the satisfaction of the Principal Certifier.

OR

- Submit to Council for approval, and have approved, full details of parking allocations, proposed easements for access, proposed future strata / stratum applications and changes to any existing encumbrances on the title of the subject lots. The details shall be prepared in consultation with Council's Development Engineer Coordinator.

### **Electricity Substation**

17. 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.

### **Tree Protection Measures**

18. To ensure retention of the two closely planted, mature *Melaleuca quinquinervia* (Broad Leafed Paperbarks, Trees 6-7 in the Arboricultural Impact Assessment by Sturt Noble dated 04/04/23, '*the Arborist Report*') that are located within this development site, adjacent the western site boundary, about halfway across the width of the Girawah Place frontage in good health, the following measures are to be undertaken:
  - a. All documentation submitted for the Construction Certificate application must note them for retention, with the position and diameter of their trunks, canopies, 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 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 implementing and monitoring these conditions of development consent and any other 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 include construction notes/details confirming that a technique such as **contiguous bored piers** or a suitable alternative method approved by the Principal Certifier which does not require over-excavation/bulk earthworks or similar to be performed beyond the final location of the structure will be used for that part of the western wall of the Basement Level which falls within their TPZ's.
  - e. All Construction Certificate plans must show that the location and layout of the new vehicle crossing to their south and the pedestrian/plaza entry to their north will be consistent with the set of architectural plans by Bennet Murada Architects,

revision I dated 16/10/23, with measurements in millimetres between these components and their trunks to be provided.

- f. The Project Arborist must ensure that the new civil works described in point 'e' above will be constructed above existing grades wherever possible, with RL's to be provided to confirm compliance.
- g. Ground levels in the new garden bed where these trees are located must not be altered by more than 200mm, with there to be no other structures such as continuous strip footings, planter boxes, hydrant boosters or similar in this area, which must remain as undisturbed, deep soil.
- h. Any excavations associated with the installation of new services, pipes, stormwater systems or similar must not result in a TPZ encroachment of more than 10% of either tree, with the Project Arborist and Principal Certifier to ensure that all Services Plans are both prepared and then installed on-site to comply with this requirement.
- i. These trees are to be physically protected (as one group) by the installation of 1.8 metre high steel mesh/chainwire fencing panels, which shall be located to the extent of their TPZ's, the matching up with the new building footprint to their east and property boundary to their west to completely enclose the trees for the duration of works.
- j. This fencing shall be installed prior to the commencement of works and must remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- k. If additional trunk or branch protection is required, this can be provided by wrapping layers of geo-textile, underfelt, carpet, hessian or similar around affected areas, to which, lengths of evenly spaced hardwood timbers shall then be placed around their circumference and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
- l. To prevent soil/sediment being washed over their root systems, erosion control measures must be provided at ground level around the perimeter of the TPZ.
- m. 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.
- n. Prior to commencing the works described in points 'd' and 'e' above, within their TPZ's, the Project Arborist must firstly excavate these areas by hand, to a minimum depth of 600mm, without damaging any roots in the process.
- o. Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly by the Project Arborist, using only hand-held tools, not machinery, with the affected area to then be backfilled with clean site soil as soon as practically possible, with time stamped photos to be taken to confirm compliance with this procedure, which are then to be included in the 'Final Compliance Report' that must be submitted to and be approved by the Principal Certifier.

- p. Any new common boundary fencing within their TPZ's can only be a system which is supported on localised pads, not continuous strip footings, with details confirming compliance to be shown on the Construction Certificate plans.
- q. The Principal Certifier and Project Arborist must ensure compliance with these requirements, both on the plans as well as on-site during works and prior to any Occupation Certificate.

### **Survey Infrastructure**

19. 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](#).

### **REQUIREMENTS TO BE INCLUDED IN THE 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.

### **Building Code of Australia & Relevant Standards**

20. 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 Construction Certificate application

21. 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 construction certificate for the development.

**Site stability, Excavation and Construction work**

22. 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.

**Traffic conditions**

23. Adequate provisions are to be made to provide pedestrian visibility and safety. 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, are to be included in the construction certificate documentation.
24. 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.

**Design Alignment levels**

25. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like on Botany Road, shall be:

- **Match the back of the existing footpath along the full Botany Road site frontage.**

**Note: All works along Girawah Place are fronting a private road and no alignment levels are to be issued by council.**

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 on 9093-6924.

26. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$2000** calculated at **\$60.00** per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

#### **Stormwater Drainage**

27. The building, including building footings, are to be designed to ensure that they will not be adversely affected by stormwater, floodwater and/or the water table.

All proposed footings located adjacent to drainage easements or watercourses shall either be:

- a. Founded on rock, or;
- b. Extended below a 30 degree line taken from the level of the pipe invert at the edge of the drainage reserve/easement (angle of repose).

Structural details demonstrating compliance with this condition shall be submitted with the construction certificate application.

The footings must be inspected by the applicant's engineer to ensure that these footings are either founded on rock or extend below the "angle of repose". Documentary evidence of compliance with this condition is to be submitted to the Principal Certifier prior to proceeding to the subsequent stages of construction.

28. 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 a 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) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
  - i. Roof areas
  - ii. Paved areas
  - iii. Grassed areas
  - iv. Garden areas
- e) 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.
- f) 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.
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

#### *Internal Drainage*

29. 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 watercourse located in the northern portion of the development site subject to the applicant obtaining the prior approval of NSW Water; or
    - ii. Directly into Council's underground drainage system located in Girawah Place via a new and/or existing inlet pit.
  - a) Onsite stormwater detention must be provided to ensure that the maximum discharge from the site is to Council's satisfaction. The applicant must consult with Council to obtain Council's requirements for the detention parameters prior to lodging a Construction Certificate. The Construction Certificate must demonstrate compliance with Council's issued parameters for the Onsite Stormwater detention system to the satisfaction of Council and the Principal Certifier.
  - b) 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.

- c) 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.

- d) 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.
- e) If connecting to Council's underground drainage system or a watercourse, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system or the watercourse does not surcharge back into the site stormwater system.
- f) Generally all internal pipelines must be capable of discharging a 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.
- g) 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.*

- h) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- i) 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.
- j) Any onsite detention/infiltration systems shall be located in areas accessible by residents.

### **Groundwater**

- 30. A report must be obtained from a qualified, experienced Hydrogeological Engineer, which provides an assessment of the site and the potential impact of groundwater and the water table upon the development, prior to issuing a Construction Certificate, to the satisfaction of the Principal Certifier.

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

- 31. As the proposed basement level/s may extend into the water table (or be affected by fluctuations of the water table), 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 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 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 flowpaths 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.

- 32. Prior to the issue of a construction certificate, a report must be submitted to and approved by the Principal Certifier, detailing the proposed methods of excavation (including support), managing groundwater 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 the Office of Water.
- 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.

### **Waste Management**

#### **Operational Waste Management Plan**

- 33. All operational waste management must be carried out in accordance The Operational Waste Management (OWMP) submitted for the development. The plan was prepared by SALT for the "Proposed Mixed use Development 2-6 Girawah Place Matraville", reference 22031W Version F04 and dated November 30 2023.

#### **Waste Rooms (General Waste Areas)**

- 34. 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*.

Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate.

#### **Amended Landscape Plans**

- 35. The Landscape Plans by Sturt Noble Associates, dwg's DA-2207-01 & 05, issue D dated 19/10/23 must be amended to now comply with the following requirements:
  - a. A detailed Planting Plan & Plant Schedule nominating proposed species, botanic and common names, pot size at the time of planting, quantity/density,

location, dimensions at maturity and any other details required to properly describe the works;

- b. Details of the composition/arrangement of mass planting across the width of the western and southern site boundaries and how these will achieve a low maintenance green frontage to the development, maintain sight lines between the building and street and filter the harsh afternoon, western sun;
  - c. Details and purpose/intention of the buffer planting along the length of the eastern site boundary and how this area will be accessed for the purpose of routine maintenance activities;
  - d. Construction details of the podium planters and stone swales, confirming that suitable soil depth will be provided to sustain the planting for the life of the development.
36. 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 is substantially consistent with the requirements specified above, with both this written statement and plans to then be submitted to, and be approved by, the Principal Certifier.

#### **Public Utilities**

37. 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.

#### **Acoustic Design Requirements**

38. All acoustic design requirements required in acoustic report prepared by Pulse White Noise Acoustics dated 2023 shall be complied with including any amended requirements. Demonstration of compliance shall be provided to the Certifying Authority prior to the issuing of a Construction Certificate.

The acoustic design requirements shall include but not be limited to assessment operations of the gymnasium to ensure design compliance with relevant NSW EPA requirement for vibration within buildings and confirm assessment has taken into account all proposed operating times considered as part of this development.

39. The plans of management submitted with the application shall be reviewed by a suitably qualified acoustic consultant and approved including acoustic recommendations. Once approved copies shall be forwarded to Council and shall be complied with at all times.

#### **Environmental Health Conditions**

40. Any requirement concerning fill detailed in report by Geo Logix dated 17 July 2019 detailed in section 15 (conclusion) shall be fully complied with. Details of compliance shall be provided to the certifying Authority prior the issuing of a Construction Certificate.

41. Liquid trade waste materials are to be drained to the sewer (via a suitable grease trap) and details of compliance are to be submitted to the Certifying Authority.

## 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. 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.

### **Building Certification and Associated Requirements**

42. The following requirements must be complied with prior to the commencement of any building works (including any associated demolition or excavation work):

- a) a *Construction Certificate* must be obtained from a Registered (Building) Certifier, 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.

- b) 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
- c) a *principal contractor* must 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
- d) the *principal contractor* must be advised of the required critical stage inspections and other inspections to be carried out, as specified by the *Principal Certifier*; and
- e) at least two days notice must be given to the *Principal Certifier* and Council, in writing, prior to commencing any works.

### **Dilapidation Reports**

43. 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.

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**

44. 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**

45. 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.

#### **Construction Noise & Vibration Management Plan**

46. 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.

- a) The *Construction Noise & Vibration Management Plan* must be prepared by a suitably qualified acoustic consultant, 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, to the satisfaction of the Certifier.
- b) 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.
- c) Noise and vibration levels must be monitored during the works and 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.

- d) 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.

- e) 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.

#### **Public Liability**

47. 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.

#### **Construction Traffic Management**

48. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to 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 NSW Roads & Traffic Authority, 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.*

49. Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

**Demolition & Construction Waste**

50. A Demolition and Construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council's Lead Specialist Strategic Waste.

The Demolition and Construction Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites. Further Council requirements are specified in Section 3 Part B6 of the DCP.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

**Civil Works**

51. 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**

52. 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.

### Site Signage

53. 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 the *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

54. 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"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavations within rock, sawing of rock, use of jack-hammers, driven-type piling or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 3.00pm</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
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"> <li>• Monday to Saturday - No time limits (subject to work not being audible in any residential dwelling or commercial/industrial tenancy or building)</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> <li>• Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted</li> </ul>

*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.*

### Noise & Vibration

55. Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies, in accordance with a *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority guidelines for Construction Noise and Assessing Vibration

### **Temporary Site Fencing**

56. 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 Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

### **Overhead Hoardings**

57. 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**

58. 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.
- 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**

59. 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**

60. 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 10m<sup>2</sup> 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](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

### **Dust Control**

61. 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**

62. 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**

63. 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**

64. 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**

65. There must be no encroachment of any structures or building work onto or within Council's road reserve, footway, nature strip or public place.

#### **Site Seepage & Stormwater during construction**

66. 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:

- Site plan
- 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 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 Act 1997* and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

#### **Road/Asset Opening Permit**

67. 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**

- 68. 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**

- 69. 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 "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- 70. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the Transport For NSW publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.

71. All conditions and requirements of the NSW Police, Transport for NSW and Council must be complied with at all times.

#### **Stormwater Drainage**

72. 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.

#### **Groundwater/Dewatering**

73. 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.

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

#### **Tree Removal**

75. Approval is granted for removal of the row of juvenile Gum trees planted within this development site, parallel with the western site boundary, as shown on the Overall Landscape Plan, dwg DA-2207-01, being T1 to the south of the most southern proposed vehicle crossing/plaza entry, T2 just to the north of this same driveway, T3 adjacent the other pedestrian/building entry, then T4 adjacent the northern driveway where needed to accommodate the civil works in these same areas as all are too small to be protected by the DCP, and is subject to full implementation of the amended Landscape Plans.

#### **Pruning**

76. Permission is granted for the minimal and selective pruning of only those lower growing, lower order branches from the eastern aspects of the two mature *Melaleuca quinquinervia* (Broad Leafed Paperbarks, T6-7) that are located within this development site, to the north of the most southern proposed driveway, only where needed to avoid damage to the trees and/or interference with the piling rig or associated works.
77. All pruning can only be undertaken by a Practicing Arborist who holds a minimum of AQF Level III in Arboriculture and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

### **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning and Assessment Act 1979* and associated Environmental Planning

### **Post-construction Dilapidation Reports**

78. 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 an 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.

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**

79. An Occupation Certificate must be obtained from the Principal Certifier prior to any occupation of the building work encompassed in this development consent (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**

80. A single and complete *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 *Occupation Certificate*, in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

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**

81. 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.

### **Sydney Water Certification**

82. 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](http://www.sydneywater.com.au) > *Building and developing* > *Developing your Land* > *Water Servicing Coordinator* or telephone 13 20 92.

Please 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.

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

**Street and/or Sub-Address Numbering**

83. 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.*

**Council's Infrastructure, Vehicular Crossings & Road Openings**

84. The owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct a full width concrete industrial vehicular crossings opposite the vehicular entrance to the premises.
  - b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
85. 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.
86. 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.
87. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

#### **Survey Infrastructure – Restoration**

88. 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.

#### **Sydney Water Requirements**

89. A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to their mains, and if required, will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC).

Go to [sydneywater.com.au/section73](https://sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

The Section 73 Certificate must be submitted to the Principal Certifier and the Council prior to issuing of an *Occupation Certificate*.

#### **Stormwater Drainage**

90. 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. A legal signing fee of **\$605** is applicable (as of 1<sup>st</sup> July 2023). 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.

91. 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):

- The location of any detention basin/s with finished surface levels;
- Finished site contours at 0.2 metre intervals;
- Volume of storage available in any detention areas;
- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- The orifice size/s (if applicable);
- Details of any infiltration/absorption systems; and
- Details of any pumping systems installed (including wet well volumes).

92. The applicant shall submit to the Principal Certifier and 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 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.

93. 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 underground drainage system.

94. **Landscape Certification**

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 AMENDED Landscape Plans by Sturt Noble Associates, dwg’s DA-2207-01 & 05, issue D dated 19/10/23, and any relevant conditions of consent.

95. 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.

#### **Project Arborist Certification**

96. Prior to any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Principal Certifier, a Final Compliance Report which confirms adherence to the conditions of consent, the dates of attendance and works performed/supervised relating to retention of **Trees 6-7** and must also include time stamped photos of hand dug excavations and any root pruning performed.

#### **Waste Management**

97. 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.

98. Any liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department (i.e. via a grease trap) and details of compliance are to be submitted to the Certifier prior to the commencement of any works.
99. Prior to the issuing of a full occupation certificate the development site must have implemented all measures to provide operational waste management collection in accordance with the approved Operational Waste management Plan (OMP). The approved plan was prepared by SALT for the "Proposed Mixed use Development 2-6 Girawah Place Matraville", reference 22031W Version F04 and dated November 30 2023.
100. The waste storage areas shall be clearly signposted.

#### **Environmental Amenity**

101. A report, must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development (including all plant and equipment) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's development consent. A copy of the report is to be forwarded to the Council with or prior to the issue of an occupation certificate. A statement from a suitably qualified acoustic consultant shall be provided to the Certifying Authority confirming all acoustic design requirements have been complied with.

#### **OPERATIONAL CONDITIONS**

The following operational conditions must be complied with at all times, throughout the use and operation 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, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

#### **Hours of Operation**

102. The hours of the operation of the high technology use is restricted to the following:-
- Monday to Sunday: 7:00am to 10:00pm.

### **Gym Hours of Operation – Sensitive Uses**

103. The gym hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between 07.00am and 10.00pm Monday to Sunday.
- (b) Notwithstanding (a) above, the use may operate between 10.00pm to 07.00am for a trial period of 12 months from the date of the Occupation Certificate. Council's Health Building and Regulatory Services Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to [council@randwick.nsw.gov.au](mailto:council@randwick.nsw.gov.au)
- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received, and any views expressed by the Police.

### **Gymnasium Operational Requirements**

104. The premises is to implement the following in order to minimise the potential noise impacts.

- (a) Vibration Impact  
Owner is to install flooring if required by a suitably qualified acoustic consultant over the required areas within the gym including the free weight area. The acoustic consultant shall provide written certification to Council prior to commencement of use certifying compliance with relevant noise vibration criteria.
- (b) Management Controls
  - Gym management are to instruct patrons to only use equipment in designated areas in an approved manner.
  - Gym management are to instruct and ensure patrons do not drop weights from above knee height.
- (c) Noise Volume Control and Patron Noise  
The noise levels from music in the Gym, shall comply with the required noise criteria among all octave frequency bands. Sound System volume controls should be always used to control the level of noise inside the gym.

### **Gym Structure Borne Noise**

105. Structure borne noise emanating from the use of the premises is not to exceed the following criterion (when doors and windows are closed):

- Commercial premises -  $L_{A1, \text{Slow 15 minute}} \leq L_{A90, \text{15 minute}} + 3 \text{ dB(A)}$
- Residential premises -  $L_{A1, \text{Slow 15 minute}} \leq L_{A90, \text{15 minute}} + 0 \text{ dB(A)}$

### **Entertainment Noise Criteria (Music and Patrons)**

106. The proposed development is to incorporate noise control measures to ensure the standard  $L_{A10, \text{15 minute}}$  Condition imposed by Liquor & Gaming NSW is satisfied inside those occupied spaces with doors and windows closed as follows:

- (i) The cumulative  $L_{A10, \text{15 Minute}}$  from licensed premises shall not exceed the background noise level ( $L_{A90, \text{15 minute}}$ ) in any Octave Band Centre Frequency

- (31.5 Hz – 8 kHz inclusive) by more than 5 dB between 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (ii) The cumulative  $L_{A10, 15 \text{ minute}}$  from licensed premises shall not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz – 8 kHz inclusive) between 12.00 midnight and 7am.
  - (iii) Noise from any entertainment and patrons, when assessed as an  $L_{A10, 15 \text{ minute}}$  enters any residential use through and internal to internal transmission path is not to exceed the existing internal  $L_{A90, 15 \text{ min}}$  (from external sources excluding the use) in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) when assessed in a habitable room at any affected residential use within the mixed-use development between the hours of 7.00am and 12 midnight.
  - (iv) Notwithstanding with the above noise from licensed premises shall be inaudible in any habitable room of any residential premises between the hours of 12.00 midnight and 7.00am.
  - (v) The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

**Notes:**

The  $L_{A10, 15 \text{ minute}}$  noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise.

The background noise level  $L_{A90, 15 \text{ minute}}$  is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver.

Where the  $L_{A10, 15 \text{ minute}}$  noise level is below the threshold of hearing,  $T_f$  at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of  $T_f$  corresponding to that Octave Band Centre Frequency shall be used instead.

**Commercial Plant Noise Criteria**

107. Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#).

In addition, noise from commercial plant, when assessed as an  $L_{Aeq, 15 \text{ min}}$  must not exceed the  $L_{A90, 15 \text{ min}}$  background noise level by more than 3dB when assessed inside any habitable room of any affected residence or noise-sensitive commercial premises when is use. The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.

**Note:**

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

Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by Councils Planning Manager.

Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.

Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.

Modifying factors for tonal noise, impulsive noise and intermittent noise sources may need to be applied for the assessment of some of the proposed commercial plant and equipment.

#### **Environmental Amenity**

108. Acoustic validation reports prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council within 3 months after commencement of use of the gymnasium, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.
109. An additional site specific acoustic validation assessment shall be undertaken 12 months after occupation of the premises which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent, (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources. This assessment shall assess compliance of the cumulative noise emission of the premises with site specific noise criteria.
110. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
111. The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.
112. In this regard, the use and operation of the premises (including all plant and equipment) shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Office of Environment & Heritage/Environmental Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).
113. The requirements and operations of the business must be carried out in accordance with the relevant acoustic reports prepared for the proposed development, except as modified by the conditions of consent. All acoustic mitigation measures required by the selected acoustic consultant for the proposed development are to be implemented at all times and be included in the Plans of Management.

#### **Delivery Vehicles**

114. Deliveries associated with the site that involve the movement of vehicles, must only occur between the hours of 07.00am and 10.00pm.

#### **Use of Parking spaces**

115. The car spaces within the development are for the exclusive use of the occupants and visitors of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

### **Fire Safety Statement**

116. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* on an annual basis each year and as specified in the *Fire Safety Schedule* for the building.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a registered fire safety practitioner and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

A copy of the *Fire Safety Statement* must be displayed within the building entrance or foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.

### **Stormwater Detention System**

117. The onsite stormwater detention area/s must be regularly cleaned and maintained to ensure it functions as required by the design.

### **Waste/Recycling Collection – Commercial**

118. The collection of waste and recycling must only occur from 7.00am and 10.00pm onsite.

### **Waste Management**

119. Adequate provisions are to be made within the confines of the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council, prior to commencing business operations.

The waste storage area must be located within the property and not within any areas used for the preparation or storage of food.

Waste/recyclable bins and containers must not be placed on the footpath (or road), other than for waste collection, in accordance with Council's requirements.

120. 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 and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

121. The use of any regulated premises including food premises (including but not limited to liquor licenced premises) shall be subject to further development application/s for each respective premises.

### **Plan of Management**

122. The plan of management (POM) submitted with the application for the gymnasium, shall be reviewed and approved by an accredited acoustic consultant. The plans of management shall include all acoustic recommendations, conditions of consent and a complaints management system. Once approved a copy shall be forwarded to Council and must be complied with at all times.

## **GENERAL ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does

not form part of the conditions of development consent pursuant to Section 80A of the Act.

123. The applicant and operator are also advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.

## Attachment A – Transport for New South Wales Conditions

Transport



3 November 2022

TfNSW Reference: SYD22/01266 CNR-46716  
Council Reference DA/483/2022

Ms. Therese Manns  
The General Manager  
Randwick City Council  
30 Frances Street  
Randwick NSW 2031

Attention: Isobella Lucic

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### PROPOSED MIXED USE INDUSTRIAL, WAREHOUSE AND RECREATION DEVELOPMENT 2-6 GIRAWAH PLACE, MATRAVILLE

Dear Ms Manns,

Reference is made to Council's referral, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for comment under Clause 2.119 and 2.122 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

TfNSW has reviewed the documentation and provides the following suggested conditions for inclusion in any development consent:

1. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Botany Road boundary.
2. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

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) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

3. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.
4. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening /underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works.

The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

5. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road network construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

For more information, please contact Vic Naidu, Land Use Planner, by email at [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

Yours sincerely,



**James Hall**  
Senior Land Use Planner  
Land Use Assessment Eastern  
Planning and Programs, Greater Sydney Division

## Attachment B – Sydney Airport Conditions



Reg No.: 22/0818  
Your Reference: DA/483/2022  
To: RANDWICK CITY COUNCIL & NSW PLANNING  
PORTAL

Wednesday, 12 October 2022

### Notice to Proponent of Property Development

Dear Sir / Madam,

Application for approval of a controlled activity pursuant to:

*s. 183 Airports Act - Notification of decision under Reg 15A (2) of the Airports (Protection of Airspace) Reg's 1996*

Proposed Activity: PROPERTY DEVELOPMENT  
Location: 2 GIRAWAH PLACE MATRAVILLE  
Proponent: RANDWICK CITY COUNCIL & NSW  
PLANNING PORTAL  
Date: 12/10/2022

Sydney Airport received the above application from you.

This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 45.72 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

The application sought approval for the PROPERTY DEVELOPMENT to a height of 47 metres Australian Height Datum (AHD).

In my capacity as Manager, Airfield Spatial & Technical Planning and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 47 metres AHD.

The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

### Sydney Airport

Sydney Airport Corporation Limited ACN 082 578 809 — The Nigel Love Building, 10 Arrivals Court, Locked Bag 5000  
Sydney International Airport NSW 2020 Australia — Telephone +61 2 9667 5111 — [sydneyairport.com.au](http://sydneyairport.com.au)

SYD Classification: Confidential

Should you wish to exceed this height a new application must be submitted.

Should the height of any temporary structure and/or equipment be greater than 45.72 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

**Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.**

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Information required by Sydney Airport prior to any approval is set out in Attachment A.

"Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).

The height of the prescribed airspace at this location is 51 metres above AHD.

**Planning for Aircraft Noise and Public Safety Zones:**

Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).

Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

Sincerely,



**Peter Bleasdale**  
Manager, Airfield Infrastructure Technical Planning

Sydney Airport

- 2 -

SYD Classification: Confidential



## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1146180
Issue date of GTA:	06 December 2022
Type of Approval:	Water Supply Work
Description:	80mm submersible pump
Location of work/activity:	2-6 Girawah Place, Matraville NSW 2036
DA Number:	DA/482/2022
LGA:	Randwick City Council
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2011

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
<b>Dewatering</b>	
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0116-00001	Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity. <b>Advisory Note:</b> 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. <b>Advisory Notes:</b> 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(8), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of

Level 14, 169 Macquarie Street, Parramatta, NSW 2150 | PO BOX 398, Parramatta, NSW 2124  
water.enquiries@waterNSW.com.au | www.waterNSW.com.au

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

<b>Reference Number:</b>	IDAS1146180
<b>Issue date of GTA:</b>	06 December 2022
<b>Type of Approval:</b>	Water Supply Work
<b>Description:</b>	80mm submersible pump
<b>Location of work/activity:</b>	2-6 Girawah Place, Matraville NSW 2036
<b>DA Number:</b>	DA/482/2022
<b>LGA:</b>	Randwick City Council
<b>Water Sharing Plan Area:</b>	Greater Metropolitan Region Groundwater Sources 2011
	the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0121-00001	Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion
Level 14, 169 Macquarie Street, Parramatta, NSW 2150   PO BOX 388, Parramatta, NSW 2124 water.enquiries@watnsw.com.au   www.watnsw.com.au	

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

<b>Reference Number:</b>	IDAS1146180
<b>Issue date of GTA:</b>	06 December 2022
<b>Type of Approval:</b>	Water Supply Work
<b>Description:</b>	80mm submersible pump
<b>Location of work/activity:</b>	2-6 Girawah Place, Matraville NSW 2036
<b>DA Number:</b>	DA/482/2022
<b>LGA:</b>	Randwick City Council
<b>Water Sharing Plan Area:</b>	Greater Metropolitan Region Groundwater Sources 2011
	of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website <a href="http://www.watnsw.com.au/customer-service/water-licensing/dewatering">www.watnsw.com.au/customer-service/water-licensing/dewatering</a>
GT0150-00001	The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

## SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA/482/2022 as provided by Council:

- GEOTECHNICAL INVESTIGATION REPORT PROPOSED MIXED-USE DEVELOPMENT 2 - 6 GIRAWAH PLACE, MATRAVILLE NSW PREPARED FOR SPIRECORP PTY LTD REPORT ID: E15006MAT-R16F
- Dewatering Management Plan—2-6 Girawah Place, Matraville Report prepared for Spirecorp PtyLtd Report ID: KD2023/05

## Attachment D – Ausgrid Conditions



TELEPHONE: (02) 9394 6932  
EMAIL: [development@ausgrid.com.au](mailto:development@ausgrid.com.au)  
REFERENCE: TRIM 2017/35/45

ATTN: 2 GIRAWAH PLACE  
Assessment Officer  
30 Frances Street  
Randwick NSW 2031

24-28 Campbell St  
Sydney NSW 2000  
All mail to  
GPO Box 4009  
Sydney NSW 2001  
T+61 2 131 525  
[ausgrid.com.au](http://ausgrid.com.au)

**Re: DA/483/2022 - 2 Girawah PI Matraville - Proposed mixed use industrial, warehouse and recreational development across three (3) buildings and basement parking for 167 vehicles..**

I refer to Randwick City Council development application DA/483/2022.

This letter is Ausgrid's response under clause 45(2) of the State Environmental planning Policy (Infrastructure) 2007.

The assessment and evaluation of environmental impacts for a new development consent (or where a development consent is modified) is undertaken in accordance with requirements of Section 79C of the Environmental Planning and Assessment Act 1979. One of the obligations upon consent authorities, such as local councils, is to consider the suitability of the site for the development which can include a consideration of whether the proposal is compatible with the surrounding land uses and the existing environment.

In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

**With Regard to: Proposed mixed use industrial, warehouse and recreational development across three (3) buildings and basement parking for 167 vehicles, at 2 Girawah PI Matraville**

- BASEMENT 1 PLAN
- BASEMENT 1 PLAN
- Basement 1 Plan - 16/09/2022
- Ground Floor Plan - 16/09/2022

Ausgrid consents to the above mentioned development subject to the following conditions:-

### Proximity to Existing Network Assets

#### Underground Cables

There are existing underground electricity network assets in Botany Rd and Girawah Place.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

#### Substation

There are existing electricity substation assets on Botany Rd.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 Hz – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

#### **For Activities Within or Near to the Electricity Easement:**

##### **Purpose Of Easement**

This easement was acquired for the 33,000 volt transmission assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the transmission assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities over or near the transmission cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

##### **The Following Conditions Apply for any Activities Within the Electricity Easement:**

1. Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets.
2. No buildings/structures or parts thereof constructed may encroach the easement.
3. No machine excavation is permitted within the easement without Ausgrid's express permission.
4. During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.
5. Bulk solids (e.g sand and gravels) are not to be stored within the easement area.
6. Any change to ground levels must be submitted to Ausgrid for approval.
7. The proposed finished ground levels within the easement must provide a minimum of 750mm cover to the Transmission Cables.
8. Trees, shrubs, or plants which have root systems likely to grow greater than 250mm below ground level are not permitted within the easement or close to the cable infrastructure. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained.

Please do not hesitate to contact Sreenivasa Rao Ella on Ph: (02) 9394 6932 (please quote our ref: Trim 2017/35/45) should you require any further information.

Regards, Sreenivasa



Sreenivasa Rao Ella  
Asset Protection Officer  
Ausgrid - Field Services  
Ph: (02) 9394 6932