

**MINUTES OF THE SYDNEY WEST REGION JOINT REGIONAL  
PLANNING PANEL MEETING  
HELD AT LIVERPOOL CITY COUNCIL  
ON THURSDAY, 28 APRIL 2011**

**PRESENT:**

Janet Thomson	Chair
Paul Mitchell	Panel Member
Bruce McDonald	Panel Member
Nadia Napoletano	Panel Member
Tony Hadchiti	Panel Member

**IN ATTENDANCE**

Peter Flynn	Liverpool City Council
Maya Elnazer	Liverpool City Council
John McKee	Liverpool City Council

**APOLOGY:**

1. The meeting commenced at 6:00 PM
2. **Declarations of Interest -**  
No declarations
3. **Business Items**

***ITEM 1 - 2010SYW094 Liverpool City Council DA-622/2011 - Demolition of existing buildings and construction of a nine storey mixed use development comprising of ground floor and first floor commercial tenancies; 54-56 Macquarie St, Liverpool***

***ITEM 2 – 2010SYW030 Liverpool DA No. 1291/2010 – Construction of a Crematorium with a Place of Worship, 992 Greendale Road, Greendale***

4. **Public Submission – 2010SYW094**  
No public submissions.
5. **Business Item Recommendations**

***ITEM 1 - 2010SYW094 Liverpool City Council DA-622/2011 - Demolition of existing buildings and construction of a nine storey mixed use development comprising of ground floor and first floor commercial tenancies; 54-56 Macquarie St, Liverpool***

**Moved** Paul Mitchell, **seconded** Janet Thomson, that:

The Development Application for demolition of existing buildings and construction of a nine storey mixed use development comprising of ground floor and first floor commercial tenancies at 54 – 56 Macquarie St, Liverpool, be approved subject to the Conditions of Consent recommended by Liverpool City Council's Assessment Report, amended as follows:

- a) Condition 24 is altered, so that the first sentence now reads: "Implementation of the findings of the Stage 2 Investigation must be reviewed by a contaminated land auditor accredited under the DECC (EPA) Contaminated Land Management Act 1997" and it's position exchanged with 25, so that the Condition is now 25 and the Condition previously numbered 25 is now numbered 24.
- b) The sub-heading above Condition 46 is changed to "Hours of Construction Work, Noise and Deliveries" and the following sentence is added to the end of Condition 46: "all construction activities are to comply with the noise criteria given in the DECCW Interim Construction Noise Guideline 2009.

**MOTION CARRIED. AMENDED CONDITIONS INCLUDED AS ATTACHMENT ONE**

## 6. Public Submission – 2010SYW030

**Terry Hay** addressed the Panel **against** the item  
**Graham Pascoe** addressed the Panel **against** the item  
**Colin McGonigal** addressed the Panel **against** the item  
**Ron Sullivan** addressed the Panel **against** the item  
**Duncan McDonald** addressed the Panel **against** the item  
**Valerie Corcoran** addressed the Panel **against** the item  
**Karin Corghan** addressed the Panel **against** the item  
**Danielle Whyllie** addressed the Panel **against** the item  
**Kerry Gordon** addressed the Panel **against** the item  
**John Rory** addressed the Panel **against** the item  
**Robyn Laft** addressed the Panel **against** the item  
**Branco Miljusevic** addressed the Panel **against** the item  
**Chris Goudanas** addressed the Panel on behalf of the **Roads and Traffic Authority** (RTA) with **concerns**  
**Dr Nirmal Taluja** addressed the Panel on behalf of the applicant  
**James Nangle** addressed the Panel on behalf of the applicant  
**Paul Burcher** addressed the Panel on behalf of the applicant  
**Raju Divakarla** addressed the Panel on behalf of the applicant

## 7. Business Item Recommendations

***ITEM 2 – 2010SYW030 Liverpool DA No. 1291/2010 – Construction of a Crematorium with a Place of Worship, 992 Greendale Road, Greendale***

**Moved** by Bruce McDonald, **seconded** Janet Thomson that:

The JRPP recommends to Liverpool City Council that in order to inform the preparation of the proposed LEP for the City, Council conduct a study of the cumulative impact of the operation of all currently proposed crematoria and cemeteries on:

1. The performance and condition the local road network and the ability of the network to accommodate that impact
2. The attainment of the objectives of the RU1 Primary Production Zone

**MOTION CARRIED.**

**Moved** by Nadia Napoletano, **seconded** by Tony Hadchiti that:

The Sydney West JRPP defer determination of the Development Application for construction of a Crematorium with a Place of Worship at 992 Greendale Road, Greendale; that the persons who made a submission with regard to the proposed development be notified in writing of the Joint Regional Planning Panel's decision, and that the deferral of this Development Application be reconsidered as part of the Liverpool 2008 LEP Review process.

**MOTION NOT CARRIED.**

**Moved** by Janet Thomson, **seconded** by Paul Mitchell that:

1. The Development Application for construction of a Crematorium with a Place of Worship at 992 Greendale Road, Greendale be approved for deferred commencement subject to the Conditions recommended by Liverpool City Council's Assessment Report, amended as follows:
  - a) Condition 11: add the following sentence to the end of the condition: "the plans shall provide for the uninterrupted operation of the incinerator in the event of the electricity supply being interrupted"
  - b) Condition 17: the word "storey" be changed to "stored"
  - c) Condition 24 be removed
  - d) Condition 27 (c) be reworded to "audible noise in any habitable room of any premises during the period of 12 midnight to 7:00 am"
  - e) Condition 34: the last word in the first paragraph be changed from "recommendations" to "requirements" and the sub-parts relabelled for consistency
  - f) Condition 63: in the second sentence "the septic system" to be changed to "sewerage system" and "septic tank" be changed to "sewerage treatment system"
  - g) Condition 64: a new part added as follows: (d) the system be required to treat the estimated 11 kilolitres per day
  - h) A new condition to be added under 'Recommendations of Odour and Air Quality Impact Report' sub-heading, as follows:

Emissions from the burner stacks are to be sampled and analysed for a range of chemical parameters to assess their compliance with the emissions levels used in the applicant's Air Quality and Odour Study. The specifications for testing and analysis are to be made by an appropriately qualified independent expert whose suitability is to be approved beforehand by Council's Director of Environment and Health. The independent expert is to submit a report on the analysis results either confirming their compliance or recommending any necessary measures to ensure compliance. No occupation certificate is to be issued before the necessary emission levels have been confirmed by the independent expert. All costs for the independent expert and chemical analysis is to be borne by the applicant.
  - i) Condition 135 be removed
  - j) Condition 147 be altered to "An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used for the assembly of people."
  - k) A new condition to be added as follows:

Independent compliance audit: one year after the date of this consent and every two years thereafter, the applicant shall commission and pay the full cost of an independent compliance audit of the development. The audit must:

- a) be undertaken by a suitably qualified, experienced and independent person whose appointment has been approved by Council's Director of Planning (or equivalent);
- b) be consistent with *ISO 19011:2002 Guidelines for Quality and/or Environmental Systems Auditing*, or updated versions of this guideline;
- c) assess whether the development is complying with the conditions of development consent and other applicable approval conditions; and
- d) identify any areas of non-compliance that require rectification.

Within three months of commissioning of this audit, the applicant is to submit a copy of the draft audit report to Council's Director of Planning. The Director may then request any reasonable supplementary work to ensure the final audit report complies with the above terms of reference and any such request is to be made by the Director within two weeks of the date of receipt of the draft audit report."

2. The persons who made a submission with regard to the proposed development be notified by Liverpool City Council in writing of the Joint Regional Planning Panel's decision.

**MOTION CARRIED. AMENDED CONDITIONS INCLUDED AS ATTACHMENT TWO.**

The meeting concluded at 8:36 PM

Endorsed by



Janet Thomson  
Chair, Sydney West JRPP  
6 May 2011

## Attachment 1: Conditions Of Consent for 2010SYW094

### A. THE DEVELOPMENT

#### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:
  - (a) Architectural plans (Drawings No. 1-4, 6-9, 11-14, 19-23, Issue A dated Oct 2010, and Drawings No. 5, 10, 15-18, Issue B dated Feb 2011, prepared by Bentley Architects)
  - (b) Landscape plan (Drawing L1, prepared by Eximia Design, Issue A dated Oct 2010)
  - (c) Drainage plan (Drawings D1 – 11, prepared by LMW Design Group, Issue A dated Nov 2010)
  - (d) Demolition, erosion, and sediment control plan (Drawings E1 – 2, prepared by LMW Design Group, Issue A dated Nov 2010)
  - (e) Waste management plan (prepared by Global Demolitions Group, dated 2/11/2011)
  - (f) Schedule of external colours and finishes (Drawing No. F1, prepared by Bentley Architects, dated Oct 2010)
  - (g) BASIX certificate (No. 344826M\_02 dated 17/11/2010 and ABSA # 20745 dated 15/11/2010)
  - (h) Arborist report (prepared by Eximia Design, dated 7/11/2011)
  - (i) Preliminary (Stage 1) Contamination Assessment (prepared by Strategic Environmental and Engineering Consulting, Ref 09000304, dated 16/11/2010)
  - (j) Salinity report (prepared by Strategic Environmental and Engineering Consulting, Ref 09000304, dated 2/12/2010)
  - (k) Heritage impact assessment (prepared by Stedinger Associates, dated Nov 2010)

except where modified by the undermentioned conditions.

### B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

**The following conditions are to be complied with or addressed prior to issue of a Construction Certificate by the Principal Certifying Authority:**

#### **SECTION 94A PAYMENT (Liverpool Contributions Plan 2006 Liverpool City Centre)**

2. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents 3% of the cost of the development and is imposed in accordance with Liverpool Contributions Plan 2006 Liverpool City Centre.

The total contribution is **\$ 347,827.00**

A breakdown of the contributions payable is provided in the attached payment form.

Contributions will be adjusted at the time of payment in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:

$$\text{Contribution at the time of payment} = \frac{\mathbf{C} \times \mathbf{CPI}_2}{\mathbf{CPI}_1}$$

Where:

**C** = Original contributions as shown on the consent

**CPI<sub>2</sub>** = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics at the time that the contribution is to be paid

**CPI<sub>1</sub>** = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics as at the time of granting the development consent

The Contributions Plan may be inspected at Council's Administration Centre, Level 2, 33 Moore Street, Liverpool or at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

Please note. Payment must be accompanied by the attached form.

### Fee Payments

3. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
- (c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

4. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

### Security for Cost of Damage and Completion of Public Work

5. Prior to issue of a CC authorising the carrying out of any work in accordance with this development consent, the applicant must provide security to the Council for the payment of the cost of the following:
  - (a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
  - (b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,
  - (c) remedying any defects in any such public work that arise within 6 months after the

work is completed.

The security is to be for an amount that is the greater of \$5000 or 5% of the estimated cost of carrying out the development and may be provided by way of:

- (a) cash deposit with the Council, or
- (b) an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred above and on application being made to the Council by the person who provided the security, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the security within 6 years of the date of issue of the subdivision certificate for the development the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

### **Dilapidation Report**

- 6. A dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to Council.

### **Provision of Services**

- 7. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 13 20 92.

Following receipt of the application, a ‘Notice of Requirements’ will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the ‘Notice of Requirements’ must be submitted to the PCA.

- 8. Written clearance from Integral Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.
- 9. Certification from an approved telecommunications carrier shall be submitted to Council confirming that satisfactory arrangements have been made to ensure the provision of underground telephone services to the approved development.

### **Site Development Work**

- 10. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.
- 11. All aspects of construction shall comply with the applicable Performance Requirements of the BCA. Compliance with the Performance Requirements can only be achieved by:
  - (a) Complying with the Deemed to Satisfy Provisions; or
  - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

### **Notification**

12. The certifying authority must advise Council, in writing of:
- (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
  - (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

### **Fire Safety Measures**

13. A schedule specifying all of the essential fire safety services, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.

### **Design Verification Statement**

14. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
- (b) That the qualified designer has designed or directed the design of the subject development; and
- (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

Note: The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.

### **Crime Prevention Through Environmental Design**

15. It is recommended that the following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the building. Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the PCA.
- (a) Back to base alarm systems shall be considered;
  - (b) Basement parking areas shall be painted a light colour;
  - (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be considered;
  - (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
  - (e) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established.

Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting;

- (f) Corrugated ramps should be considered to prevent skate boarding activities;
- (g) Glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders;
- (h) Any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details;
- (i) Access to the basement parking levels relating to the residential component of the building shall be controlled via a security controlled device.

### **Driveway/Services**

- 16. All driveways are to be graded in such a manner as to provide continuous surface drainage flow paths to appropriate points of discharge. In this context, these are to be into roads or swales, as appropriate, connecting into the major trunk drainage system.
- 17. Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.
- 18. Driveways are to conform to Council standard requirements for vehicle crossings as detailed in Council's Design and Construction Specifications for Subdivisions (as amended) and as per the requirements in Council's DCP.

### **Paving**

- 19. Core Type paving is to be installed along the entire Macquarie Street frontage of the site, as part of this development, in accordance with the Liverpool CBD Street Tree and Landscape Strategy and, The Liverpool CBD Streetscape and Paving Guidelines.

Detailed plans are required to be submitted to and approved by Council showing the proposed tree locations, species and planting sizes, paving location and layout, including references to the relevant details and specifications as contained in the abovementioned documents.

To ensure that the street tree planting size, quantity and quality is maintained throughout the Liverpool CBD, please contact Council's Senior Development Engineer on 1300 36 2170 for further information.

### **Permit to Carry out Works**

- 20. A separate application for a permit to carry out works must be issued by Council for –
  - (a) A permit to carry out works in Council's drainage/recreation reserve or drainage easement, pursuant to Section 68 of the Local Government Act, 1993.
  - (b) A Permit to carry out works in Council's road reserve, pursuant to Section 138 of the Roads Act, 1993.
  - (c) The required hoarding, protective footway, temporary protective footway crossings. These are to be installed along Macquarie Street compliant with Section 138 Roads Act approval. The hoarding, protective footway crossing and general safeguards for building sites are to be designed and erected in accordance with Liverpool City Guidelines and in accordance with WorkCover "Code of Practice for Overhead Protective Structures" 1995 as amended.

### **Drainage**

21. Engineering plans will be required defining all physical works necessary on the site and adjacent to it. These plans are to be certified by Council or an accredited certifier.
- (a) These plans must satisfy the following requirements:
    - i. Council's current Design and Construction specification for subdivisions (as amended), and supplementary code,
    - ii. Council's Trunk Drainage Scheme(s),
    - iii. Council's Development Control Plans,
    - iv. All proposed road and drainage works must adequately match existing infrastructure
  - (b) These plans must incorporate the following:
    - i. A geotechnical report forming the basis of a road pavement design
    - ii. An acoustic report identifying the height of the required acoustic fence to achieve the noise levels as defined in Council's D.C.P. No.4.
    - iii. A geotechnical report identifying any contamination of the site, the chemicals present, and proposed remediation required
    - iv. A drainage study identifying the location and design required of any drainage channel, or detention basin.

### **Stormwater**

22. Stormwater is to be collected within the site and conveyed in a pipeline to the appropriate point of discharge as directed by Council and as detailed on the approved plans.
23. A stormwater drainage plan, including hydraulic calculations based on a 1 in 5 year storm (ARI), is required. The plan must show how the stormwater generated by this site, and other inter-allotment overland flow water entering onto this site, is to be collected within the site and conveyed in a suitable pipeline to the most appropriate point of discharge as advised by Council.

This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.

The applicant is to contact Council to determine maximum allowable discharge from site. (Council engineers to nominate maximum discharge flow from site). If drainage investigations reveal that downstream drainage pipes are not capable of catering for the discharge, then Council requires the design and construction of an on-site detention system. This is to be designed in accordance with Council's On Site Detention Policy

### **Site Contamination**

24. A Stage 2 Detailed Contamination Investigation must be undertaken to identify possible soil and groundwater contamination. The Stage 2 Investigation must be undertaken by a suitably qualified consultant to the requirements of NSW EPA's *Guidelines for Consultants Reporting on Contaminated Sites (2000)*. Details of which are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
25. Implementation of the findings of the Stage 2 Investigation must be reviewed by a contaminated land auditor accredited under the DECC (EPA) Contaminated Land Management Act 1997. The accredited auditor must provide Council with a copy of the Site Audit Statement.

## **C. PRIOR TO WORKS COMMENCING**

**The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:**

### **Construction Certificates**

26. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
27. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

### **Notification/Principal Certifying Authority**

28. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
29. The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.
30. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:
  - (a) Any excavation, below the base of the footings of a building on an adjoining allotment of land.
  - (b) The notice shall be given seven (7) days prior to the commencement of work.
31. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.

### **Facilities**

32. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

## **Construction Requirements**

33. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with work cover authority requirements.
34. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.
35. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.
36. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

## **Demolition**

37. Prior to demolition the existing building(s) on the land must be investigated for the presence of asbestos. All asbestos must be removed and disposed of in accordance with all regulatory requirements, including those of WorkCover NSW and the Environment Protection Authority.

## **Site Facilities**

38. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

## **Site Notice Board**

39. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
  - (a) The name, address and telephone number of the principal certifying authority for the work; and
  - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - (c) Unauthorised entry to the premises is prohibited.

## **Hoarding**

40. A construction hoarding of class B must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area:

This applies, as follows:

- (a) If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or
- (b) If craning of materials is to occur across a public area or road reserve area.

Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

#### **Notification of Service Providers**

- 41. CC plans as submitted to Council are to be approved by Sydney Water, to verify that the development meets its requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

#### **Waste Classification**

- 42. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act and NSW DECCW, (EPA) 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non liquid waste advice should be sought from the DECCW (EPA).

#### **Environmental Management**

- 43. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
  - (a) Siltation fencing;
  - (b) Protection of the public stormwater system; and
  - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

#### **D. DURING CONSTRUCTION**

**The following conditions are to be complied with or addressed during construction:**

##### **Building Work**

- 44. In the case of a class 2, 3 or 4 building, critical stage inspections must be carried out by the appropriate person in accordance with the EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:
  - (a) after excavation for, and before the placement of, any footings, and
  - (b) prior to covering of waterproofing in any wet areas for a minimum of 10% of rooms with wet areas within a building, and
  - (c) prior to covering any stormwater drainage connections; and
  - (d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: These certificates or documentary evidence must be submitted to Council with any OC issued for the development.

### **Identification Survey Report**

45. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

### **Hours of Construction Work and Deliveries**

46. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 5:00pm Monday to Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

### **Security Fence**

47. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

### **Demolition Work**

48. All demolition work is to be carried out in accordance with the requirements of AS 2601. Demolition is to be carried out strictly in accordance with the approved procedures and work plan.

### **Disabled Access**

49. Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of the BCA.

### **General Site Works**

50. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
51. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

### **Car Parking Areas**

52. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply

with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

53. Directional signage indicating the location of customer parking, “in” and “out” crossings and directional arrows are to be provided in accordance with the approved plans.

### **Traffic Management**

54. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
55. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
56. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
57. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

### **Waste Management Plan**

58. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

### **Vegetation**

59. No trees are to be removed without the prior approval of Council.
60. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.

### **Landscaping Works**

61. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
62. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.
63. Edging shall be installed to separate all mass planted areas from turf areas. Edging shall consist of brick on a concrete/mortar bed or sawn treated timber to finish level with adjacent turf areas.
64. Street Trees and Footpath Paving within the Liverpool CBD shall be installed in accordance with the requirements outlined in the Liverpool Street Tree & Landscaping Strategy and The Liverpool CBD Paving Guidelines. These booklets can be purchased from the Council Administration Building at Level 2, 33 Moore Street, Liverpool.

#### **External**

65. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
66. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
67. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

#### **Graffiti**

68. A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway, public reserve etc.

#### **Salinity**

69. Any works or activities shall adhere to the recommendations outlined in the approved Salinity Management Plan prepared for the site.

#### **Contamination**

70. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
  - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
  - (b) clearly indicate the legal property description of the fill material source site;
  - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
  - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
  - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.
71. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and

remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

### **Air Quality**

72. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
73. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
74. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

### **Erosion Control**

75. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
76. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

### **Water Quality**

77. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

### **Pollution Control**

78. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
79. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

## **E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:**

### **Certificates**

80. The premises must not be utilised until an OC is issued by the PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
81. The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as

constructed comply fully with the required condition of consent being acted on by the certifier.

82. All required Compliances Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.
83. A final fire or interim safety certificate is to be attached to any OC, except in the case of a Class 1a or Class 10 building(s). This must include all the “essential fire services” installed in the building.
84. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
85. Any rectification works required by council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

### **BASIX**

86. Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

### **Landscaping**

87. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

### **Display of Street Numbers**

88. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the Local Government Act 1973, Section 124(8). The number should be a minimum height of 120mm and be visible at night.

### **Road Works**

89. Suitable concrete vehicular footpath crossings must be provided at the entrance to and exit from the property. These crossings must be constructed in accordance with Council's standard requirements for commercial crossings. The section of the vehicular crossing that traverses the road reserve shall be constructed of plain concrete, i.e., no stencil, pattern, coloured concrete etc.
90. All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a driveway with standard integral kerb and gutter shall be the subject of a driveway application to Council and works supervised by that driveway inspection process.

### **Design Verification Statement**

91. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Flat Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement

shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
- (b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

### **Lot Registration/Dedication**

92. All separate lots must be consolidated. The OC cannot be issued until the plan of consolidation has been registered as a deposited plan by the LPI Service.

### **Certificates**

93. Two copies, both marked up in red, of a "Work As Executed Plan", prepared by a registered surveyor, must be submitted to and approved by Council clearly showing all aspects of the constructed Drainage and/or On-site Detention systems. The plan must include:

- (a) Sufficient levels and dimensions to verify the constructed storage volumes
- (b) Location and surface levels of all pits.
- (c) Invert levels of the internal drainage line, orifice plates fitted and levels within the outlet control pit.
- (d) Finished floor levels of all structures and driveways
- (e) Verification that trash screens and/or GPT's have been installed
- (f) Locations and levels of any overland flow paths
- (g) The work-as-executed plan information should be shown on a (h) stamped copy of the approved civil works drawings.

### **Crossing Application**

94. A concrete vehicular footpath crossing must be provided at the entrance to the property over Council's footpath/pedestrian way. This crossing must be constructed in accordance with Council's standard requirements for commercial crossing. The section of the vehicular crossing that traverses the road reserve shall be constructed of plain concrete, i.e., no stencil, pattern, coloured concrete etc. A crossing application must be made at Council's customer service counter together with payment of the standard fee. Conditions apply, including requirement for inspection prior to consent to pour by Council's driveway inspector.

### **Garbage Services**

95. The owner/developer of the site is to contact Liverpool City Council – Sustainable Environment section to determine the required number of waste/garbage bins for the residential component of the development as well as serving requirements. These waste/garbage bins are to be kept at all times within the residential waste/garbage compartment rooms except before and after collection days. Waste/garbage bins are to be returned to the compartment room as soon as practical after waste has been collected.

## **F. CONDITIONS RELATING TO USE**

**The following conditions relate to the ongoing use of the premises:**

### **Separate Application for Use**

96. Each separate retail/commercial occupancy shall be subject to submission (and approval by

Council), of a separate Development Application for its use.

### **Car Parking/Loading**

97. A total of 105 off street car parking spaces must be provided in accordance with Council's requirements. The parking spaces shall be allocated as follows:
- 80 spaces relating to the commercial component;
  - 3 spaces relating to the 1 bedroom units;
  - 16 spaces relating to the 2 bedroom units;
  - 3 spaces relating to the 3 bedroom units; and
  - 3 spaces designated for visitor parking relating to the residential units.
98. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
99. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

### **Graffiti**

100. Any graffiti carried out on the property shall be removed, within 48 hours, at full cost to the owner/occupier of the site.

### **Alarms**

101. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

### **Landscaping**

102. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

## **G. ADVISORY**

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 12 months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979,

unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.

- d) In accordance with Section 98 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- e) The Planning Assessment Commission has not conducted a review of the application.
- f) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- i) "DIAL BEFORE YOU DIG" DIAL 1100  
Before any excavation work starts, contractors and others should phone "Dial Before You Dig" service to access plans/information for underground pipes and cables.  
[www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)
- j) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- k) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- m) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

## Attachment 2: Conditions Of Consent for 2010SYW030

### PART 1

#### DEFERRED COMMENCEMENT

Development consent shall be deferred pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, until the submission to Council of:

#### Vegetation Management

1. A Vegetation Management Plan shall be developed for the areas identified to be offset for Cumberland Plain Woodland and Shale/Sandstone Transitional Forest regeneration in accordance with the NSW State Government Guidelines (Department of Natural Resources) 'How to Prepare a Vegetation Management Plan' – Version 4, and submitted to Council for approval. The Vegetation Management Plan shall be prepared and implemented by person or persons with appropriate knowledge, qualifications and experience in current best practices of indigenous vegetation rehabilitation and management.

Council's Manager Sustainable Environment shall give approval to the Vegetation Management Plan prior to the commencement of works on site.

#### Bushfire Management

2. A Bushfire Management Plan shall be prepared in conjunction with the preparation of Vegetation Management Plan to enable an integrated approach to Bushfire Hazard Reduction and Vegetation Management.

**Note: The issues raised within Part 1, above, are to be addressed within six (6) months of the date shown on Council's determination notice. The consent shall become operative once Council has notified the applicant in writing that the information submitted in response to the deferred commencement conditions is acceptable.**

### PART 2

#### A. THE DEVELOPMENT

#### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:
  - (a) Architectural plans prepared by Jay Sunnan Architects:
    - DA 001-Issue B-Cover Page/Location plan dated 20 October 2010
    - DA 002-Issue W-Site Plan/Site analysis plan dated 4 January 2011
    - DA 003-Issue H-Crematorium & Halls floor plan dated 4 January 2011
    - DA 004-Issue F-Temple/Meditation centre floor plan & car parking plan dated 6 -DA 005-Issue G-Crematorium Elevations and Colour Schedule dated 4 January 2011
    - SK 006-Issue D-Sections of Crematorium & Temple dated 4 January 2011
    - DA 007-Issue D-Elevations of Temple/Meditation centre & dormitories dated 4 January 2011
    - DA 008-Issue A-Perspective views dated 20 October 2010

- (b) Landscape plans prepared by HLS Pty Ltd (Ref: Sheets LO1 to LO8, Issue B dated 24 January 2011
- (c) Concept Stormwater plans, Erosion & Sediment Control Details, Cut & Fill details prepared by KFW (Ref: Project No.KF110368, Drawing Nos CO1 to CO9
- (d) Waste Water Management Report prepared by Storm Consulting dated 15 February 2011 (Ref: Project No. 1044)
- (e) Acoustic report prepared by Acoustic Services Pty Ltd dated 20 April 2010. (Ref: Project No. 100403A)
- (f) Odour and Air Quality Impact Assessment Report prepared by Advanced Envirosafe Consultants dated 17 October 2010.
- (g) Salinity Management Report prepared by Storm Consulting dated 5 February 2010 (Ref: Project No 1044)
- (h) Preliminary Stage 1 Contamination Report prepared by Hayes Environmental Consultancy dated 28 July 2010 (Ref: Report No. EP754 AD)
- (i) Flora and Fauna assessment prepared by Aquila Ecological Surveys Report dated January 2011.
- (j) Heritage Impact Assessment Report prepared by Rod Howard & Associates Pty Ltd dated February 2010.
- (k) Traffic and Parking Assessment Report (Revised) prepared by Hemanote Pty Ltd dated January 2011.

except where modified by the undermentioned conditions.

### **General**

2. The proposed development shall strictly conform to the approved uses of 'crematorium', 'cemetery' and 'place of public worship' under the provisions of Liverpool Local Environmental Plan 2008.
3. No approval is granted for the use of 'mortuary' under the Liverpool Local Environmental Plan.
4. The temple/meditation centre shall be used solely in conjunction with the Crematorium and shall be visited only by those persons attending a funeral service on the subject site. Under no circumstances shall the temple/meditation centre be used as an independent 'place of public worship'.
5. The dormitory accommodation shall be used solely for persons attending funeral ceremonies on the subject site. The maximum stay of persons is limited to five (5) days.
6. The premises must not be occupied until such time as an "Occupation Certificate" has been issued by Council or a Private Certifier.
7. External finishes must be in accordance with the schedule submitted and approved with the development consent.

### **General Terms of Approval (Office of Water)**

8. All General Terms of Approval issued by Office of Water, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 25 February 2011. A copy of the General Terms of Approval are attached to this decision notice.

### **General Terms of Approval (NSW Rural Fire Services)**

9. All General Terms of Approval issued by NSW Rural Fire Service, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 31 March 2011. A copy of the General Terms of Approval are attached to this decision notice.

### **LPG Tank**

10. The applicant shall obtain a Dangerous Goods Licence from Workcover NSW prior to commencement of operations.

### **Operational Management Plan**

11. An Operational Management Plan shall be prepared and submitted to Council for approval prior to the release of a Construction Certificate. The report shall address the recommendations of the Odour and Air Quality Impact Assessment Report prepared by Advanced Envirosafe Consultants Pty Ltd dated 17 October 2010 and the Acoustic Report prepared by Acoustic Services Pty Ltd dated 20 April 2010. (Ref: Project No. 100403A). The plans shall provide for the uninterrupted operation of the incinerator in the event of the electricity supply being interrupted.

### **Waste storage and Disposal**

12. A Waste Management Plan shall be prepared and submitted to Council for approval addressing construction waste prior to release of a Construction Certificate.
13. The garbage/ waste collection area shall be located to the rear of the development or away from the boundary with the Greendale Roman Catholic Cemetery.
14. A detailed Waste Management Plan shall be submitted to Council prior to issue of a Construction Certificate that provides details of operational waste management, storage arrangements and recycling.
15. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all construction stages of the development. The applicant is required to keep supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, which must be produced upon the request of Council or any other authorised officer.

**Note:** Any non-compliance with this requirement will result in penalties being issued.

16. All solid and liquid waste must be removed from the site by a registered waste contractor.
17. All solid waste stored on site must be stored in a secure building at all times.
18. All waste materials generated as a result of the development must be disposed at a facility licensed to receive such waste.

### **Fencing**

19. Metal palisade fence shall be constructed along the whole length of the subject site's frontage to Greendale Road. The existing timber fence shall be removed and replaced with metal palisade fencing.

### **Landscaping**

20. The proposed palm trees located at the entryway to the development shall be replaced with native species;
21. The proposal shall be undertaken in accordance with the Concept Landscape Plan prepared by HLS Pty Ltd (Ref: Sheets LO1 to LO8, Issue B dated 24 January 2011)

### **Acoustic Report**

22. The proposed development shall be undertaken strictly in conformance to the recommendations and findings of the Acoustic Report prepared by Acoustic Services Pty Ltd dated 20 April 2010. (Ref: Project No. 100403A). In particular the development shall strictly conform to the following:
- Attenuators must be used in the crematorium to reduce the noise level to 45d B(A)
  - Time restrictions of during day time hours must be adhered to
  - That all recommendations for noise minimising be implemented during building phase.
  - All sound producing plant, equipment, machinery mechanical ventilation systems or refrigeration systems shall be acoustically attenuated so that the noise emitted does not exceed LA eq sound pressure level of 5dB (A) above the background noise level.
  - The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation shall not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and 10pm Saturday, Sunday and Public holidays.
  - The daytime level from any noise source shall not exceed LAeq of 47dB(A) at any residential boundary.
  - Use of acoustic rated windows and glass, doors, skylights, external walls, and building insulation to address potential noise impacts from the Federal Government's Badgerys Creek Airport should it proceed.
23. The proposed development shall be constructed in strict conformity with Australian Standard 2021-2000.

### **Noise**

24. Any alarm installed on the site is to be "silent back to base" type.
25. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.
26. The use of the premises including music and other activities shall not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
  - (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A)

above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.

- (c) Audible noise in any habitable room of any premises during the period of 12 midnight to 7:00 am.
- (d) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

27. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
  - (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00a.m to 10.00p.m daily and 0dB(A) above the L90 background between 10.00pm and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
  - (c) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b) and (c) shall be carried out in accordance with AS 2973 for vibration measurements, AS1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

28. Any water pump used in conjunction with the proposed development is to be enclosed within a structure capable of maintaining an operating noise level of a maximum of 5dba above background noise levels at all times, when measured from the nearest adjoining residence.

### **Waste Water Management**

29. The proposal shall be undertaken strictly in accordance with the Waste Water Treatment Report prepared by Storm Consulting dated 15 February 2011 (Ref: Project No. 1044)

### **Salinity**

30. The proposed development shall be undertaken strictly in conformance to the recommendations and findings of the Salinity Management Report prepared by Storm Consulting and dated 5 February 2010 (Ref: Project No 1044)

### **Contamination**

31. The proposal shall be undertaken in accordance with the recommendations of the Preliminary Stage 1 Contamination Report prepared by Hayes Environmental Consultancy dated 28 July 2010 (Ref: Report No. EP754 AD)

### **Acid Sulphate Soils**

32. An acid sulphate soils management report shall be submitted to Council for approval prior to issue of a Construction Certificate.

## **Odour and Air Quality**

33. The proposal shall be undertaken in accordance with the recommendations of the Odour & Air Quality Impact Assessment Report prepared by Advanced Envirosafe Consultants Pty Ltd and dated 17 October 2010. In particular development shall satisfy the following requirements:
- a. The crematorium building shall be maintained under slight negative pressure to prevent escape of odours and other pollutants during breakdowns.
  - b. An Environmental Contingency Plan shall be prepared in case of an inadvertent stoppage of the incinerator during the cremation process.
  - c. The proponent shall develop an Environmental Contingency Plan in case of an inadvertent stoppage of the incinerator during the cremation process.
  - d. The cremator shall be of dual chamber type and shall consistently maintain a temperature of at least 850 degrees for a residence time of at least 2 seconds in the secondary chamber to ensure effective pollution control.
  - e. Odour and Pollutant testing shall be carried out in the first three months to confirm that the odour and pollutant modelling results are consistent with practice as well as to continue compliance.
  - f. The proponent shall market caskets that do not use chlorinated organics during their manufacture as an environmentally friendly option for the customers.
  - g. The development shall have an exhaust stack height of 12m measured from the base of the cremator floor, a stack exit temperature of at least 150 degrees centigrade and an exhaust velocity of 15m/s should be maintained at all times.
  - h. A review of the existing cremator building design shall be carried out and compliance with the "USEPA Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for the Stack Height Regulations) should be achieved.
  - i. The proponent shall continuously monitor opacity, flue gas oxygen and carbon dioxide level as well as the flue gas temperature for at least 85% of the operating time. In addition, the cremator should be equipped with sufficient process control capability to keep pollution to an absolute minimum.
  - j. A full set of operating manuals shall be available in the cremator building and training should be provided to the operators for optimal performance and routine trouble shooting.
  - k. The proponent shall obtain warranty from the supplier of the cremator to ensure effective incineration is achieved.
34. The development shall fully comply at all times with the requirements of Part 4 Division. 3 of the Protection of the Environment Operation (Clean Air) Regulation 2002 for regulating the emissions of particles and smoke and Schedule 7 of the Protection of the Environment Operations (Clean Air) Regulation.

## **Flora and Fauna**

35. The proposal shall be undertaken in strict conformity with the environmental management measures and safeguards recommendations of the Flora and Fauna Report prepared by Aquila Ecological Surveys dated January 2011 listed below:
- (a) Offset the loss of Shale/Sandstone Transition Forest at ratio of 2:1. This would result in the rehabilitation/revegetation of around 4ha of Shale/Sandstone Transition Forest. This will involve the planting out of currently cleared areas within the site with locally occurring native plant species consistent with the soils on which these areas are located as well as undertaking planting within retained vegetation in order to consolidate it.
  - (b) Prior to any work proceeding, a weed control plan should be prepared to ensure that those noxious and environmental weeds identified in the study area are controlled to a

degree such that their spread is unlikely to be exacerbated. This should be done in accordance with the regulations set out under the *Noxious Weeds Act 1993* and relevant regional control plans that have been prepared for these species. Species primarily targeted in the plan should be African Olive and Chilean Needle Grass.

(c) The two preceding recommendations and general ecological management should be part of a Vegetation Management Plan prepared for the site.

(d) Any dead wood or natural ground debris removed during clearing should be collected and stockpiled for use as fauna habitat enhancement in rehabilitation areas.

(e) Vehicles and machinery should not be stored or parked in those bushland portions of the site that are to be retained.

(f) The location of all bushland stands that occur beyond the limits of the works should be provided to the construction contractor, these areas being identified on the development plans and on site through the erection of temporary fencing.

### **Light Management**

36. A Light Management Plan shall be submitted to Council for approval prior to release of a Construction Certificate. The Light Management Plan shall ensure that the development does not generate any light spillage to adjoining properties.
37. Any external lighting is to be provided and positioned to avoid light spill onto adjoining properties.
38. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development or to neighbouring properties or road users.

### **Environment**

39. All chemicals are to be stored within a defined and bunded facility in conformance with AS 1940 - 1993 - The storage and handling of flammable and combustible liquids. In the event of spillage or accident / damage, no discharge of chemicals or pollutants from the facility is to occur.
40. The development, including construction, shall not result in any contamination or any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land, or adjoining property.
41. Any fill material imported on to the premises must be Virgin Excavated Natural Material (VENM). Validation certificates from a recognised and qualified consultant or geotechnical engineer verifying the material is free of contaminants, prior to transportation to and placing of VENM on the premises.
42. All requirements as specified by the Department of Environment and Climate Change (DECC) and Workcover Authority in relation to dangerous or hazardous goods storage or use shall be implemented.
43. No pollutant or contaminated material is permitted to egress from the boundary of the premises.

## **B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of a Construction Certificate by the Principal Certifying Authority:**

**Provision of Services**

44. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 13 20 92.

Following receipt of the application, a ‘Notice of Requirements’ will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the ‘Notice of Requirements’ must be submitted to the PCA.

45. Written clearance from Integral Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.
46. Certification from an approved telecommunications carrier shall be submitted to Council confirming that satisfactory arrangements have been made to ensure the provision of underground telephone services to the approved development.

**Fee Payments**

47. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
- (c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

**Dilapidation Report**

48. A dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to Council.

**Car Parking and Driveways**

49. The internal driveway and car parking area shall be designed in accordance with AS 2890.1-1993 off-street car parking.

50. Goods and/or waste or extraneous material must not be stored in the vehicular maneuvering and parking areas. These areas must be kept clear at all times for the free movement of vehicles.
51. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with Australian Standard 2890.1 Parking Facilities-Off Street Car Parking.
52. The loading and/or unloading of all goods and materials used in conjunction with the development must take place only on site.
53. A total of 126 formal line marked car parking spaces and 216 informal spaces along the sides of the private access road shall be provided.
54. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

55. Directional signage indicating the location of customer parking, “in” and “out” crossings and directional arrows are to be provided in accordance with the approved plans.

#### **Site Development Work**

56. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.
57. All aspects of construction shall comply with the applicable Performance Requirements of the BCA. Compliance with the Performance Requirements can only be achieved by:
  - (a) Complying with the Deemed to Satisfy Provisions; or
  - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

#### **Notification**

58. The certifying authority must advise Council, in writing of:
  - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
  - (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

### **Driveway/Services**

59. All driveways are to be graded in such a manner as to provide continuous surface drainage flow paths to appropriate points of discharge. In this context, these are to be into roads or swales, as appropriate, connecting into the major trunk drainage system.
60. Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.

### **Permit to Carry out Works**

61. A separate application for a permit to carry out works must be issued by Council for –
  - (a) A Permit to carry out works in Council's road reserve, pursuant to Section 138 of the Roads Act, 1993. The work(s) in the existing road reserve requiring a Council Section 138 permit is Greendale Road.

### **On-Site Sewerage Management System**

62. An application for Approval to Install an On-site Sewerage Management System pursuant to Section 68 of the Local Government Act is to be submitted to Council for consideration and approval. The application is to be accompanied by a Waste Water Report prepared by a suitably qualified consultant and include specifications of the sewerage system and accreditation details of sewerage treatment system with NSW Health.
63. The Section 68 Application shall include the following details:
  - (a) Detailed specifications of the proposed systems to be installed.
  - (b) Detailed plans of the proposed irrigation area & disposal methods as per Waste Water Report (Project no 1044. page 9).
  - (c) Demonstrated accurate calculations of buffer distances from Nepean River, dams, buildings & boundaries.
  - (d) The system be required to treat the estimated 11 kilolitres per day

### **Drainage**

64. Engineering plans will be required defining all physical works necessary on the site and adjacent to it. These plans are to be certified by Council or an accredited certifier.
  - (a) These plans must satisfy the following requirements:
    - i. Council's current Design and Construction specification for subdivisions (as amended), and supplementary code,
    - ii. Council's Trunk Drainage Scheme(s),
    - iii. Council's Development Control Plans,
    - iv. All proposed road and drainage works must adequately match existing infrastructure
  - (b) These plans must incorporate the following:
    - i. A geotechnical report forming the basis of a road pavement design
    - ii. A geotechnical report identifying any contamination of the site, the chemicals present, and proposed remediation required
    - iii. A drainage study identifying the location and design required of any drainage channel, or detention basin.

## **Stormwater**

65. A stormwater drainage plan, including hydraulic calculations based on a 1 in 5 year storm (ARI), is required. The plan must show how the stormwater generated by this site, and other inter-allotment overland flow water entering onto this site, is to be collected within the site and conveyed in a suitable pipeline to the most appropriate point of discharge as advised by Council.

This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.

The applicant is to contact Council to determine maximum allowable discharge from site. (Council engineers to nominate maximum discharge flow from site). If drainage investigations reveal that downstream drainage pipes are not capable of catering for the discharge, then Council requires the design and construction of an on-site detention system. This is to be designed in accordance with Council's On Site Detention Policy.

66. The applicant is to provide water sensitive urban design features in the CC plans. The design is to give consideration to fine particle and nutrient treatment measures and maintenance regimes for all water quality devices.

This element of the design must be endorsed by Liverpool City Council.

The provision of the enviropods is an interim provision, needed to satisfy water quality control requirements. It is to be provided up to and including the time when the system of Council's gross pollutant control measures are implemented. The applicant is to maintain the enviropods until this time. This condition may be considered redundant if sufficient of Council's trunk drainage system is constructed.

In order to determine if this situation exists, the applicant is to make written application to Council's Manager Land Development and obtain written advice from that officer. Stormwater quality treatment devices incorporating water sensitive urban design principles shall be provided for the development. The PCA shall not endorse the devices unless all devices are approved for use in the Council area.

67. The applicant shall provide a stormwater report with calculations demonstrating that the stormwater discharge from the proposed development will not have a detrimental effect on the existing vegetation, existing water regimes and water quality. The stormwater quality treatment and On –Site Detention may need to be provided to maintain the existing hydrological regime and prevent damage to downstream ecosystems
68. Erosion and sediment control measures shall be designed in accordance with the requirements of Liverpool DCP and Council specifications, and to the satisfaction of the PCA. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the PCA.

## **Engineering Works**

69. A traffic management plan is to be submitted to Liverpool City Council's Traffic Committee for approval. Works within the road reserve shall not commence until the traffic management plan has been approved.

70. The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

### **Flooding**

71. The lowest habitable floor level shall be no less than the 1% AEP flood plus half a metre freeboard (i.e. 46.1m + 0.5m = 46.6m Australian Height Datum).
72. The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard (i.e. 46.1m + 0.5m = 46.6m Australian Height Datum).
73. There shall be no net loss of floodplain storage volume below the 1% AEP flood. This includes but is not limited to a balanced cut and fill below the 1% Annual Exceedance Probability flood.

### **C. PRIOR TO WORKS COMMENCING**

**The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:**

#### **Construction Certificates**

74. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the Act, and a copy registered with Council.
75. Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

#### **Notification/Principal Certifying Authority**

76. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
77. The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.

#### **Facilities**

78. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or

- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

## **Construction Requirements**

### **Site Facilities**

79. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.
80. Access to the site must be provided only via the all weather driveway on the property and is not to be provided from any other site, or location. (Refer to Council's Sediment and Erosion Control Policy).

### **Reports**

81. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.

### **Environmental Management**

82. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site;
  - (b) Measures to suppress odours and dust emissions;
  - (c) Selection of traffic routes to minimise residential noise intrusions;
  - (d) Soil and sediment control measures;
  - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
  - (f) Community consultation.
83. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- (a) Siltation fencing;
  - (b) Protection of the public stormwater system; and
  - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

### **Trees**

84. All existing trees that are not approved for removal shall be protected from damage during site works. This protection is to consist of a temporary fence being erected a minimum of three (3) metres from the main trunk of each tree. Trees may be fenced off in clusters where it is not practical to fence individual trees. There is to be no storing of materials or washing machinery, or changing of the existing soil levels within these fenced areas.

85. Only trees identified on the Architectural Site Plan prepared by Jay Sunnan Architects shall be removed in accordance with the recommendations of the Flora and Fauna Report prepared by Aquila Ecological Surveys dated January 2011.

#### **D. DURING CONSTRUCTION**

**The following conditions are to be complied with or addressed during construction:**

##### **Building Work**

86. In the case of a class 2, 3 or 4 building, critical stage inspections must be carried out by the appropriate person in accordance with the EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:
- (a) after excavation for, and before the placement of, any footings, and
  - (b) prior to covering of waterproofing in any wet areas for a minimum of 10% of rooms with wet areas within a building, and
  - (c) prior to covering any stormwater drainage connections; and
  - (d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: These certificates or documentary evidence must be submitted to Council with any OC issued for the development.

87. In the case of a class 5, 6, 7, 8 or 9 building, critical stage inspections must be carried out by the appropriate person in accordance with EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:
- (a) after excavation for, and before the placement of, any footings, and
  - (b) prior to covering any stormwater drainage connections; and
  - (c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: These certificates or documentary evidence must be submitted to Council with any OC issued for the development

##### **Hours of Construction Work and Deliveries**

88. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 5:00pm Monday to Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

##### **Security Fence**

89. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

## **Termite Protection**

90. To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition a durable notice must be permanently fixed inside the metre box indicating:
- (a) The method of protection;
  - (b) The date of installation of the system;
  - (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
  - (d) The need to maintain and inspect the system on a regular basis

Certification from a licensed pest controller shall be submitted to the PCA certifying that the termite protection system installed complies with AS3660.1.

## **Disabled Access**

91. Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of the BCA.

## **General Site Works**

92. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
93. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
94. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
95. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

## **Traffic Management**

96. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
97. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
98. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

99. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

### **Vegetation**

100. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.
101. A monitoring report on the progress of the Vegetation Management Plan's implementation shall be prepared and submitted to Council upon completion of the primary planting and then at six monthly intervals until the end of the two year maintenance period. A final report shall also be submitted upon completion of the maintenance period.
102. Clearing of bushland in addition to any clearing approved for this Development Application, whether it be removal of trees, groundcover or understorey, requires development consent.
103. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
104. Cleared (weed free) native vegetation (timber, small branches and leaf litter) shall be reserved and stockpiled for re-use in rehabilitation works, such as mulching.
105. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
106. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.
107. A permanent fence shall be constructed to protect, conserve and prevent access to the bushland onsite as indicated on the approved plans. The fence shall provide access for fire fighting vehicles and be maintained in good condition at all times.

### **Lighting**

108. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.

### **Graffiti**

109. A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway, public reserve etc.

### **Contamination**

110. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).

111. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
- (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
  - (b) clearly indicate the legal property description of the fill material source site;
  - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
  - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
  - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.
112. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

### **Air Quality**

113. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
114. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
115. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

### **Erosion Control**

116. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
117. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
118. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

### **Water Quality**

119. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

## **E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:**

**Certificates**

120. The premises must not be utilised until an OC is issued by the PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
121. A final fire or interim safety certificate is to be attached to any OC, except in the case of a Class 1a or Class 10 building(s). This must include all the “essential fire services” installed in the building.

**Landscaping**

122. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

**Waste Management Plan**

123. A detailed Waste Management Plan shall be submitted to Council for consideration prior to commencement of the operations.

**Traffic Management**

124. Submission of an RTA type "CHR" treatment with road widening and right-turn bay and deceleration left-turn lane in Greendale Road for Traffic Committee approval.
125. Submission of detailed parking design for Traffic Committee approval. The design must clearly indicate staff parking, visitor parking, hearse parking, service vehicle parking and bus and coach parking. The design must comply with AS2890.1-2004 and AS2890.6-2009.
126. Submission of detailed road design for Traffic Committee approval. Details must include speed limit management and controls, signs and markings, road widths must be submitted for Traffic Committee approval prior to Occupancy Certificate.

**Road Works**

127. Road construction (half width) – full formation and half width road minimum 5.5m wide shall be constructed at Greendale Road adjacent to the subject land to include kerb and gutter, drainage, pavement construction, sealing and service adjustments in accordance with Council’s current design and construction specification for subdivision (as amended) and to the satisfaction of the roads authority if within an existing dedicated road reserve, or by the roads authority or principal certifier if not within a dedicated road reserve.

**Recommendations of Acoustic Report**

128. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:
  - (a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and that all recommendations have been adopted.

## **Recommendations of Odour and Air Quality Impact Report**

129. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:
- I. Certification is to be obtained from a qualified Odour and Air Quality Impact Assessment consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved Odour and Air Quality Impact Report and that all recommendations have been adopted.
130. Emissions from the burner stacks are to be sampled and analysed for a range of chemical parameters to assess their compliance with the emissions levels used in the applicant's Air Quality and Odour Study. The specifications for testing and analysis are to be made by an appropriately qualified independent expert whose suitability is to be approved beforehand by Council's Director of Environment and Health. The independent expert is to submit a report on the analysis results either confirming their compliance or recommending any necessary measures to ensure compliance. No occupation certificate is to be issued before the necessary emission levels have been confirmed by the independent expert. All costs for the independent expert and chemical analysis is to be borne by the applicant.

### **On-Site Sewerage Management System**

131. Prior to the issue of any Occupation Certificate for an Approval to Operate, the On-Site Sewerage Management System is to be issued by Council in accordance with Section 68 of the Local Government Act.
132. Two copies, both marked up in red, of a "Work As Executed Plan", prepared by a registered surveyor, must be submitted to and approved by Council clearly showing all aspects of the constructed Drainage and/or On-site Detention systems. The plan must include:
- (a) Sufficient levels and dimensions to verify the constructed storage volumes
  - (b) Location and surface levels of all pits.
  - (c) Invert levels of the internal drainage line, orifice plates fitted and levels within the outlet control pit.
  - (d) Finished floor levels of all structures and driveways
  - (e) Verification that trash screens and/or GPT's have been installed
  - (f) Locations and levels of any overland flow paths
  - (g) The work-as-executed plan information should be shown on a (h) stamped copy of the approved civil works drawings.

### **G. CONDITIONS RELATING TO USE**

**The following conditions relate to the ongoing use of the premises:**

#### **Goods in Building**

133. All materials and goods associated with the use shall be contained within the building at all times.
134. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

#### **Food Premises Code**

135. The proposed serving of food shall comply with Australian and New Zealand Food Standard Code and Food Act Code.

### **Waste Storage Area**

136. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.

### **Flooding**

137. There shall be no storage of materials below the 1% AEP flood plus half a metre freeboard (i.e. 46.1m + 0.5m =46.6m Australian Height Datum) which may cause pollution or be potentially hazardous during any flood.

### **Hours of Operation**

138. The hours of operation of the crematorium, associated ceremony halls, temple and meditation area are limited to

-Monday to Friday	8am to 5pm
-Saturday:	9am to 5pm
-Sunday:	9am to 5pm

There shall be no cremation activities undertaken outside of these hours.

The hours of operation of the dormitory are 24 hours

### **Delivery hours and vehicles**

139. Delivery and service vehicles generated by the development are limited to:

-Monday to Friday	8am to 5pm
-Saturday:	9am to 5pm
-Sunday:	9am to 5pm

### **Environment**

140. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

### **Landscaping**

141. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

### **Vegetation Maintenance Period**

142. A monitoring report shall be submitted to Council following completion of the primary planting the subject of the Vegetation Management Plan. Following the planting phase and submission of the first monitoring report, a minimum two year maintenance period relating to the works the subject of the approved Vegetation Management Plan shall be undertaken. Monitoring reports shall be submitted to Council at 6 monthly intervals following planting.

### **Mortuaries**

143. The use and operation of the premises shall comply with the requirements of Schedule 2 (Part 4 - Standards for Mortuaries) of the Local Government (General) Regulation 2005, under the Local Government Act 1993 & the Public Health (Disposal of Bodies) Regulation 2002 under the Public Health Act 1991.

### **Pollution**

144. Any chemical or pesticides applied on the property shall be carried out in accordance with the requirements of the Protection of the Environment Operations Act 1997, Pesticides Act 1999, Department of Conservation and Climate Change (EPA) and WorkCover NSW.
145. The premises shall not at any time cause "water pollution" or "pollution of waters" as defined in the POEO Act. In particular the breach is stipulated in Part 5.3, Section 120 of the POEO Act.

### **Emergency Evacuation Plans**

146. An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used for the assembly of people.
147. An emergency evacuation plan is a plan that specifies the following:
- (a) the location of all exits, and fire protection and safety equipment, for any part of the building used as a place of public entertainment,
  - (b) the number of any fire safety officers that are to be present during performances,
  - (c) how the audience are to be evacuated from the building in the event of a fire or other emergency.
148. Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

### **Independent Compliance Audit**

149. Independent compliance audit: one year after the date of this consent and every two years thereafter, the applicant shall commission and pay the full cost of an independent compliance audit of the development. The audit must:
- e) be undertaken by a suitably qualified, experienced and independent person whose appointment has been approved by Council's Director of Planning (or equivalent);
  - f) be consistent with *ISO 19011:2002 Guidelines for Quality and/or Environmental Systems Auditing*, or updated versions of this guideline;
  - g) assess whether the development is complying with the conditions of development consent and other applicable approval conditions; and
  - h) identify any areas of non-compliance that require rectification.

Within three months of commissioning of this audit, the applicant is to submit a copy of the draft audit report to Council's Director of Planning. The Director may then request any

reasonable supplementary work to ensure the final audit report complies with the above terms of reference and any such request is to be made by the Director within two weeks of the date of receipt of the draft audit report.

## **H. ADVISORY**

- n) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 12 months after the date on which the application is taken to have been determined.
- o) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which the application is taken to have been determined.
- p) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.
- q) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- r) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- s) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- t) "DIAL BEFORE YOU DIG" DIAL 1100  
Before any excavation work starts, contractors and others should phone "Dial Before You Dig" service to access plans/information for underground pipes and cables.  
[www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)
- u) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- v) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.