

<b>JRPP No</b>	<b>2011SYW064</b>
<b>DA Number</b>	<b>DA 576/2011</b>
<b>Local Government Area</b>	<b>Camden Council</b>
<b>Proposed Development</b>	<b>Place of Public Worship</b>
<b>Street Address</b>	<b>5 Luff Close, Oran Park</b>
<b>Applicant/Owner</b>	<b>Anglican Property Trust</b>
<b>Number of Submissions</b>	<b>3</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Ron P Dowd, Urban Designer</b>

## **PURPOSE OF REPORT**

The purpose of this report is to seek a determination by the Joint Regional Planning Panel (the Panel) of a development application for a place of public worship at the abovementioned premises.

The Joint Regional Planning Panel is the determining authority for this development application as the development pursuant to Part 6(b) of Schedule 4A of the Environmental Planning and Assessment Act 1979, as the capital investment value (CIV) exceeds the CIV threshold of \$5 million (for a place of public worship) for Council to determine the application.

## **SUMMARY OF RECOMMENDATION**

It is recommended that the Panel, subject to the concurrence of the Director-General of the Department of Planning and Infrastructure, approve Development Application (DA) 576/2011 with the attached draft conditions provided at the end of this report.

## **BACKGROUND**

The Oran Park Precinct, within the South West Growth Centre, was rezoned in December 2007. The 1,119 hectare Oran Park Precinct plans for a community including:

- 7,540 dwellings (for approximately 21,500 new residents;
- 18 hectares of employment land, a 50,000 square metre Town Centre and two neighbourhood centres (capacity for 4,120 jobs);

- Schools and Community Facilities; and
- 148 hectares of open space.

The subject site is located within a subdivision approved under DA 982/2008 (approved on 10 June 2009 and described by the Landcom/Greenfields Development Company joint venture as “Tranche 1”) which also granted consent for a number super-lots that provide sites for further development applications to be submitted, including:

- Retirement village (subject of this application);
- Site for a K-12 Non-Government Section School;
- Open space (including Wayne Gardiner Reserve and Kolombo Creek);
- Church site;
- 45 home exhibition village;
- 170 residential Lots (ranging from 450 to 700 sqm); and
- Medium density housing sites (approx 100 dwellings).

Lot 1601, the subject of this development application was approved on 4 December 2009 out of a further subdivision of Tranche 1 under DA 933/2009. The subject DA was lodged on 20 April 2011 seeking consent for a place of public worship. The Capital Investment Value of the project is reported to be \$7.2 Million and as such, the development application is reported to the Joint Regional Planning Panel (Sydney West) for determination.

The DA It was publicly exhibited between 1 and 17 June 2011 with three submissions being received from the public.

The application has been assessed in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and is now able to be referred to the Panel for determination.

### **THE SITE**

The property is known as Lot 1601 in DP 1153030 and has the address of 7 Luff Close, Oran Park.

The proposed lot has an area of 1.23 hectares. The land has road frontage on all sides to a Collector Road (Central Avenue to the east) and three local roads (Marcus Loane Way, Seton Street and Luff Close). The site adjoins residential development comprising single dwellings to the south and west and Wayne Gardiner Reserve to the east. A superlot identified for future residential development is located to the north of the site.

The site is located in close proximity to the Anglicare Retirement Village and Oran Park Anglican School (both under construction). Oran Park town centre is located approximately 250 metres to the north.

### **THE PROPOSAL**

Development consent is sought for the following development:

A public place of worship comprising:

1. Stage 1 – Auditorium of 210 seats and amenities, 20 metre high church tower, covered area, forecourt, playground, stormwater facilities, perimeter landscaping and 43 space off-street carparking area

2. Stage 2 – Additional building works to provide an auditorium of a total of 500 seats, hall, amenities, foyer, forecourt, covered area, ancillary crèche, meeting rooms, landscaping and 135 space off-street car parking area.

## **NOTIFICATION**

The application was publicly notified to surrounding property owners between 1 and 17 June 2011. Three submissions from the public were received in response to this notification. These submissions are discussed in more detail under the heading “Any Submissions”.

## **PLANNING CONTROLS**

The following are relevant planning controls that have been considered in the assessment of this application:

1. State Environmental Planning Policy (Sydney Region Growth Centres) 2006
2. State Environmental Planning Policy No. 55 – Remediation of Land
3. Deemed State Environmental Planning Policy No. 20 - Hawkesbury-Nepean River
4. Oran Park Development Control Plan 2007
5. Camden Development Control Plan 2011

## **ASSESSMENT**

This application has been assessed in accordance with Section 79C of the Act. The following comments are made with respect to the proposal:

### **(1)(a)(i) The provisions of any Environmental Planning Instrument**

#### **State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)**

The “Growth Centres SEPP” aims to co-ordinate the release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region. The land subject to the place of public worship development is Zoned R1 General Residential pursuant to the SEPP. A “place of public worship” is permissible with consent in the R1 Zone.

Pursuant to the SEPP's Clause 2.3 it is considered that the proposed place of worship is consistent with the relevant objectives of the zone as it will not limit housing diversity in the locality and will provide facilities and services for the day to day needs of residents. Subject to the imposition of conditions, it is considered that community and religious activities will not adversely affect the amenity of adjoining residential development.

Pursuant to the SEPP's Clause 4.3, the maximum height of buildings for this site (other than residential flat buildings) is 9.5 metres. A majority of the roof form complies, with a height of 6.3 metres, however the curved roof element of the proposed auditorium reaches a maximum height 10.3 metres, a variation of 0.8 metres. In accordance with Clause 4.6 “Exceptions to development standards” of the SEPP, the applicant has formally requested a variation to the height. The applicant submission describes the design as representing an opportunity for the building to achieve a distinctive identity as a civic building. The roof form and tower is an opportunity to describe a point of difference in the locality and celebrate the church site.

Having regard to the objectives of Clause 4.3 “Height of Building”, as they relate to the proposed development and Clause 4.6 “Exceptions to development standards”, it is considered that an adequate level of amenity and solar access is maintained, both on site

and surrounding the site. The proposed roof form will also provide for natural light to enter the auditorium space. It is therefore considered the variation sought to the roof height would not be contrary to the public interest.

A 19.8 metres tall glass church tower structure is proposed on the eastern side of the development, fronting Central Avenue, which represents a 10.3 metre variation. The proposed structure is not considered to be a mast, flagpole, chimney, flue or the like, under the meaning of "Height of Building", and therefore is required to comply with Clause 4.3. The applicant has lodged a formal request to vary the development standard in this case.

While incongruent to the predominant character of church architecture in the Camden LGA, the architects design statement describes the design of the tower as a visual reference point in the urban environment. The glass structure is considered to be appropriately located, on the perimeter of the site and adjacent to Wayne Gardiner Reserve and Central Avenue. Given the structure is largely made of non-reflective glass on a steel skeleton and subject to conditions, such as no illumination and no affixing of advertisements or other devices or equipment to the tower it is considered that the development standard should be varied in this case. It is considered that the design and materials and the light glass nature of the tower are unlikely to have any negative visual impacts when viewed from Oran Park House.

Having regard to the variations sought for the height of the auditorium and the glass tower structure, it is therefore considered that the proposed variation sought is justified and that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and recommended that, subject to the concurrence of the Director-General, the variations be approved by the Panel.

Pursuant to the SEPP's Clause 6.1, Council is satisfied that all public utility infrastructure necessary for the proposed development will be available for it and this is reinforced in the recommended development consent conditions provided at the end of this report.

Giving regard to the objectives and controls as they relate to the land and proposed development, it is considered that the development application is consistent with the Growth Centres SEPP.

#### State Environmental Planning Policy No. 55 – Remediation of Land (SEPP)

Under the SEPP, a consent authority must not approve to the carrying out of any development on land unless it has considered whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable for its intended use in its contaminated state.

Under the DA 982/2008 Tranche 1 Superlot approval, the applicant submitted a Stage 2 Environmental Site Assessment which assesses soil contamination conditions at the site. Council is satisfied with the findings of the assessment which concluded that no contaminants of concern are present and therefore no remediation of land is required.

#### Deemed State Environmental Planning Policy No. 20 – Hawkesbury/Nepean River

It is considered that the aims and objectives of this policy will not be prejudiced by this development and that there will be no detrimental impacts upon the Hawkesbury/Nepean River system. The site is located approximately 1 kilometre from South Creek, a main tributary of the Hawkesbury/Nepean. It is a recommended development consent condition address stormwater detention and treatment systems form part of each of the various stages of this development.

**(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority**

There are no draft environmental planning instruments that are applicable to this site or development.

**(1)(a)(iii) The provisions of any Development Control Plan**

Oran Park Development Control Plan 2007 (DCP)

The following parts of Oran Park Development Control Plan 2007 (DCP) are relevant to this proposal:

6.3 Salinity Management

A salinity management plan was submitted with submitted with DA 982/2008 that approved bulk earthworks and perimeter roads for the Tranche 1 sub-precinct. This document makes several recommendations on how the proposed development can be constructed in order to minimise the impact of saline soils. Council staff have reviewed this document, agree with the recommendations therein and recommend that compliance with the salinity management plan be made a development consent condition.

6.4 Aboriginal and European Heritage

An Aboriginal heritage impact permit (AHIP) has been issued by the NSW Office Environment and Heritage for the Oran Park precinct. No Aboriginal relics have been identified on the subject site.

Design and materials proposed for the church building coupled with landscaping of the carpark area are considered to limit general visibility of the development when viewed from Oran Park House.

Planning for the DA 982/2008 Tranche 1 super lot application incorporated the locating of development sites (including a church site), public roads and public viewlines of Oran Park House. It is considered that the proposal remains consistent with the DCP controls and public views of Oran Park House are maintained.

6.9 Acoustics

An acoustic assessment was lodged with the application. It is considered that the use of the land will exceed Council's noise criteria after 10.00pm. It is to be recommended by way of an appropriate condition that operations/activities do not extend beyond 10.00pm at night.

It is considered that this control is reasonable given the development's close proximity to residential development and that the surrounding non-residential development (at the Anglicare Retirement, Anglican School and Wayne Gardiner Reserve) are also restricted to 10.00pm each night.

8.4 Waste Management

A waste management plan was lodged with the application relating to construction waste and ongoing management of operational waste. This plan is considered to be satisfactory and it is a recommended development consent condition that all waste management complies with the submitted waste management plan.

## 8.7 Safety and Surveillance

The proposed erection of a solid timber fence to the rear of the church carpark, as shown on figure H1 of the acoustic report submitted with the application, is considered to be inconsistent 'safer by design' principles, as it is likely to provide opportunity for graffiti and antisocial behaviour. As such it is recommended, where boundary fencing with a public road is proposed, that black palisade open style fencing minimum 1.8 metres in height be provided.

On the basis of the above, Council is satisfied that the development complies with the relevant controls contained in the DCP.

## Camden Development Control Plan 2011 (DCP)

The following parts of Camden Development Control Plan 2011 (DCP) are relevant to this proposal:

### B1.2 – Earthworks

Some site works are proposed however this is relatively minor and is considered to be acceptable. Retaining walls are proposed between aisles in the car park area on the southern side of the development and are deemed satisfactory after having been assessed by Council's engineering officer.

### B5 – Access and Parking

The traffic assessment highlights that parking is required at a rate 1 space per 9m<sup>2</sup>. The DCP requires 125 spaces where as 135 off-street spaces are proposed and constructed of asphaltic concrete (a surplus of 10 spaces). The applicant has amended the application to delete parking shown on Macrus Loane Way. Given this and the narrower width of Marcus Loane Way, conditions are proposed to restrict parking on this frontage.

It is considered that the design of the carparking, areas and ingress/egress locations are generally consistent with the DCP, subject to conditions that the car parking design criteria satisfy Australian Standard AS 2890.

On the basis of the above, Council is satisfied that the development complies with the relevant controls contained in the DCP.

### **(1)(a)(iiia) The provisions of any Planning Agreement**

There are no planning agreements applicable to this development.

### **(1)(a)(iv) The provisions of the Regulations**

The Regulations prescribe several development consent conditions that are provided as part of the recommended development consent conditions at the end of this report.

### **(1)(b) The likely impacts of the development**

The development is unlikely to have any significant negative impacts on adjoining and surrounding properties.

The delivery of community, cultural and religious facilities at an early stage in a new community, such as Oran Park is considered to provide positive social impact and further contribute to the community as it grows.

Any likely impacts of this development have been assessed in other sections of this report.

#### **(1)(c) The suitability of the site for the development**

This site is considered to be suitable for the proposed development, as it is close to the Oran Park Town Centre and located near an approved school, retirement village and playing field. The surrounding transport and road systems are considered to provide sufficient access to and from the site. The applicable SEPPs and DCPs for this site provide for such a development and it is consistent with the relevant development objectives that they seek to achieve. It is considered that the development will fit with the planned characteristics of the Oran Park development and, subject to the conditions discussed in the report, will not result in any significant impacts upon surrounding properties or the environment.

#### **(1)(d) Any submissions**

The application was publicly notified to surrounding property owners between 1 and 17 June 2011. Three written submissions were received in response to this notification and raise the following issues:

1. Supports the proposed development and claims the auditorium can be used by a wide range of community groups. Submission supports the contemporary architecture and legibility to Oran Park added by the proposed tower.

*Officer comment:*

These comments are noted.

2. Prior to buying the land, we were told by the developer that an "Old" style church would be built. Imagine my disgust when I discovered what the church the will look more or less like a mall

*Officer comment:*

The planning controls that relate to the land or non-residential development do not specify any particular architectural style. Given the large setback for the development from residential properties (ranging from 250 to 300 metres), proposed perimeter landscaping, the use of varied materials on the church building, it is considered that any potential visual impacts will be mitigated.

3. How big it is going to be including the tower.

*Officer comment:*

It is acknowledged that the proposed tower, around 19.8 metres high, does exceed the height control, however the light nature of the glass structure, it being appropriately located, on the perimeter of the site and adjacent Wayne Gardiner Reserve and Central Avenue and subject to conditions, such as no illumination and no affixing of advertisements or other devices or equipment to the tower, it is considered that the development is justified.

4. I strongly oppose the operating times of the church/community centre. 6 out of 7 nights it will be open to 11.00 pm. The noise assessment says the noise will comply between 7.00 am and 12 midnight. Is this when everyone hangs out in the carpark?

*Officer comment:*

Council recommends the operation of the development be limited to 10.00pm. This is consistent with the approved 10.00pm finishing times of surrounding non-residential development at the Anglicare Retirement Village, Anglican School and operation of Wayne Gardiner Reserve).

5. The church and hall can be used simultaneously. After stage 2 will the premises will accommodate 500 people. Is this figure for the church only or when the 2 buildings are used at the same time?

*Officer comment:*

Subject to compliance with noise requirements and the provision of off-street car parking, the auditorium and hall may operate simultaneously.

#### **(1)(e) The public interest**

This development is considered to be within the public interest. It achieves the objectives of the relevant SEPP's and DCP's and is generally consistent with all relevant development controls, with the exception of the building height control. These variations, subject to the concurrence of the Director-General, are considered to be justified. The proposed place of public worship will provide community facilities for the Oran Park development and is considered to be within the public interest.

#### **CONCLUSION**

Camden Council has received a development application for a place of public worship. The application has been publicly exhibited with three submissions from the public being received. The application has also been assessed in accordance with Section 79C of the Act.

It is considered that the proposed development represents a suitably located and designed facility for the Oran Park community and, subject to appropriate conditions, will not have any significant impacts on any adjoining properties or the surrounding environment.

Consequently it is recommended that the Panel, subject to the concurrence of the Director-General of the Department of Planning and Infrastructure, approve Development Application 576/2011 subject to the attached draft conditions provided at the end of this report.

#### **RECOMMENDATION**

It is recommended that the Panel, subject to the concurrence of the Director-General of the Department of Planning and Infrastructure, approve Development Application 576/2011 subject to the attached draft conditions provided at the end of this report.



## Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

A public place of worship comprising:

3. Stage 1 – Auditorium of 210 seats and amenities, 20 metre high church tower, covered area, forecourt, playground, stormwater facilities, perimeter landscaping and 43 space off-street carparking area
4. Stage 2 – Additional building works to provide an auditorium of a total of 500 seats, hall, amenities, foyer, forecourt, covered area, ancillary crèche, meeting rooms, landscaping and 135 space off-street car parking area.

## Details of Conditions:

### 1.0 - General Requirements

The following conditions of consent are general conditions applying to the development.

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
10055-DA03-p4	Site plan / roof plan	NBRS+Partners	27 April 2011
10055-DA04-p4	Ground floor stage 1 and 2	NBRS+Partners	27 April 2011
10055-DA05-p4	Ground floor plan stage 1	NBRS+Partners	27 April 2011
10055-DA06-p4	Elevations and sections	NBRS+Partners	27 April 2011
10055-Rev B	Finishes Schedule	NBRS+Partners	10 May 2011
0210636 DA01 and DA02	Landscape Plan	Tract	16 May 2011
1008-0043 C00B, C01B, C02B, C03B	Stormwater Design Plans	LHO Group	13 May 2011

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Amendments To Approved Plans** - The amendments indicated and described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate:

(a) On-street carparking shown on Marcus Loane Way be deleted.

- (3) **Building Code Of Australia** - In accordance with the requirements of the Environmental Planning & Assessment Regulation 2000, the proposed development must be carried out in accordance with the requirements of the *Building Code of Australia*.

- (3) **Disability Discrimination Act** - This approval does not necessarily guarantee compliance with the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under the Act.

Your attention is drawn to AS1428 parts 2, 3 and 4 inclusive. This may be used as a comprehensive guide for disability access.

- (4) **Wheelchair Access** - Provision shall be made for wheelchair access to the building on the site for disabled persons in accordance with AS 1428 Parts 1 to 4. Particular attention should be given to tactile ground surface indicators for the orientation of people with vision impairment.

- (5) **Landscaping Maintenance and Establishment Period:**

For a period of 12 months, commencing from the Date of Practical Completion (DPC), the Applicant will have the maintenance responsibility for all landscaping works, including any landscaping on the nature strip/road verge areas, associated with this Consent. The Applicant will also be responsible to ensure the landscaping works are successfully established during this 12 month period.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, street tree planting, soil preparation and treatment, initial weed control and completion of all planting, turf installation and mulching.

The DPC will be that date when the Applicant and the Principal Certifying Authority (PCA) agree that the landscaping works have been satisfactorily completed.

It is the applicant's responsibility to arrange a site inspection with the PCA, upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

At the completion of the landscaping maintenance and establishment period, all areas of lawn and plantings, including any nature strip/road verge areas and garden bed areas, must have signs of healthy and vigorous growth

## 2.0 - Construction Certificate Requirements

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications and are to be submitted For Approval to the Principal Certifying Authority prior to the Construction Certificate being issued.
- under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
  - under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.

**Note:** The developer must obtain a Construction Certificate prior to commencement of any physical site works.

- (2) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -
- (i) Camden Council's Current Engineering Specifications, and
  - (ii) the recommendations of the Salinity Management Plan

It should be noted that designs for line marking and regulatory signage associated within public roads MUST be submitted to and approved by the Roads Authority, Camden Council prior to the issue of any Construction Certificate.

- (3) **Roads Act 1993 Consent** - Prior to the issue of a Construction Certificate, consent pursuant to s.138 of the Roads Act 1993 must be obtained from the roads authority, Camden Council for the design and construction of all the proposed work in, on or over the road reserves adjacent to the subject site.

The design must include, but not be limited to, plans/documents associated with:

- i) the construction of kerb and gutter, road shoulder and drainage
- ii) footway formation
- iii) public utility service adjustment or installation
- iv) an Environmental Site Management Plan.

Further all such plans and documents associated with the design must be certified by:

- i) persons who are suitably accredited by a scheme approved by the N.S.W Department of Planning or where no scheme exists,
- ii) persons who are suitably qualified, are specialists and in that regard, currently practicing in that specialist area, or
- iii) in the case of a Public Utility Authority, an appropriately delegated officer of that Authority or accredited person by that Authority.

And prepared in accordance with Camden Council's Current Engineering Design Specification.

- (4) **Works adjacent to the Site** – Any proposed activity (not including those of any Public Utility Authority) within any existing public road associated with the site must be approved by the Roads Authority, Camden Council, prior to the issue of any Construction Certificate.

Accordingly, a Public Road Activity (Roadworks) application for the above must be submitted to the Roads Authority, Camden Council. Public Road Activity application forms are available from Council's Customer Service Counter or from Council's internet site <http://www.camden.nsw.gov.au/>

The application shall: -

- (i) include supporting information that addresses/details all proposed and related activities, and
- (ii) include associated plans/documentation: -
- (iii) be prepared by a persons with experience in civil and structural engineering design, and
- (vi) be endorsed by a practicing engineer/s with National Professional Engineering Registration and associated General Areas of Practice in civil and structural engineering.

It should be noted that: -

- (ix) designs for line marking and regulatory signage for any proposed/existing public road associated with this development MUST be: -
    - (a) included with this application, and
    - (b) have prior approval from the Roads Authority, Camden Council.
  - (x) items (i) above must be constructed to the satisfaction of the Roads Authority prior to the issue of any Occupation Certificate.
- (5) **Footpath Construction** - The construction of any concrete footpath and/or pedestrian/cycle shared way, within any proposed/existing public road must not be commenced until a Public Road Activity (Roadwork) application has been submitted to and approved by the Roads Authority, Camden Council.
- (6) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) shall be altered to match road design and construction.
- (7) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements and approval of Council and the Roads and Traffic Authority. Plans and proposals must be approved by Council prior to the Construction Certificate being issued.
- (8) **Public Risk Insurance Policy** - Prior to the issue of the first Construction Certificate, the owner/contractor is to lodge with Camden Council a Certificate of Currency for a

Public Risk Insurance Policy. The policy is to relate to the use, occupation of and works within Council's road reserve for all activities associated with this proposed subdivision. The certificate must provide the following details: -

- (i) Confirmation that such a policy provides a minimum public liability cover of \$20 million,
- (ii) currency period for the policy,
- (iii) the land to which the policy relates, and
- (iv) the details of the person/company to whom the policy has been issued

The Certificate of Currency must remain current for the duration of all construction activities.

- (9) **Car Parking Spaces and Areas** - A total of 43 car parking spaces for stage 1 and a total of 135 car parking spaces for stage 2. All areas are to be fully sealed with asphaltic concrete, kerb and guttered and drained. The layout of the proposed car parking areas associated with the subject development (including driveways, queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bay dimensions) must conform with Camden Council's Development Control Plan 2011 and Camden Council's Current Engineering Specifications, and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie Camden Council) standard. All disabled parking shall be designed and constructed to comply with AS 2980.6. The design is to ensure car headlights do not cause nuisance to residential properties opposite the carpark exits. Documentary evidence of compliance from a Accredited Certifier/Suitably qualified person must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.
- (10) **Speed Control** - Speed humps or similar measures must be provided along the internal driveways at sufficient intervals so as to discourage the travel of motor vehicles within the development at unreasonable speed.
- (11) **Building Identification Sign** - The proposed building identification sign facing Marcus Loane Way shall not exceed 4 metres wide and 1.5 metres high and shall be located as indicated on the approved plans. No additional signage shall be erected without prior development consent.
- (12) **Plan of Traffic devices** - A comprehensive plan of directional signs, parking signs line marking and etc shall be provided with Construction Certificate for approval. A provision shall also be made for the bus, coaches and taxi parking.
- (13) **Vehicular Access** - Signs shall be exhibited in a prominent location on the site advising that all vehicles entering or leaving the site are to be driven in a forward direction at all times.
- (14) **Directional and safety signage, and internal road markings** - Clear, legible and appropriately located signage and road markings shall be provided on site to ensure the safe circulation and parking of vehicles. Signage shall include, but not be limited to, the entry being appropriately signposted "IN" and the exit being appropriately signposted "OUT".

- (15) **Access Gates** – Where proposed, entry and exit gates to the site shall be setback a minimum 6.5 metres from the property boundary. The width of the proposed vehicular footpath crossings. Footpath crossings should have minimum width in accordance with requirements outlined in AS/NZS 2890.1:2004 across the full length, and have a perpendicular alignment to the street. However the width may be increased depending on the use of the building and the type of vehicle using the site. Footpath crossings are to be located so as to provide maximum sight distance.
- (16) **Services:-**
- All services within the development shall be underground.
  - All service connections to existing works in Council's Road Reserve requires a road opening permit from Council. Connections to existing works within Public Reserve or Drainage Reserve will require owners permission (ie, Camden Council).
- (17) **Design of proposed Utility plant/infrastructure** must be consistent with all aspects of the approved road design associated with the issued Construction Certificate. All proposed Public Utility Authority plant/infrastructure connections in existing public roads must comply with the provisions of the Memorandum of Agreement associated with the current Streets Opening Conference.
- (18) **Drainage Design** - Prior to the issue of a Construction Certificate a stormwater management plan is to be prepared to ensure that the final stormwater flow rate off the proposed development site is no greater than the maximum flow rate currently leaving the existing site for all storm events. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties. The plan must be submitted to and approved by the Certifying Authority.
- (19) **Pre-Treatment of Surface Water** - The external ground surface of the site must be graded to a collection system and covered with a suitable hard surface. The drainage system must flow to a suitable pre-treatment device prior to discharge. Design shall comply with the Department of Environment and Climate Change (DECC) environmental stormwater objectives, Table 11 Oran Park Precinct Development Control Plan 2007.
- (20) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows. The system is to provide for all storms up to and including the 1% AEP event. Engineering details and supporting calculations must be prepared by a qualified Civil Engineer and submitted to the PCA for approval with the Construction Certificate.

On completion of the on-site detention system, Works-as-Executed plans are to be prepared by a registered surveyor and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council prior to the Issue of the Occupation Certificate. The plans are to be certified by the designer and are to clearly make reference to:

- the works having been constructed in accordance with the approved plans,
- actual storage volume and orifice provided,
- the anticipated performance of the system with regard to the design intent.

The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:

Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Consent Authority (ie Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:

- (i) view the state of repair of the basin;
- (ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.

Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.

- (21) **Building Code of Australia** – A preliminary examination of the proposal indicates that the following information and/or items requiring rectification will required further detail prior to the issue of a Construction Certificate. These comments do not infer that a comprehensive BCA assessment has been carried out:
- 1. Certification attesting to the structural capabilities of the Building in accordance with Parts B1 and C1 of the Building Code of Australia.
  - 2. A fire services plan detailing fire hydrant & hose reel coverage, exit signs, fire ratings of building elements and other applicable fire safety measures as required. The plans/specification shall also include a design statement demonstrating that each measure complies with the Relevant Australian Standard.
  - 3. A report detailing compliance with Part J of the BCA.
- (22) **Disabled Toilets** - Plans and details of the disabled toilet complying with the provision of AS 1428.1 - 1993, shall be submitted to Council or an Accredited Certifier prior to issue of a Construction Certificate.
- (22) **Fire Safety Measures** – The following information must be submitted with any application for a Construction Certificate:
- (a) A list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated, and
- If the application relates to a proposal to carry out any alteration or rebuilding of, or addition to, and existing building, a separate list of those measures currently implemented in the building or on the land on which the building is situated.
- (23) **Safer By Design (CPTED) requirements** - all recommendations contained in the Safer By Design assessment prepared by DPS must be addressed and be reflected in all relevant plans submitted with the first Construction Certificate Application.

- (24) **Lighting Plan** - All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. The design is to minimise the numbers of light sources, areas that will be illuminated and time of operation. A Lighting Plan demonstrating compliance with these requirements are to be submitted to the satisfaction of the Principle Certifying Authority prior to the issue of a Construction Certificate.
- (25) **Fencing** – Where proposed on a boundary with a public road a minimum 1.8m high fence of open and visually transparent character be erected. All costs are to be borne by the developer. Fences are to be suitable for security purposes and to discourage crime. All fencing materials would be black in colour to reduce its prominence and potential visual impacts,
- (26) **Performance Bond** - Prior to the issue of the Construction Certificate a performance bond of \$25,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (27) **Detailed Landscaping Plans:**  
Prior to the issue of the Construction Certificate (CC), detailed Landscaping Plans prepared by a qualified Landscape Architect or qualified Landscape Designer, must be submitted with the CC application.

The detailed Landscaping Plans must include (but not limited to) and clearly show the following items:

- 1 The detailed Landscaping Plans must comply with the Development Control Plan (DCP) applicable to this site.
  2. The detailed Landscaping Plans must be consistent and mirror the Consent approved Landscaping Concept Plan.
  - 3 A detailed planting schedule. The schedule must clearly detail the positioning, species by botanical and common names, quantities, planting sizes and the estimated size of the plant at approximately 15yrs maturity.
  - 4 That the proposed landscaping is consistent with any Cultural, Ecological, Heritage or existing Amenity considerations for the site.
- (28) **Waste Collection** - Provision must be made for the storage of waste bin within the site. Waste bins must be emptied on a regular basis to prevent odour and fire hazard occurring.
- The location of waste bin storage and collection areas must be clearly indicated on building plans and submitted to the Principal Certifying Authority prior to a Construction Certificate being issued. The location chosen for storage of the bins should not diminish the allocated number of off-street parking spaces nor have any detrimental impact upon access to fire services and emergency exit doorways.
- (29) **Fill Quality** – Any fill material brought in for the construction of the dwelling must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste including building or demolition waste must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the development consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.



- (30) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements and approval of Council Plans and proposals must be approved by Council prior to the Construction Certificate being issued.
  
- (31) **Salinity Management Plan** - All proposed works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with Report *"Salinity Assessment of Tranche 1 Of The Oran Park Precinct: Oran Park NSW, Prepared by Environmental Earth Services, Report No 108068 Version 2, Dated September 2008."*
  
- (32) **Acoustic Barrier to Mechanical Plant** – A 2.4 metre high acoustic barrier is to be constructed and located around the mechanical plant servicing the 2 air handling units located on the southern side of the auditorium. The location of the barrier is to be consistent with "Appendix H" of the report known as *"Noise and Vibration Impact Assessment: Design Development Phase, Prepared by Marshall Day Acoustics, Report No 001 r00 2011016SY, Dated 12/05/11."* This barrier is to be designed to complement and fit in with the approved building.
  
- (33) **Acoustic Barrier to Rectory** – A 1.8 metre high lapped and capped acoustic barrier is to be constructed along the southern carpark boundary that adjoins the rectory. The length of the fence is to extend the full length of the common residential boundary consistent with "Appendix H" of the report known as *"Noise and Vibration Impact Assessment: Design Development Phase, Prepared by Marshall Day Acoustics, Report No 001 r00 2011016SY, Dated 12/05/11."* This barrier is to be designed to complement and fit in with the approved building.
  
- (34) **Acoustic Building Envelope Construction** – Construction of the building envelope (that includes the Auditorium and Hall) shall have walls, ceiling, glazing and seals consistent with *"Appendix F – F.5.2 – Building Envelope"* and *"Figure F1 – Proposed Roof System"* of the report known as *"Noise and Vibration Impact Assessment: Design Development Phase, Prepared by Marshall Day Acoustics, Report No 001 r00 2011016SY, Dated 12/05/11."*
  
- (35) **Food Codes And Regulations Compliance** - The construction and fit-out of the kitchen or any part thereof, to be used for the manufacture, preparation or storage of food, must comply with Camden Council's Food Premises Code, the Food Act, 2003 and the Food Regulations 2004 (incorporating the Food Standards Code).

### 3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Construction Certificate before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.

- (2) **Notice of Commencement Of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.

- (3) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

An Infringement Notice issued under the Environmental Planning and Assessment Act, 1979, which imposes a monetary penalty of \$600.00, may be initiated by the Principal Certifying Authority (PCA) and issued by Camden Council where the implementation or maintenance of measures is considered to be inadequate. In the event that a risk of environmental pollution occurs an Infringement Notice issued under the Protection of the Environment Operations Act 1997, which imposes a monetary penalty of \$750 for an individual or \$1500 for a corporation maybe issued by Camden Council.

- (4) **Protection of Public Places** – If the work involved in the erection or demolition of a building:

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

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

- (5) **Signs to be erected on Building and Demolition Sites** – Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000*, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and

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

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

This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.

Note: The PCA and principal contractor must ensure that signs required by this condition are erected and maintained.

- (6) **Toilet Facilities** - Toilet facilities must be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (7) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker in accordance with Council's standard drawing SD 31 must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point

- (8) **Performance Bond - Prior to the commencement of works** a performance bond of \$25,000 of the value of works must be lodged with Camden Council. Should any of Council's property sustain damage or the implementation of the development, place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works.

The bond will be refunded when: -

- (i) all work both within the subdivision site and the existing public road adjacent, has been completed in accordance with the issued consents, and
- (ii) the Bond for Rectification of Public Work has been lodged with Council.

The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

**Note 1:** In accordance with Council's current Fees & Charges an administration fee for processing of bonds in the form of cash/cheque or bank guarantees is applicable.

**Note 2:** It should be noted that Council will not refund/release the performance bond, unless a suitable replacement bond is submitted.

## 4.0 - During Construction

The following conditions of consent shall be complied with during the construction phase.

- (1) **Approved Plans to be On-site** - A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.
- (2) **Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following Stages of construction:
  - (a) After the installation of sediment and erosion control measures;
  - (b) final inspection after all works are completed.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates, stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2006 and Current Engineering Specifications must be submitted to Council prior to the issue of the Occupation Certificate.

- (3) **Compaction (Building Areas)** - Those proposed allotments which are subject to filling must be compacted to 95% standard compaction. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1990.
- (4) **Dust Control** – Potential dust generation areas on-site shall be provided with vegetation cover and/or aerial water sprays to ensure that airborne particles are suppressed especially during periods of dry/windy weather.
- (5) **Re-grassing** - All disturbed ground shall be re-grassed or otherwise permanently stabilised.
- (6) **Construction Noise Levels** - Noise levels emitted during all works shall be restricted to comply with the Department of Environment and Climate Change's (DECC) Interim Construction Noise Guideline 2009.
- (7) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
  - (i) The delivery of material shall only be carried out between the hours of 7 am - 6pm Monday to Friday and between 8am - 5pm on Saturdays.
  - (ii) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.
  - (iii) All construction activities shall be confined to the curtilage of the site. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
  - (iv) Construction waste must not be burnt or buried on site, nor should any wind-blown matter be permitted to leave the site. All waste must be disposed of at an

approved Waste Disposal Depot.

A waste control container shall be located within the development site.

(8) **Work Hours** - All such work must be restricted to the following hours: -

- a) between 7am and 6pm Mondays to Fridays (inclusive);
- b) between 8am to 5pm Saturdays,

Work is prohibited at all other times including Sundays and Public Holidays unless approved in writing by the Principal Certifying Authority.

(9) **Vehicles leaving the site** - The contractor/demolisher/construction supervisor **MUST** ensure that: -

- - (i) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
  - (ii) the wheels of vehicles leaving the site: -
    - (a) do not track soil and other waste material onto any public road adjoining the site.
    - (b) fully traverse the Stabilised Access Point (SAP).

(10) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer [www.environment.nsw.gov.au/waste/envguidlms/index.htm](http://www.environment.nsw.gov.au/waste/envguidlms/index.htm)) Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.

(11) **Fill Material** – Prior to the importation and/or placement of any fill material on the subject site a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must: -

- i) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- ii) be endorsed by a practicing engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and
- iii) be prepared in accordance with:
  - a) the Department of Land and Water Conservation publication “Site investigation for Urban Salinity”, and
  - b) the Department of Environment and Conservation – Contaminated Sites Guidelines “Guidelines for the NSW Site Auditor Scheme (Second Edition) – Soil Investigation Levels for Urban Development Sites in NSW”.
- iv) confirm that the fill material: -
  - a) provides no unacceptable risk to human health and the environment;

- b) is free of contaminants;
- c) has had salinity characteristics identified in the report;
- d) is suitable for its intended purpose and land use, and
- e) has been lawfully obtained.

Sampling for salinity of fill volumes: -

- v) less than 6000m<sup>3</sup> - 3 sampling locations,
- vi) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> or part thereof.

A minimum of 1 sample from each sampling location must be provided for assessment.

Sampling for Contamination should be undertaken in accordance with the following table:-

Classification of Fill Material	No. of samples per volume	Volume of fill (m <sup>3</sup> )
• Virgin Excavated Natural Material	1 (see note 1)	1000

*Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.*

- (12) **Building Inspections** - The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The 'principal contractor' for the building works (as defined by the *Environmental Planning and Assessment Act, 1979*) must notify the PCA for the inspection of the building components.

The *Environmental Planning and Assessment Act 1979* and *Regulation* may prescribe other 'critical stage inspections' of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

Missed critical stage inspections are an offence under the *Environmental Planning and Assessment Act, 1979*, and may prohibit the issue of an Occupation Certificate.

- (13) **Connect Downpipes** – All roof water must be connected to the approved roof water disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority (PCA) must not permit construction works beyond the frame inspection stage until this work has been carried out.
- (14) **Excavation and Backfilling** – All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

- (15) **External materials and finishes** - The development shall be completed in accordance with the approved schedule of external materials, colours and finishes.

- (16) **Street Trees, Tree Protective Guards and the Road Verge Areas:**  
Any street trees, tree guards, protective bollards or any lawn area of the nature strip/road verge, which are disturbed, relocated, removed, or damaged during the development, construction, maintenance and establishment periods, must be successfully repaired, relocated or replaced.

Any repairs, relocations or replacements needed to the tree/s, lawn areas, bollards, tree guards, nature strip/road verge areas are to be completed with the same type, species and maturity, and the works carried out successfully prior to the completion of the maintenance and establishment period.

## 5.0 - Prior To Issue Of Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (2) **Sydney Water Clearance** – Prior To The Issue Of An Occupation Certificate a section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water and submitted to the Principal Certifying Authority.
- (3) **Installation and Operation of Sound System** – In accordance with the recommendations of the approved acoustic assessment report prepared by Marshall Day Acoustics (Report No 001 r00 2011016SY, Dated 12/05/11) to control noise levels from amplified music an output noise limiter is to be installed in the Auditorium and Hall (where amplified music will be played) that will govern the maximum power level for each octave band supplied to the speaker arrangement. The limiter must be calibrated by a qualified acoustic consultant and be set so as not to exceed church design criteria in order to meet the noise criteria as contained within the approved acoustic assessment report. A letter from the consultant must be provided to the Consent Authority (Camden Council) prior to the issue of an Occupation Certificate confirming that the sound system is installed and meets the relevant noise criteria when in operation.
- (4) **Acoustic Report Compliance** - A report from Marshall Day Acoustics (or another qualified acoustic consultant) that contains a certifying statement confirming that the recommendations of the approved Acoustic Report "Noise and Vibration Impact Assessment: Design Development Phase, Prepared by Marshall Day Acoustics, Report No 001 r00 2011016SY, Dated 12/05/11." have been implemented and are

compliant must be submitted to the Principal Certifying Authority for inclusion in any Occupation Certificate application.

The acoustic consultant providing the compliance report must conduct sufficient inspections to verify that all construction aspects of the noise attenuation/control components or measures are being carried out in accordance with the approved acoustic report recommendations and any acoustic conditions of this consent.

Should the acoustic consultant confirm that:

1. any specific construction aspect does not comply with the acoustic report recommendations; or
2. that the constructed noise attenuation /control components or measures do not achieve the criteria set by the approved acoustic report;

The acoustic consultant must advise the applicant and the Principal Certifying Authority of such non-compliance. The applicant must arrange for the submission of an application pursuant to s.96 of the Environmental Planning and Assessment Act 1979 for the modification of the issued development consent to the Consent Authority (Camden Council) for determination.

- (5) **Annual Fire Safety Statement** must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.
- (6) **Annual Fire Safety Certification** - The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.
- (7) **Works as Executed Plan** - prior to the Occupation Certificate being issued, a works-as-executed drawing must be submitted in accordance with Camden Council's current Engineering Construction Specifications to the Principal Certifying Authority.
- (8) **Footpath Crossing Construction** - Prior to the issue of any Occupation Certificate a footpath crossing must be constructed in accordance with Camden Council's issued footpath crossing information.
- (9) **Registration & Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form.

## 6.0 - Operational Conditions

The following conditions of consent are operational conditions applying to the development.

- (1) **Tower** – The tower shall not be illuminated (either internally or externally) and no affixing of advertisements or other devices or equipment to the tower is permitted.



- 2) **Liquid Waste** - All liquid waste other than stormwater generated on the premises must discharge to the sewer in accordance with the requirements of Sydney Water in particular the trade waste section.
- (3) **Offensive Noise** - The use and occupation of the premises including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (4) **Hours of Operation** – The hours of operation applicable to the use of the church auditorium, recreation halls, outdoor and indoor play areas and storage facilities is only permitted during the following hours:

Monday to Friday	8.00am to 10.00pm
Saturday:	7.00am to 10.00pm
Sunday and Public Holidays:	8.00am to 10.00pm

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Car parking areas are not permitted to be used for events or activities. Any alteration to these hours will require the prior approval of the Consent Authority.

- (5) **Outdoor Noise from patrons** – The LAeq (15 minute) noise level from adults / children occupying or using the outdoor play areas or forecourt areas must not exceed the background LA90 sound level by more than 10 dB(A) when measured at the boundary of the nearest or most affected residential premises.
- (6) **Plant Noise Restriction** - The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LAeq) (measured for at least 15 minutes) or in, the above premises must not exceed the background level by more than 5dB(A) when measured at any point on any residential boundary.
- (7) **Air Conditioning Units** – All air conditioning units that include those located on the roof and their use must operate at all times so:
- as to be inaudible in neighbouring dwellings during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays;
  - as not to discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act, 1997; and
  - as to comply with the relevant noise criteria as contained within the New South Wales Environment Protection Authority's Industrial Noise Policy.
- (8) **Graffiti Management Plan** - A graffiti management plan must be incorporated into the maintenance plan for the development. All graffiti shall be removed within 48 hours of the offence.