

APPENDIX A - CONDITIONS OF CONSENT DA-736/2012

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-736/2012, submitted by Ultra Design & Engineering (Aust.) Pty Ltd, accompanied by Drawing No. 20102 DA-01B, DA-02C, DA-03C, DA-040, DA-05C, DA-06B, DA-07B, DA-09A, DA-11A, DA-12A, DA-13A & DA-13C, prepared by Millennium Design Consultants Pty. Ltd, and affixed with Council's approval stamp except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

The development plans shall be amended as follows:

- a) A Plan of Management (POM) shall be provided to include the following specific provisions for the management of parking, traffic and noise.
 - i) During the conduct of the Friday midday service within the Mosque, attendees are not to assemble on the front court or the public footpath and the road way.
 - ii) No chanting is to occur outside the building at any time.
 - iii) The attendees are to be reminded that there shall be no parking on footpaths, blocking driveways of other properties at any time or illegal parking.

The POM is to be submitted to Council for approval by the Manager, Development Services prior to the issue of the Occupation Certificate.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 3) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 4) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.

- 5) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 6) A soil erosion and sediment control plan shall be prepared by a suitably qualified professional in accordance with Council's Development Engineering Standards and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 7) All of the relevant and appropriate water conservation and energy efficient requirements of Bankstown DCP 2005 – Part D7 shall be complied with. Details of the proposed measures to demonstrate compliance with the above DCP shall be submitted with the Construction Certificate
- 8) The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agent details - see Building and Developing then Quick Check; and
- Guidelines for building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

- 9) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 10) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 11) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$66,204.35 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72

Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 12) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 13) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - i. Two (2) heavy duties VFC at the property boundary.
 - ii. Drainage connection to Council's system.
 - iii. 1.2 metre wide concrete footway paving along the sites entire frontage to Anzac Street and beyond up to Brunner Road intersection north and Hume Highway intersection south.
 - iv. Concrete kerb and gutter along the sites entire frontage to Anzac Street.
 - v. Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - vi. Repair of any damage to the public road including the footway occurring during development works.
 - vii. Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

- 14) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. C-1736-03, issue 3, dated 4/9/2012 prepared by PAVEL KOZAROVSKI.

Stormwater runoff from all areas proposed for development shall be collected and connected to the existing stormwater pipe within the easement, subject to the existing pipes being evaluated by a qualified professional Civil Engineer and found to be structurally adequate and to have the required hydraulic capacity, as required in Council's Development Engineering Standards. The existing pipes shall be upgraded or replaced as necessary to comply with the requirements above.

The plan for the proposed drainage system together with the hydraulic evaluations shall be submitted to the PCA for approval with the application for the Construction Certificate.

All stormwater connections into the existing Council stormwater drainage easements throughout the subject site from adjoining properties shall not be affected, formal drainage easement shall be created and registered to cover any existing pipes that services adjoining properties.

The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.

- 15) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 16) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 17) The subject site contains Council's drainage easements and is affected by local overland flooding and the development shall comply with the following:
 - a) The proposed building(s) including eaves and gutters shall be located clear of existing and proposed Council easements within the site, a minimum headroom clearance of 3.5 metres shall be provided where proposing to build over Council easements. Amended plans to this effect shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. All approved construction details shall be consistent with this requirement.
 - b) All concrete piers and beams type footings must be located clear of all existing or proposed Council's stormwater easements in accordance with the requirements contained in Council's Development Engineering Standards. Plans and details prepared by a qualified practising Structural Engineer, with details suitable for construction in accordance with the

above Policy shall be incorporated into the details for approval of the Construction Certificate. A copy of the approved details together with a report prepared by a registered surveyor showing location, size and depth of the stormwater system, shall be sent to Council for information.

- c) The minimum floor level of the proposed structure(s) shall be constructed to RL 51.2m AHD including freeboard. All approved construction details shall be consistent with this requirement.
- d) Landscaping within Council's drainage easement/the overland flowpath shall be limited to grassed or paved surfaces only. Where pavers are to be used they shall be constructed integral with a concrete base to prevent scour and uplifting. Final details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to the PCA prior to the issue of the Construction Certificate. A copy of the approved landscaping details shall be submitted to Council for information.
- e) Boundary fencing across Council's drainage easement and overland flowpath/floodway shall incorporate provision for the passage of overland stormwater runoff to cater for the 1:100 year A.R.I. storm. Minimum 200 mm gap underneath boundary fences shall be constructed.

All approved construction details shall be consistent with this requirement.

- f) The proposed building up to and including the 100 year flood level plus freeboard shall be constructed of flood compatible building components in accordance with Council's DCP 2005 Part E3 - Flood Risk Management.
 - g) An Engineers report certifying that the building as designed can withstand the forces of floodwater, debris and buoyancy up to and including the 100 year flood level shall be submitted to the PCA.
 - h) For concrete pavements built over drainage easements full depth construction joints shall be provided along the easement boundary, in accordance with the requirements contained in Council's Development Engineering Standards. Details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to the PCA prior to the issue of the Construction Certificate. A copy of the approved details shall be submitted to Council for information.
- 18) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed 25%. The design of access driveways, circulating roadways, parking aisle, parking module, parking space, transitions, headroom clearances, sight distances, queuing areas, accessible travel path shall comply with AS 2890.1 and AS 2890.2. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels.

- 19) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the construction site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

In addition a RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including

roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 20) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$50,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of

pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath i.e. Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.bankstown.nsw.gov.au

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 21) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.
- 22) The food serving area must be designed, constructed and operated in accordance with the requirements of:
 - (a) The NSW Food Act 2003 and Food Regulation 2010
 - (b) FSANZ Food Standards Codes 3.2.2 and 3.2.3
 - (c) Australian Standard AS 4674-2004 (Construction and Fitout of Food Premises)
 - (d) The Building Code of Australia
 - (e) The Protection of the Environment Operations Act 1997

- (f) Australian Standard AS 1668 Part 1 and Part 2 (The use of ventilation and air-conditioning in Buildings) [Note: If no cooking is undertaken this is not required].
 - (g) Sydney Water Corporation (Trade Waste Section) [Note: If no cooking is undertaken this is not required].
- 23) Rooms and areas designated for the storage and washing of garbage receptacles are to be designed and constructed in accordance with the following requirements:
- a. The floors and walls shall be constructed of a suitable material which is durable, smooth, resistant to corrosion and impervious to moisture
 - b. The intersection of walls with floors shall be coved to a minimum radius of 25mm
 - c. The floor is to be graded and drained to an approved floor waste fitted with a basket arrestor within the room/area and discharged into Sydney waters sewer system via the grease arrestor
 - d. Hot and cold water taps fitted with the hose connectors and back flow prevention devices shall be located within the garbage room/area or in close proximity
 - e. The room is to be vented to the external by natural ventilation in accordance with the requirements of the Building Code of Australia or alternatively mechanically ventilated in accordance with the requirements of Australian Standards AS 1668.
 - f. If the waste storage area is located outside of the building the area shall be roofed so as to prevent rainwater from entering into Sydney water sewer system.
 - g. If the waste storage area is located outside of the building the area shall be suitably bunted to the satisfaction of Council's Environmental Health Officer.
- 24) The design and construction of the building shall incorporate the recommendations contained in the DA Acoustical Assessment Report No. 610.07939.04982-R1, dated 26 June 2012, prepared by SLR Consulting Australia. subject to the following:
- i) The place of worship structure and the library/religious class room area shall be designed and constructed incorporating measures to ensure an internal L_{Aeq} noise level that does not exceed 40dBA. In certain circumstances where it may be impossible or impractical to avoid exceeding 40dBA, demonstration that an internal L_{Aeq} noise level that does not exceed 45dBA may be permitted, subject to compliance with the amenity criteria in the NSW Industrial Noise Policy.
- The Construction Certificate plans shall include all of the attenuation measures recommended in the Acoustics Report and those required to achieve compliance with the above criteria.
- 25) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be

in accordance with AS 2890.1 – 2004, AS 2890.2 – 2002 for heavy vehicle usage and AS 2890.6: 2009 for the disables.

- 26) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- 27) An Unexpected Finds Protocol must be prepared to address the discovery of unexpected contaminants which may be encountered during excavation and/or construction works. This Unexpected Finds Protocol must be prepared by an appropriately qualified and experienced environmental consultant and be submitted to the satisfaction of Council prior to the issue of a construction certificate for demolition of existing structures.
- 28) Upon completion of demolition works, a further contaminated site investigation (which may take the form of an additional detailed site contamination investigation), must be undertaken of the building footprints.

The further investigation shall be undertaken by an appropriately qualified and experienced environmental consultant. The investigation and reporting must be undertaken in accordance with relevant guidelines including, but not limited to, the EPA “Guidelines for Consultants Reporting on Contaminated Sites 2011.” This report shall also consider and provide an indication of further remedial action that may be required to ensure that the site will be suitable for the proposed use.

The further investigation report must be submitted to the satisfaction of Council prior to the issue of a construction certificate for Stage 1 building works.

Note: It is recommended that an accredited site auditor is engaged at an early stage in the planning process to provide expert advice and guidance and to ensure straight-forward implementation of works.

- 29) If the further contaminated site investigation indicates that the site requires further remediation in order for it to be made suitable for the proposed land use, then the previously submitted Remedial Action Plan (RAP) “Remediation Action Plan, 31-35 Anzac Street, Greenacre” by Aargus, dated May 2013), shall be amended accordingly by an appropriately qualified and experienced environmental consultant for the development. The RAP must be prepared in accordance with relevant guidelines including, but not limited, to the EPA “Guidelines for Consultants Reporting on Contaminated Sites 2011.”

The amended RAP must be submitted to the satisfaction of, and accepted by Council, prior to the commencement of remediation works and prior to the issue of a construction certificate for building works.

- 30) Remediation of the site shall be undertaken in accordance with the previously submitted RAP referred to in condition 29, or the amended RAP, as required. Remediation of the site must be undertaken and completed to the satisfaction of Council prior to the issue of a construction certificate for the building works.

- 31) Removal of any asbestos impacted soils must be undertaken in accordance with the relevant WorkCover NSW regulations, including the Work Health & Safety Regulation 2011 and relevant NSW EPA regulation, including the 'EPA Waste Classification Guidelines 2009.'
- 32) On completion of remediation works, a Validation Report must be prepared by an appropriately qualified and experienced environmental consultant in accordance with relevant guidelines including, but not limited to, the EPA "Guidelines for Consultants Reporting on Contaminated Sites 2011". This report must outline that the required remediation work has been completed and that the site is suitable for the proposed land use.

The Validation Report must be reviewed by a NSW EPA accredited site auditor and a Site Audit Statement or Interim Audit Advice prepared and submitted to Council. Any conditions imposed by, or requirements of, the site auditor must also be adhered to.

The Validation Report and the site audit statement/ Interim Audit Advice must be submitted to the satisfaction of, and accepted by Council, prior to the issue of a construction certificate for the building works.

- 33) If unexpected contaminants are encountered, or new information becomes available during excavation and/or remediation works which alters previous conclusions about site contamination, then this situation must be managed by implementing the approved Unexpected Finds Protocol referred to in condition 27.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 34) The building works in accordance with the development consent must not be commenced until:
- a. a construction certificate for the building work has been issued by the council or an accredited certifier, and
 - b. the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner- builder, if that is the case, and
 - c. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and

- iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the erection of the building.
- 35) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.

Trees marked for retention, including the two spotted gums, in the approved plan are to be protected during the demolition and construction work in accordance with the relevant Australian Standards.

Procedural Conditioning of Developments

- No fill, excavated material, building material or other items are to be placed around retained trees.
- No excavation is to take place around the root zone or canopy of retained trees.
- All preservation zones are to be mulched to a depth of no less than 70-100mm using a suitable organic mulch or sand around the trees to be retained, i.e.; around the root zone or canopy of trees.
- Fencing around retained trees is to be in place prior to commencement of site works and is to be kept in place during all construction, until final inspection is undertaken.
- Fences should be signposted to warn contractors of their purpose.
- Treatment and pruning of trees may only be undertaken by qualified arborists after approval of Council.
- Any tree removal carried out on Saturdays is permitted only between the hours of 7am and 1pm inclusive, Sunday removals **not** permitted.
- Construction to begin only when the above procedures are in place.

Failure to comply with the above conditions will result in an on-the-spot fine.

- 36) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 37) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.

- 38) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 39) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

- 40) Prior to the commencement of work, a fence shall be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.
- 41) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 42) 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 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.

- 43) Permission is granted for the demolition of structures currently existing on the property, subject to strict compliance with the following: -
 - a) The developer is to notify adjoining business managers seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.

- b) Written notice is to be given to Bankstown City Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Bankstown City Council:
 - (i) A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
 - (ii) A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

NOTE: Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412** or **9707 9635**.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm all days.
- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.

- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- n) Care shall be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
- p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 44) The hours of site works shall be limited to between 7.00am and 6.00pm all days.
- 45) The building work must be carried out in accordance with the requirements of the Building Code of Australia.

- 46) Prior to the floor slabs being poured, an identification report prepared by a registered surveyor shall be submitted verifying that the proposed slab's finished ground floor level and siting to the property boundary conforms with the approved plans.
- 47) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 48) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 49) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 50) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - 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.
- 51) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA).
- 52) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 53) Development located adjacent to Council's drainage pipe and/or easements shall comply with the following:
 - a) Concrete Pier and beam type footings/foundations adjacent to Council's drainage easements shall be constructed in accordance with the approved details and Council's Development Engineering Standards. All concrete piers and beams type footings must be located clear of all existing or proposed Council's stormwater easements. The applicant/developer shall arrange for an inspection to be carried out by Council to verify depth and location of piers in relation to the pipe and easement prior to pouring of concrete. A copy of the approved Structural

plans detailing the pier/column locations and depths relative to the Council drainage pipe shall be provided to the Council prior to the inspection.

- b) Any disturbance or damage caused to Council's drainage pipes within the site shall be repaired by Council at the applicant's expense. The applicant shall notify Council of such damage immediately after it occurs and of any pre existing damage prior to commencement of work within the site.
- 54) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 55) Adequate waste storage facilities must be provided on the premises, capable of accommodating all garbage, stored liquid, recyclable wastes and associated containers arising from the use of the premises, and must be fully accessible by waste collection contractors. All putrescible waste must be removed from the premises with sufficient frequency to avoid nuisance from pests and odour. Access to a sewer gully and cold water tap to permit cleansing of bins to be provided within or adjacent this facility.
- 56) All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads and Maritime Services.
- 57) The lighting shall be designed to meet the minimum Australia Lighting Standards AS1680.
- 58) A CCTV system shall be installed monitoring the entry/exit points of the Mosque and surrounding premises. This system needs to be able to monitor and record motion video and retain this footage for a minimum period of 2 weeks. The storage device where the footage is retained needs to be locked and secured away.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 59) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 60) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 61) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.

- 62) A suitably qualified Professional Civil or Structural Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 63) Sites located adjacent to Council's drainage easement and/or sites affected by flooding shall comply with the following:
- a) A Work As Executed Plan prepared by a registered surveyor, together with certification from a qualified professional Civil Engineer of the capacity and adequacy of the constructed floodway/flow path shall be obtained prior to issue of the certificate of occupation or occupation of the site.
 - b) The Work As Executed information shall be shown on a copy of the approved plans and shall include construction information relating to the following:
 - (i) All relevant natural ground and finish ground levels within the flow path/floodway and relevant surrounding levels.
 - (ii) Determination and the extent of the 1 in 100 year water surface level in the floodway / flow path.The above information together with the Engineer's certification shall be submitted to Council for information prior to issue of the occupation certificate or occupation of the site.
 - c) A Restriction as to User under the provision of Section 88E of the Conveyancing Act shall be registered on the title of the subject property, requiring that:
 - (i) "Changes to approved levels and/or the construction of walls and landscaping within Council's drainage easement/constructed floodway boundaries is not permitted unless approved by Council".
 - (ii) "Any fencing constructed across the floodway or overland flow path shall be maintained to allow for the free passage of surface flow of stormwater to the satisfaction of Council".
 - d) Bankstown City Council shall be empowered to release, vary or modify such Restriction.

The Restriction and Positive Covenant shall be registered on title following satisfactory construction and certification of the overland flow path / floodway system and prior to issue of the Occupation Certificate or occupation of the site. Evidence of such registration shall be submitted to Council.

- 64) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed stormwater system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the stormwater system.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 65) Final registration of any new easements created over existing stormwater pipes which are currently connected into Council's stormwater easement without formal registered easements shall be finalised prior to the issue of the Occupation Certificate or occupation of the site.
- 66) The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.
- 67) The construction and finishes of the funeral parlour shall be in strict compliance with the following prior to the issue of an Occupation Certificate:
 - a) Public Health Act 2010
 - b) Public Health Regulations 2012
 - c) NSW Health Guidelines for Funeral Industry
 - d) Local Government Act 1993
 - e) Local Government (Orders) Regulations 1999- Schedule 4
- 68) A letter and a compliance verification test certificate from refrigeration contractor that the proposed refrigerated van, incorporating the registration number, to be used to transport deceased bodies to the cemetery is temperature set and is achieving a temperature reading of 3-5 degrees shall be provided prior to issue of an Occupation Certificate.
- 69) All solid waste generated from the funeral parlour shall to be stored in a separate waste storage area. The construction of the waste storage area shall be designed to the same standard as that of the multi-purpose community hall and shall be completed prior to issue of an Occupation Certificate.
- 70) All solid waste arising from the body preparation shall be stored in a contaminated waste bin and collected by a waste contractor. Details from a waste contractor must be provided prior to the issue of an Occupation Certificate. Copies of waste collection receipt are to be kept and produced on Council Officer's request.
- 71) A final inspection shall to be conducted by Councils Environmental Health Officer and ALL conditions of this consent have been complied with prior to the issue of an Occupation Certificate
- 72) Prior to commencing to the use of food serving area, the waste storage area and the funeral parlour an inspection of the premises must be carried out by the Principal Certifying Authority to ensure that the premises including the construction and installation of all equipment, fixtures, fittings and finish therein comply with ALL conditions of consent.

- 73) The food serving area and the funeral parlour must be registered with Council by completing the Application Form Registration form prior to issue of an Occupation Certificate.
- 74) Certification must be provided to the Principal Certifying Authority, prior to re-occupation, that the fitout of the food serving area, the waste storage area and funeral parlour has been completed in accordance with the plans and associated legislation. It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.
- 75) The subject sites shall be consolidated in accordance with the approved plan. The plan for consolidation is to be registered prior to the issue of the Occupation Certificate.

USE OF SITE

- 76) The facility shall operate generally in accordance with the scheduling, staffing, attendance and operational procedure as stipulated in the Plan of Management for the TUAMA Mosque and Cultural Centre.

As part of the Plan of Management, a community consultation procedure with the surrounding property owners/operators shall be implemented so that they are informed of special events. In addition, a contact is to be provided at the Mosque so that should any complaints arise, the management of the mosque can respond to the issues in a timely manner.

- 77) The maximum number of worshippers permitted on site shall be limited as follows:
 - a. Weekly Friday Midday Prayer – The attendance shall be limited to a maximum of 554 persons. The operator shall install 'members only' procedure for Friday worshipers as stipulated in the Plan of Management.
 - b. Special events: Approval is only granted for a maximum of two (2) special events in one year viz. Eid festivals. No further festivals shall be held, unless separate approval has been obtained from Council. A maximum capacity of 700 persons applies to any such festivals. Bankstown Local Area Command (Police) and surrounding property owners likely to be affected by such events shall be advised of the dates of any festivals to be held, a minimum of two weeks prior to the commencement of any such festival.

The operator shall keep an audit of the number of attendees attending the site during Friday midday prayers and the special events.

- 78) The Mosque and Cultural Centre management shall implement a complaint handling procedure. If a noise, parking or traffic complaint is received the complaint should be recorded on a Complaint form. The complaint form should list:

- i) The name and address of the complainant (if provided).
- ii) The time and date the complaint was received.
- iii) The nature of the complaint and the time and date the incident.
- iv) The name of the person who received the complaint.
- v) Actions taken to investigate the complaint, and a summary of the results of the investigation.
- vi) Indicate what was occurring at the time the complaint occurred, if possible.
- vii) Required remedial action.
- viii) Summary of feedback to the complainant.

A permanent register of complaints shall be held on the premises, which shall be reviewed monthly by the management to ensure all complaints are being responded to. The complainant should also be notified of the results and actions arising from the investigation.

- 79) The Mosque and Cultural Centre Management shall organise and chair a Neighbourhood Liaison Committee, within one (1) month of the commencement of the operation of the facility. The purpose of the Committee is for the mosque and neighbours to resolve any issues, such as traffic, parking and noise, arising from the use of the mosque. The operation of the Committee must ensure:
 - i) The membership of the Neighbourhood Liaison Committee must include properties next to and opposite the Centre.
 - ii) The Neighbourhood Liaison Committee must meet at least four times during the first twenty four (24) months of the centre operation.
 - iii) The Centre management must forward the meeting minutes to Committee members. The Centre management may forward the meeting minutes to Council for information purposes.
- 80) Car parking spaces for two-hundred-thirty-eight (238) vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 81) The hours of operation of the use shall be restricted to those hours stipulated in the Plan of Management. The special events shall be closed by 8.30pm of the event day.
- 82) There shall be no concurrent use of the mosque and the community hall.
- 83) All loading and unloading of goods shall take place within the site in a manner that does not interfere with parking areas, driveways or landscaping.
- 84) There shall be no emissions of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are injurious or dangerous to health, or the exposure to view of any unsightly matter or otherwise.

- 85) The operation of the premises shall at all times comply with the specific noise attenuation measures contained within the DA Acoustical Assessment Report No. 610.07939.04982-R1, dated 26 June 2012, prepared by SLR Consulting Australia Pty Ltd.
- 86) All waste materials associated with the use shall be stored in containers located either within the building or behind screen walls in accordance with the approved plans.
- 87) Any activity carried out in accordance with this approval shall not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the Protection of the Environment Operations Act 1997.
- 88) All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the Protection of the Environment Operations Act 1997. All waste generated shall be disposed of by an authorised contractor.
- 89) Any proposed smoking area is to comply with the provisions of the Smoke Free Environment Act 2000.
- 90) Where the food premises is selling food that is: ready to eat; and of a potentially hazardous nature; and not sold and served in the suppliers original package a Food Safety Supervisor (FSS) is to be appointed by the food business on commencement of the operation of the premises. Evidence of completion of a recognised training course for a FSS at a Registered Training Organisation is to be forwarded to the NSW Food Authority. A list of approved training organisations, along with further information, is available on the NSW Food Authority website www.foodauthority.nsw.gov.au. A copy of the current FSS certificate is to be kept on the food premises.
- 91) The proposed mini-bus operation shall be operated to bring worshippers to and from the Mosque for Friday prayers as stipulated in the Plan of Management.
- 92) Traffic Management Plan (TMP)
- a) A TMP addressing peak hour and Friday traffic conditions and arrangements is to be prepared by a certified practitioner and submitted to Councils Development Services Manager for approval prior to the issue of an Occupation Certificate. This Plan is to be reviewed 12 months after commencement of the approved use and amended following that review if required by Councils Development Services Manager.
- b) A TMP shall be undertaken by a certified practitioner in accordance with Guide to Traffic and Transport Management for Special Events (Version 3.4) and be submitted to Bankstown Council's Traffic Committee for assessment at least three months prior to any special day events being held on the subjected site.

- 93) All vehicles are to enter and leave the site in a forward direction.
- 94) All worship shall take place inside the Mosque.
- 95) The use and operation of the premises shall incorporate facilities that will prevent the discharge of any pollutant, be it either soil, water, air or noise which may degrade the environment or be prejudicial to its inhabitants.
- 96) All pollution control devices (including drainage systems, sumps and traps) shall be regularly maintained.
- 97) The use of the premises shall not contravene the Protection of the Environment Operations Act 1997. The operation of the premises shall be carried out in accordance with the requirements of the Environment Protection Authority (EPA) if applicable.
- 98) Access to private areas of the development should be by authorised persons only. This is to be achieved via the installation of a security swipe pass or key. A register of keys/security passes shall be in place and maintained regularly.
- 99) Signage should be placed throughout the premises showing directions to each part of the development.

End of Conditions