

DRAFT CONDITIONS OF CONSENT

**DEVELOPMENT APPLICATION NO. 807.1/2012
JOINT REGIONAL PLANNING PANEL NO. 2012SYN102**

PROPERTY:

Part Lot 137, DP 16877, No. 47-51 Edensor Road, Cabramatta West

DESCRIPTION OF DEVELOPMENT:

Demolition of existing dwelling house and associated outbuildings and construction of a place of worship (Buddhist Temple)

APPROVED PLANS

1. Compliance with Plans

The development shall take place in accordance with the approved;

- Architectural plans as prepared by VT Architects Pty Ltd, project number 741, drawing numbers DA/001, DA/002, DA/003, DA/101, revision C, dated 22 July 2013, DA/102, DA/103, revision B, dated 28 February 2013,
- Statement of Environmental Effects (amended) prepared by essential Planning and dated March 2013;
- Operational Plan of Management for Proposed Buddhist Temple prepared by VT Architects, revision D, dated 19 July 2013;
- Acoustic report No. 4744, revision B, prepared by Day Design dated 8 March 2013;
- Stormwater drainage and on-site stormwater detention for the development shall be generally in accordance with the concept stormwater plans drawing number 061211, sheets 1, 2, 3, 4, 5, issue E, dated July 2013, prepared by Aztec Engineers Pty Ltd, and conditions of this consent;
- Landscape plan prepared by RFA Landscape Architects, project number 3115a, drawing L-01, dated 8 February 2012;

except as modified in red by Council and/or any conditions of this consent.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a Construction Certificate by a Certifying Authority. The Certifying Authority can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.

2. Design Report for Energy Efficiency Installations for Buildings Class 2 - 9

Prior to the issue of a Construction Certificate, a design report shall be submitted to the Certifying Authority, demonstrating that the proposed building complies with the pertinent requirements of Section J – Energy Efficiency of the Building Code of Australia. The design report shall identify and detail the methods required to achieve compliance with the Building Code of Australia.

3. Outstanding Fees and Charges

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of the following fees shall be submitted to the Certifying Authority:

a. Kerb and Gutter Inspection Fee	\$98.50.
b. Kerb and Gutter Damage Deposit	\$2,000.00
c. Road Opening Fee	\$128.00.
d. Vehicular Crossing Application Fee	\$136.00.

4. Outstanding Long Service Levy Fee

Prior to the issue of a Construction Certificate, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifying Authority.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment.

Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

5. Service Provider Requirements

Prior to the issue of a Construction Certificate, the following service provider requirements shall be submitted to the Certifying Authority:

Endeavour Energy – A letter of consent showing satisfactory arrangements have been made to service the proposed development.

6. Stormwater Drainage Certificate

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that:

- a. Satisfactory arrangements have been made for the disposal of stormwater;
- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
- c. The piped drainage system has been designed to an Average Recurrence Interval as required in Council's Stormwater Drainage policy and Urban Area On-Site detention Handbook.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

- a. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.
- b. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

7. On-site Detention Design Certificate

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that the drainage system has been designed to comply with:

- a) Method 2 of Council's Urban Area On-site Detention Handbook – February 1997:
 - i) To restrict the total discharge from site to current site discharge for all storms up to and including the 100 year storm events;

- ii) To restrict the peak discharge from the site for 100 year 9-hour storm event to 140/1/s/ha.

Note: If Council is requested to issue the Construction Certificate, three copies of the plans and specifications giving full details of the design and calculations in the form of ILSAX/DRAINS input and output files and details as specified in Council's OSD handbook shall be submitted to the Council.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for on-site detention, the following details will be required:

- a. Full details, as per Council's On Site Detention Handbook, of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels, etc.
- b. A plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regrading of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

8. **Structural Engineer's Certificate of Building Design**

Prior to the issue of a Construction Certificate, a certificate from a qualified and practicing Structural Engineer shall be submitted to the Certifying Authority that the building design can withstand the forces of floodwaters including debris and buoyancy forces up to the Probable Maximum Flood.

9. **Works on Adjacent Roads – Approvals and Levels**

All approvals and levels for works on adjacent roads (i.e. footway area) must be obtained prior to the release of the Construction Certificate.

10. **Engineering Construction Certificate**

Prior to the issue of a Building Construction Certificate, an Engineering Construction Certificate shall be submitted to the Certifying Authority for the construction of the stormwater pipe connecting to the open channel/creek in accordance with approved plans and specifications at no cost to Council.

For the issue of Engineering Construction Certificate, five (5) copies of plans and specifications giving full details of the design and construction shall be submitted with the application.

- a. Prior to release of the Building Construction Certificate, the applicant shall lodge with Council, a bank guarantee or a cash bond to the cost of all works required under this consent to be carried out within the road reserve or on land under the control of Council. The value of the bank guarantee or the cash bond will be determined by Council upon approval of the detailed engineering drawings.

11. Vehicular Crossing Application

Prior to the issue of a Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council. Access to the development shall be via a light industrial type crossing in accordance with Council's requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole.

12. Section 94A Levy Development Contributions

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 94A Levy Contributions shall be submitted to the Certifying Authority.

The Section 94A Levy as determined at the date of this consent is **\$67,120**.

The contribution amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales).

13. Erosion and Sediment Control Plan

Prior to the issue of a Construction Certificate, an Erosion and Sediment Control Plan shall be submitted to and approved by Fairfield City Council. The Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Council's Erosion and Sediment Control Policy. The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity.

14. Disability Access

Prior to the issue of a construction Certificate a report from a suitably accredited person shall be submitted to the certifying authority demonstrating that the proposed building complies with the relevant requirements of the Building Code of Australia, AS1428.1 and Disability (Access to Premises – Buildings) Standards.

15. Sydney Water Consent

The plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site www.sydneywater.com.au for:

- Quick check agents 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

16. Final Stormwater Drainage Plan

The Construction Certificate application shall include final detailed stormwater drainage and on-site detention plans and specifications suitable for construction, prepared by a suitably qualified and experienced stormwater drainage consultant. The final plan shall be in accordance with the abovementioned stormwater concept plans and shall comply with Fairfield City Council's Stormwater Drainage policy, Urban Area On-Site Detention Handbook, AS 3500 and conditions of this consent. The final plan shall in particular provide the following:

- Sufficient design surface levels to ensure that the roof areas and external grounds drain through the respective detention basins by pipe flows and surface flow path routes up to the 100 year ARI storms, in accordance with the sub-catchment plan shown on Drawing No. 061211, Sheets 2, issue E, dated July 2013, prepared by Aztec Engineers Pty Ltd. Allowance shall be made to any bypass flows in accordance with the above Handbook.
- Openings to the detention tank surface lids shall be in accordance with Council's Urban Area On-Site Detention Handbook. Appropriate grate locks shall be provided.

17. Flood Affected Development

The development the subject of this consent is located within flood prone land as described in the flood study extract prepared for the site by WMA Water dated July 2013 and the Flood Risk Management Study for No. 47-51 Edensor Road, Cabramatta, prepared by Kozarovski and Partners, dated 19 July 2013. The following shall form part of the documents issued for construction:

- (a) A detailed flood management report prepared by a suitably qualified and experienced consultant in accordance with the Flood Risk Management requirements contained in chapter 11 of Fairfield City Wide DCP. All measures including bollards, etc.. shall form part of the documents issues for construction.
- (b) Finish surface levels of the car park shall be in accordance with Drawing No. 061211, Sheets 1, issue E, dated July 2013, prepared by Aztec Engineers Pty Ltd.
- (c) A flood evacuation plan prepared by a suitably qualified consultant in accordance with Chapter 11 of the Fairfield Citywide DCP 2013.
- (d) Boundary fencing along the front, rear and north western boundaries shall be of an open type style which will not obstruct the flow of surface water across the land.

18. Lift including all Electrical and Mechanical Equipment

The proposed lift and all associated electrical and mechanical equipment shall be located a minimum of 0.5 m above the 100 year flood level. Appropriate ramps up to the lift from the ground floor car park level shall be provided. The documents issued for construction shall ensure compliance with this requirement.

19. Contamination Assessment

Reference is made to a Phase 2 Contamination Assessment (Report No. S06083-A, prepared by Brink & Associates, dated 26 October 2006) submitted to Fairfield City Council in support of a previous development application. The Assessment reveals that contaminants were identified at the subject premises which require remediation works to be completed and a validation report submitted to Council to demonstrate that the site is suitable for the intended use/s.

In this regard, the following information is required to be submitted to Council for approval:

- 1. Notice of completion of remediation works carried out at 47-51 Edensor Road Cabramatta West.
- 2. Validation Report/s issued in relation to 47-51 Edensor Road Cabramatta West.

In the event that information required under points 1-2 above cannot be supplied, or should any activities be identified that may have resulted in potential land contamination, a revised Detailed Site Investigation Report and Validation Report shall be submitted to Fairfield City Council for approval:

3. A revised Detailed Site Investigation Report shall be prepared by a suitably qualified person. Should remediation works be recommended, a Remedial Action Plan (RAP) prepared by a suitably qualified person shall be submitted to Fairfield City Council for approval. The RAP shall include an 'Unexpected Finds Protocol' for the assessment/management of any contamination discovered during the course of works.

Please note – Any new information which comes to light during any remediation or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council immediately after discovery. A Section 96 Application under the Environmental Planning and Assessment Act 1979 as amended shall be made for any proposed works outside the scope of the development consent.

Any reports prepared in relation to the subject site shall be prepared in accordance with the NSW Environment Protection Authority's Contaminated Land Guidelines.

4. **Within thirty (30) days** of completion of the remedial works, a Validation Report summarising the results of the remediation and final validation sampling for the site, shall be carried out in accordance with the NSW EPA Contaminated Sites Guidelines and submitted to Fairfield City Council for consideration.

The Validation Report shall include a statement that demonstrates what uses the site is suitable for.

Should the validation report deem that further remediation is required; a Remedial Action Plan (RAP) shall be developed by a suitably qualified contaminated land consultant and be submitted to Fairfield City Council for approval.

Subsequent to the completion of approved remediation works, a further site validation report is to be submitted to Fairfield City Council. The report shall confirm whether the goals set in the RAP have been achieved.

20. Median Island in Edensor Road

Prior to the issue of a Building Construction Certificate, an 'engineering Construction Certificate shall be submitted to the Certifying Authority for the construction of median island and changes to line marking. If Council is requested to issue the Engineering Construction Certificate, five (5) copies of plans and specifications giving full details of the design and construction shall be submitted with the application. Should the issue of the Construction Certificate be sought prior to the completion of the required works, Council's consideration will be given to the acceptance of a 'road works bond' covering all works within the road reserve in accordance with Council's fees and requirements for the lodgement of a bond.

The proposed median island is to be constructed across the proposed driveway of the temple without obstructing access to the properties at 54 and 56 Edensor Road. A "left Turn" only sign shall be installed within the premises at the exit point to advise worshipers about turn restrictions.

The applicant shall submit a plan to Council in relation to the construction of the median island and associated changes to line marking so that the plan can be endorsed by Fairfield City Council's Traffic Committee.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Certifying Authority can either be Fairfield City Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.

21. Construction Certificate Required

Prior to the commencement of any building and construction works, a Construction Certificate is required to be issued by a Certifying Authority.

Enquiries regarding the issue of a Construction Certificate can be made to Council's Customer Service Centre on 9725 0222.

22. Appointment of a Principal Certifying Authority

Prior to the commencement of any construction works, the person having benefit of a Development Consent, or Complying Development Certificate must:

- a. appoint a Principal Certifying Authority; and
- b. notify Council of the appointment.

23. **Notify Council of Intention to Commence Works**

The applicant must notify Council, **in writing** of the intention to commence works at least two (2) days prior to the commencement of any construction works on site.

24. **Kerb and Gutter Status Form**

Prior to the commencement of any construction works on site, the applicant shall return the attached footpath/kerb and gutter form to Council detailing the existence of, and the condition of, any foot paving, and/or kerb and gutter provided adjoining the site for checking against Council's records. Damage to footpaths, kerbs, stormwater systems and general streetscape will require restoration at the developer's expense.

25. **Erosion and Sedimentation Control**

Prior to the commencement of any construction works on site, controls in accordance with Chapter 3.1.7 of the Fairfield City Wide DCP 2006 shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

The documented erosion and sediment control plan shall be available on-site for inspection by Council Officers and all contractors undertaking works on the site.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

26. **Toilet Facility**

Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility, or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

27. **Sign During Construction**

Prior to the commencement of construction works, a sign must be erected in a prominent position on site during construction:

- a. Stating that unauthorised entry to the work site is prohibited,
- b. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours, and

- c. Showing the name, address and a telephone number of the Principal Certifying Authority for the development.

Note: A \$600 on the spot fine may be issued for non-compliance with this condition.

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate by the Principal Certifying Authority.

28. Interim / Final Occupation Certificate Required

Prior to the commencement of any use and/or occupation of the subject development (whole or part), either an Interim Occupation Certificate or Final Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate or Complying Development Certificate.

29. Section 73 Certificate Required

A Section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.

30. Works on Adjacent Roads

Prior to the issue of the Final Occupation Certificate, the following works are to be completed:

- a. All redundant kerb laybacks shall be removed and replaced with Council's standard kerb and gutter. Any redundant crossings shall be removed and the footpath topsoiled and turfed.

All works to be carried out on adjacent lands under the control of Council, shall be in accordance with the standard requirements and specifications of Council.

31. **Footpath Paving**

Prior to the issue of the Final Occupation Certificate, Council's standard concrete footpath paving shall be constructed by the developer at no cost to Council for the full road frontage of the property in Edensor Road. The area of the footway not paved shall be topsoiled and turfed. The developer shall complete any necessary transitioning to the existing footway beyond the boundary of this property at no cost to Council.

32. **Works-As-Executed Plans for Stormwater Drainage**

Prior to the issue of the Final Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved shall be submitted to the Principal Certifying Authority.

33. **On Site Detention – Works-As-Executed**

On completion of the drainage works and prior to Occupation, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the Principal Certifying Authority to verify that the drainage works have been completed in accordance with the approved plans. The following details are to be on the Works-As-Executed plans and shall be marked in red on a copy of the original plan approved at the Construction Certificate stage.

- b. Sufficient levels and dimensions to verify the On-Site Detention storage volumes.
- c. Location and surface levels of all drainage pits, weir levels and dimensions.
- d. Invert levels of
 - the internal drainage lines.
 - orifice plates.
 - outlet control pit.
- e. Finished floor levels of structures such as units and garages.
- f. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
- g. Verification that a trash screen is installed.
- h. Location and levels of any overland flow paths through the site.

- i. Details of any variations made from approved plans.

34. Registration of Restriction and Covenant over OSD System

Prior to the issue of the Final Occupation Certificate, proof of the creation of a 'Restriction on Use of Land' and 'Positive Covenant' over the on-site detention system in accordance with Council's On-Site Detention Handbook (February 1997) shall be submitted to the Principal Certifying Authority.

35. On-Site Detention – Certification of Works

A Certificate shall be issued to the Principal Certifying Authority upon completion of the drainage works and prior to issue of the Occupation Certificate certifying the following:

- i. That the on-site detention system will function in accordance with the approved drainage design.
- ii. Any variations from the approved drainage design.
- iii. That these variations will not impair the performance of the On-Site Detention system, or alternatively provide details of the remedial works required to make the system function according to design control standards.

36. Surveyor's Certificate of Location of Building upon Completion

Prior to the issue of the Final Occupation Certificate, a registered surveyor's certificate shall be submitted to and approved by the Principal Certifying Authority certifying that the building has been positioned in accordance with the approved plans. It shall show the boundaries of the allotment and the distances of the building from the boundaries.

37. Adjustments to Public Utilities

Prior to the issue of the Final Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council.

38. Environmental Reports Certification

Prior to the issue of an Occupation Certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Fairfield City Council, stating that all works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

- a. Acoustic Report No. 4744 Revision B, prepared by Day Design Pty Ltd, dated 8 March 2013 and additional information provided in email correspondence issued by Thomas Roseby – Day Design Pty Ltd, dated 4 April 2013.

39. **Building in Saline Environments**

The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate design features and building materials need to be incorporated into the construction of buildings, to minimise the risk of salt damage.

Prior to the issue of an Occupation Certificate, documentary evidence shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

40. **Certification of Energy Efficiency Installations for Buildings Class 2 - 9**

Prior to the issue of an Occupation Certificate (Interim or Final), a certificate(s) shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in compliance with the pertinent requirements of Section J – Energy Efficiency of the Building Code of Australia.

41. **OSD – Marker Plate**

Each on-site detention basin shall be indicated by fixing a standard marker plate, details of which are as follows:

Minimum size: 150mm x 100mm

Material: Non Corrosive metal or 4mm thick laminated plastic

Location: Fixed in a prominent position to the nearest concrete or permanent surface and be above the expected water level in the basin. If in doubt, contact Council on 9725-0222.

Wording: A minimum letter height of 5mm is required. The wording is to consist of:-

THIS IS AN ON-SITE DETENTION STRUCTURE
DO NOT TAMPER WITH
CONTACT FAIRFIELD CITY COUNCIL PRIOR
TO ANY PROPOSED WORKS IN THIS AREA

The marker plate is to be attached prior to occupation of the proposed development.

42. Restriction on Use and Positive Covenant – Overland Flow

Prior to the issue of an occupation certificate (Interim or Final), a Restriction on Use and Positive Covenant shall be created over the subject site in the following terms:

Restrictive Covenant

(1) The proprietor of the burdened lot shall **not**:-

- i. Erect, construct or place any other building or other structure,
- ii. Make alterations to the ground surface levels within the overland flowpath,

Within the land so burdened without the prior written consent of Fairfield City Council.

(2) No fencing, including boundary fencing shall be erected within the land hereby burdened unless such fencing is of an open type style which will not obstruct the flow of water across the land.

Positive Covenant

- (1) The proprietor of the burdened lot shall do all things necessary to maintain the overland flood flow through the site as depicted on plan Drawing No. 061211, Sheets 1, issue E, dated July 2013, prepared by Aztec Engineers Pty Ltd.
- (2) Where the proprietor of the burdened lot fails to comply with any written request of Fairfield City Council referred to in (1) above, the proprietor shall meet any reasonable cost incurred by the Council in completing the work requested.
- (3) Full and free right for the Fairfield City Council and every person authorised by it to enter upon the burdened lot in order to inspect or alter the surface levels to ensure maintenance of the flood flow within the land so burdened

43. Certification of Disability Access

Prior to the issue of an Occupation Certificate (Interim or Final) a certificate from a suitably accredited person shall be issued to the Principal Certifying Authority certifying that the building complies with the relevant requirements of the Building Code of Australia, AS 1428.1 and Disability (access to Premises) Standards.

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifying Authority can either be Fairfield City Council or an accredited certifier.

44. Compliance with the Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
 - i. complies with the performance requirements; or
 - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
- c. a combination of (a) and (b).

45. Demolition Requirements

Demolition of the existing building(s) shall be carried out in accordance with the requirements of AS 2601 – 2001 and the following:

- a. The property being secured to prevent unauthorised entry.
- b. Asbestos sheeting shall only be removed by licensed operators in accordance with the requirements of the WorkCover Authority. Proper procedure shall be employed in the handling and removal of asbestos to minimise the risk to personnel and the escape of particles to the atmosphere.
- c. All other materials and debris is to be removed from the site and disposed of to approved outlets in accordance with the approved Waste Management Plan.
- d. Seven (7) days notification to commence demolition work shall be given to WorkCover NSW in accordance with Clause 3.4.5 of the Occupation Health and Safety Regulation 2001.
- e. Should you require information in relation to the safe disposal of asbestos waste, please contact the Department of Environment and Conservation NSW (www.environment.nsw.gov.au)

46. **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 must be properly guarded and protected to prevent them from being dangerous to life or property.

47. **Administration Fee for the Lodgement of Certificates**

Where a Principal Certifying Authority has been appointed other than Council, an administration fee is charged by Council for the lodgement of Construction Certificates, Interim Occupation Certificates, Occupation Certificates and Complying Development Certificates.

48. **During Construction or Demolition**

During the construction or demolition period, the applicant must ensure that:

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition;
- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building work is to be carried out within the following hours.
 1. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work may be carried out on Sundays or public holidays.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement.

49. **Air-conditioning Unit Approval**

A separate Development Application shall be lodged for any air conditioning unit that does not meet the requirements of Council's Fairfield City-Wide Development Control Plan.

50. **Method of Stormwater Drainage**

The stormwater drainage generated from the development shall be directed to the open channel/creek.

The complete roof guttering system must be operational as soon as the roof is clad. Surface stormwater shall not be directed or cause nuisance to adjoining properties.

51. Critical Stage Inspections

In accordance with Section 109E of the Environmental Planning and Assessment Act 1979 the Principal Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Section 109E (3) (d) Environmental Planning and Assessment Regulation 2000.

Note: A **\$600** on the spot fine will be issued for failing to request the Principal Certifying Authority to undertake the above inspections.

52. Post-Demolition Inspection Required

On completion of demolition works, a post-demolition inspection is to be carried out by Fairfield City Council. It is necessary to telephone Council on 9725-0222 to request an inspection of the site.

It should be noted that once demolition has been completed the site should be kept tidy and safe at all times. It is recommended to fence the site to prevent public access onto the property. It is also recommended that all sediment and erosion control measures have been installed on the site.

53. Disabled Access

Access for disabled people shall be provided in the building or portion of the building in accordance with Clause D3.2, D3.3 and Table D3.2 of the BCA and to the standards set out in AS 1428.1.

54. Maintenance of Construction Site

During the construction and any dormant period, the applicant must ensure that the construction and/or development site is adequately maintained, as not to be prejudicial to the surrounding neighbourhood. In the event that the construction/development site remains dormant for a period in excess of three (3) months, permanent security fencing, hoarding or scaffolding, as defined in the relevant Australian Standard and incorporating visual shielding shall be provided and maintained to the satisfaction of Council until the completion of the development or as applicable.

Signage alerting to the presence of danger and prohibiting unauthorised entry to the site and any other signage, as required by a Development Consent, shall be displayed in a prominent position.

Note: On the spot penalties up to \$600 will be issued and/or legal action in the form of Notices/Orders for non-compliance with this requirement will be instigated.

55. **Landscaping to be Completed**

The provision and maintenance of landscaping in accordance with the approved landscape plan prepared by RFA Landscape Architects, reference number L-01 dated 8 February 2012, including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

56. **Driveway Separation from Landscaping**

All driveways shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

57. **Driveway Gradient**

The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1.

58. **Carparking - General**

The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2013 – Car Parking, Vehicle and Access Management - Chapter 12:

- a. One hundred and four (104) car parking spaces for visitors; and
- b. Four (4) parking spaces for disabled persons (minimum width 3.8m).

Each space shall be permanently line marked and maintained free from obstruction at all times. Staff, company and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas.

59. **Schedule of Finishes**

The development is to be constructed and finished in the materials and colours approved by the development consent. All other building materials shall be compatible in type, colour and texture throughout the whole project.

60. **Deliveries**

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. No articulated / heavy rigid / medium rigid vehicles shall be used for the servicing or operations of this development.

61. Hours of Operation

- (a) The approved hours of operation for the use of the premises are:

Monday to Sunday: 9.00am – 5.00pm

- (b) The above hours do not apply for religious observance of Chinese New Year.

All activities on the site shall cease to operate by 1.00am following the observance of Chinese New Year.

Note: The approved hours of operation shall be subject to review by Council in the event of any objections regarding noise nuisance etc. being received.

62. Compliance with the Plan of Management

The operation of the site shall comply at all times with the Operational Plan of Management referred to in Condition No. 1 of this consent.

63. Flood Affected Development

The development the subject of this consent is located within flood prone land as described in the flood study extract prepared for the site by WMA Water dated July 2013 and the Flood Risk Management Study for No. 47-51 Edensor Road, Cabramatta, prepared by Kozarovski and Partners, dated 19 July 2013. The following shall be complied with during the construction process:

- a) Overland flowpath shall be conveyed through the site as depicted in the above documents.
- b) Boundary fencing shall be of an open type which will not obstruct the flow of surface water across the land.
- c) Only flood resistant materials shall be used below the designated floor level.
- d) All services and utilities connected to the property shall be flood proofed.
- e) All measures required in the flood management report and Chapter 11 of Fairfield City Wide DCP, 2013 shall be implemented and maintained.

64. Use of the Premises

The use of the premises shall comply with the following requirements:

- a. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
- b. If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act, 1997.

65. **Monitoring of State of Roadways**

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

66. **Compliance with the NSW Protection of the Environment Operations Act 1997**

The Buddhist Temple shall operate in accordance with the *Protection of the Environment Operations Act (POEO) 1997*. All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

67. **Operation of Incinerator**

- a. **Within three (3) months** of commissioning of the incinerator, a report shall be provided to Council stating whether the incinerator is operating in accordance with the manufacturer's guidelines. The report shall be prepared by a suitably qualified person or company.
- b. No other material shall be burnt, apart from the accelerant such as gas, except the "lucky money" for ceremonial purposes and that there would be no disposal of incense or the burning of incense in the incinerators.
- c. The approved hours of operation of the incinerator shall be restricted to the weeklong Ullambana special event only and shall only be used between 9.00am – 5.00pm.
- d. The proposed incinerators shall not be used for the purposes of a crematorium at any time.

68. **Unreasonable Noise and Vibration**

The Buddhist Temple, including operation of vehicles, and mechanical plant, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from car movements, children participating in activities and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

69. **Lighting**

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

70. **Public Address System**

No public address system or sound amplifying equipment shall be installed so as to permit the emission of offensive noise, as defined by the Protection of the Environment Operations Act 1997, onto any private premises or public place.

71. **Air-conditioning Unit Complaints**

If any complaints are lodged by neighbouring residents, Council may issue a Noise Notice, which may require you to engage the services of a competent acoustic consultant to carry out further noise level tests on the air conditioning unit and then design an appropriate enclosure and/or relocate the unit to suit your purpose.

72. **Pedestrian Crossing**

A review of the need for a pedestrian crossing within 100 metres of the subject site shall be undertaken by a traffic consultant after 3 years and within 5 years of the commencement of the temple operations. If the review finds that a pedestrian crossing is required, then the applicant shall fund such a facility.