

## **CONDITIONS OF CONSENT**

**DEVELOPMENT APPLICATION NO. 429.1/2015**  
**JOINT REGIONAL PLANNING PANEL NO. 2015SYW154**

### **PROPERTY:**

**LOT 231B DP 17288, NO. 353-371 DELAWARE ROAD, HORSLEY PARK**

### **DESCRIPTION OF DEVELOPMENT:**

**CONSTRUCTION OF A PLACE OF PUBLIC WORSHIP INVOLVING A BUDDHIST MONASTERY AND TEMPLE WITH ASSOCIATED MEDITATION COLLEGE, DINING HALL AND KITCHEN, ADMINISTRATION BUILDING, CAR PARKING AND LANDSCAPING.**

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## **APPROVED PLANS**

### **1. Compliance with Plans**

The development shall take place in accordance with the approved;

- Development plans as prepared by HVT Design Pty Ltd, project number DEL-15, drawing numbers 1-5, issue A, dated 20 April 2016;
- Landscape plans prepared by Greenland Design Pty Ltd, drawing numbers 1234.L.01, issue A, dated 16 December 2015; drawing numbers 1234.L.02, issue A, dated 16 December 2015; drawing number 1234.L.03, issue A, dated 16 December 2015;
- Statement of Environmental Effects prepared by CA Group Architects dated May 2015;
- Plan of Management for An Khong Buddhist Monastery & Temple, dated 30 November 2015;
- Acoustic Report prepared by Dukane Pty Ltd, project number 150515; dated 15 March 2016;
- On-site Wastewater Management Report prepared by Envirotech, reference number 317616-A, dated 21 April 2016;
- Stormwater concept plan prepared by KD Stormwater Pty Ltd, sheets 1-7, dated November 2015;

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

### **1.A Modifications to development plans**

- a. The proposed acoustic (hebel) wall adjacent to the southern side of the carpark shall be erected a minimum of four (4) metres inside the common property boundary.
- b. An intensively landscaped area shall be provided, between the relocated hebel wall and the boundary with full details to be provided to and approved by Council's Manager of Development Planning in a landscape plan.
- c. The perimeter open style boundary fencing shall be erected along the full boundary perimeter including the boundary between the relocated hebel acoustic wall.
- d. An amended car parking layout shall be submitted to and approved by Council's Manager of Development Planning, prior to the issue of a Construction Certificate, showing ninety four (94) formal spaces and sixteen (16), informal, overflow spaces on a grassed area in the south-eastern corner of the site.

## **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. Final Stormwater Drainage Plan**

The Construction Certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a qualified civil engineer experienced in stormwater drainage design and analysis. The final plan shall be in accordance with the above mentioned stormwater concept plan and shall comply with Fairfield City Council's Stormwater Drainage Policy, the BASIX requirements and with AS3500.

### **3. Flood Affected Development**

The development the subject of this consent is affected by mainstream flooding as described in the flood information sheet issued by Council dated 3 November 2015. The certifying authority shall ensure that the plans issued for Construction Certificate comply with the following:

- a. The finished floor level of the proposed dwelling shall be minimum 70.10m AHD.
- b. All services and utilities connected to the property are required to be flood proofed.
- c. A flood evacuation plan prepared by a suitably qualified consultant in accordance with Chapter 11 Flood Risk management of Council's DCP shall form part of any Construction Certificate issued.

### **4. 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 in accordance with Council's Stormwater Drainage Policy and conditions of this consent.

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

- i. 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.
- ii. 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.

## 5. 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:

Method 2 of Council's On-Site Detention Guidelines for Rural Areas;

**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.

## **6. 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.

## **7. 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 **\$83,296**.

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).

## **8. 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](http://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

## **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.

### **9. 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.

### **10. 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.

### **11. 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.

### **12. 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.

### **13. Erosion and Sedimentation Control**

Prior to the commencement of any construction works on site, controls in accordance with **Chapter 3.11 of the Fairfield City Wide DCP 2013** 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.

#### **14. 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.

#### **15. Required Signage**

For building, subdivision or demolition work that will affect the external walls of the building, signage shall be installed in a prominent position detailing:

- The name, address and telephone number of the principal certifying authority for the work; and
- The name of the principal contractor (if any) of the building work and a telephone number on which that person may be contacted outside working hours; and
- Stating that unauthorised entry to the work site is prohibited.

This sign shall be maintained while the building, subdivision or demolition work is being carried out and must be removed when the work has been completed.

### **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.**

#### **16. 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.

## **17. 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.

## **18. 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.

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

## **19. 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 Urban Area On-Site Detention Handbook (February 1997)/Council's On-Site Detention Guidelines for Rural Areas shall be submitted to the Principal Certifying Authority.

## **20. 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:

- a. That the on-site detention system will function in accordance with the approved drainage design.
- b. Any variations from the approved drainage design.
- c. 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.

## **21. Interim Fire Safety Certificate**

Prior to the issue of a final/interim Occupation Certificate, a final/interim fire safety certificate shall be submitted to and approved by the Principal Certifying Authority.

**Note:** An Annual Fire Safety Statement for the building premises dealing with essential fire safety measures shall be submitted to Council in accordance with the requirements of Clauses 177 and 181 of the Environmental Planning and Assessment Regulation 2000.

## **22. 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.

## **23. 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'.

## **24. 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.

## **25. 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. Soil Sampling and Analysis Report No.EBG-02497.SS.12.15, dated, December 2015/January 2016 prepared by EBG Environmental Geoscience.
- b. Acoustic Report No. 150515, dated 15 March 2016, prepared by Dukane Pty Ltd.

## **26. Landscape Certificate**

Prior to the issue of an Occupation Certificate, a Landscape Certificate from a qualified landscape architect, certifying that the completed landscape works on site are in accordance with the approved landscape plans shall be submitted to Fairfield City Council.

## **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.**

## **27. 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).

## **28. 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. Five (5) days notification to commence demolition work shall be given to WorkCover NSW in accordance with Clause 466(1) of the Work Health and Safety Regulation 2011.
- e. Should you require information in relation to the safe disposal of asbestos waste, please contact the Environment Protection Authority NSW ([www.environment.nsw.gov.au](http://www.environment.nsw.gov.au))

## **29. 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.

## **30. 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

### **31. Method of Stormwater Drainage**

The stormwater drainage generated from the development shall be directed to the front of the property and discharged a minimum of 20m from the front and side boundaries via an energy dissipater.

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.

### **32. 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.

### **33. 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.

### **34. Waste Classification**

Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and NSW Environmental Protection Authority (formerly known as Department of Environment and Climate Change) Environmental Waste Classification Guidelines. The classification of the material is essential to determine where the waste may be legally taken.

### **35. Driveway Gradient**

- a. The driveways and manoeuvring areas are to be designed in accordance with Australian Standard AS 2890 part 2.

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

### 36. **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 ten (110) off-street car parking spaces for staff and visitors; and
- b. Four (4) off-street car 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.

**N.B.** Sixteen of the abovementioned spaces shall be provided as informal, overflow spaces on a grassed area in the south-eastern corner of the site.

### 37. **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.

### 38. **Hours of Operation**

The approved hours of operation for the use of the premises are:

Monday to Friday:	7:00am – 9:00pm
Saturday to Sunday:	7:00am – 5:00pm

**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.

### 39. **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.

#### **40. Wheel Wash Facility**

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council roads. In order to achieve this, a wheel wash facility shall be constructed prior to any truck movements occurring. A plan and operational guidelines for the wheel wash facility shall be submitted for approval prior to the commencement of the removal of fill material from the site. Any direction of Council with regard to cleansing trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

#### **41. 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.

#### **42. Unreasonable Noise and Vibration**

The Buddhist Temple, including the operation of vehicles and mechanical plant, shall be conducted so as to avoid unreasonable noise and 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 recommendations of the consultant and any additional requirement of Council to Council's satisfaction.

#### **43. Flood Affected Development**

The development the subject of this consent is affected by mainstream flooding as described in the flood information sheet issued by Council dated 03 November 2015. The following shall be complied with during and after construction:

- a. The finished floor level of the proposed building shall be at RL 70.10m AHD.
- b. All services and utilities connected to the property are required to be flood proofed.
- c. A flood evacuation plan prepared by a suitably qualified consultant in accordance with Chapter 11 Flood Risk Management of Council's DCP shall be kept and implemented on site at all times.
- d. There is to be no alteration to existing ground levels other than approved as part of this application.

#### **44. OSD Construction**

The on-site detention drainage system shall be constructed in accordance with the approved design and Council's On-Site Detention Handbook – February 1997 / Council's On-Site Detention Guidelines for Rural Areas.

#### **45. Removal and Disposal of Asbestos Waste**

- a. Engage the services of a Class A licensed person or company to undertake the complete removal and disposal of asbestos waste in accordance with Safe Work Australia and SafeWork NSW guidelines including but not limited to the following:
  - SafeWork Australia (December 2011) How to safely remove asbestos Code of Practice.
  - NSW Work Cover (March 2014) Managing Asbestos in or on soil.
- b. Asbestos removal/remediation shall be conducted in accordance with Section 7.2 of the approved Soil sampling and analysis report (Report No. EBG-02497.SS.12.15, prepared by Edwards Blasche Group Pty Ltd, dated December 2015/January 2016).
- c. Disposal dockets acknowledging and giving evidence of the disposal of the material at the licensed waste disposal facility, shall be submitted to Council prior to construction commencing.
- d. Within thirty (30) days of completion of remediation works (asbestos removal), notice of the works completed shall be given to Council. The notice shall be in writing and prepared and signed by the person who carried out the work. The Notice shall also:
  - i. Provide the person's name, address and business telephone number;
  - ii. Provide details of the person's qualifications to carry out the work;
  - iii. Specify, by reference to its property description and street address, the land on which the work was carried out;
  - iv. Provide a map of the location of the land;
  - v. State when the work was completed;
  - vi. Specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment;
  - vii. Specify the uses of the land immediately before the work started;
  - viii. Briefly describe the method of remediation used in the work;
  - ix. Specify the guidelines that were complied within the work;
  - x. Specify the standard of remediation achieved (in the light of the use proposed for the land);
  - xi. Show in what manner the work (if a category 1 remediation work) complied with the conditions of the relevant development consent; and
  - xii. State what action must be maintained in relation to the land after the completion of the remediation achieved is to be maintained.

**46. Clearance Certificate**

A Clearance Certificate, obtained from an Occupational Hygienist which confirms that the subject premises is free from all asbestos materials, shall be submitted to Council.

**47. Land Contamination**

Any new information which comes to light during remediation/construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council immediately after discovery. An 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.

**48. Air Quality**

Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport.

**49. Compliance with Environmental Reports**

All works / methods / procedures / control measures / recommendations contained within the following reports, shall be implemented:

- Noise Assessment, Ref: DPH 150316 eltr, prepared by Dukane Pty Ltd, dated 15 March 2016.
- Soil sampling and analysis report, Report No. EBG-02497.SS.12.15, prepared by Edwards Blasche Group Pty Ltd, dated December 2015/January 2016.

**50. Mechanical Plant**

The selection of any new mechanical plant shall be assessed by an Acoustic Consultant to confirm that the approved noise criteria (as contained within Noise Assessment, Ref: DPH 061115 eltr.doc, prepared by Dukane Pty Ltd, dated 6 November 2015) will be complied with.

**51. Plan of Management**

The Plan of Management (entitled "Plan of Management for An Khong Buddhist Monastery & Temple at 353-357 Delaware Road Horsley Park NSW 2175", amended 30 November 2015) shall be amended to include all recommendations and assumptions contained within the Noise Assessment (Ref: DPH 150316 eltr, prepared by Dukane Pty Ltd, dated 15 March 2016).

Subsequent to the above amendment, activities at the premises shall be conducted, at all times, in accordance with the approved Plan of Management.

**52. Compliance with the Plan of Management**

The operation of the site shall comply at all times with the Plan of Management referred to in Condition 1 of this consent.

**53. On-Site Sewerage Management System**

A separate application (Section 68 of the Local Government Act 1993) for the installation of the on-site sewerage management system shall be submitted to an approved by Council.

**54. Tree Preservation Order**

You are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you contravene Council's Tree Preservation Order.

**55. 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.

**56. 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.

**57. Advertising Signs**

No advertising signs or structures associated with the use of the premises are to be erected or displayed without prior approval being obtained from Council.

This requirement relates to all advertising matter, including any promotional material, displayed on the premises or in any public place.

**58. NSW Rural Fire Service**

**a) Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:



- i. At the commencement of building works and in perpetuity the site shall be managed as an inner protection area (IPA), excluding 20 metres either side of Reedy Creek, as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. This shall be as demonstrated in Image 03 of the Bush Fire Report prepared by Building Code and Bush Fire Hazard Solutions Pty Ltd (dated 23 June 2015, Referenced 151077).

## **b) Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

Water, electricity and gas are to comply with the following requirements of Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

- i. Where the rear or most distant part of the building is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard AS 2419.1 – 2005 'Fire Hydrant Installations'. Locations of fire hydrants are to be delineated by blue pavement markers offset 150mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located. Alternatively, an on-site water supply of 10000 litres per occupied building shall be provided.
- ii. The water source shall be made available or located within the inner protection area (IPA) and away from the structures.
- iii. A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
- iv. Pumps to supply water for fire suppression activities shall be a minimum 5hp or 3kW and petrol or diesel powered.

## **c) Access**

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- i. Internal roads shall comply with Sections 4.2.7 of 'Planning for Bush Fire Protection 2006'.

**d) Evacuation and Emergency Management**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- i. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006.

**e) Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- i. Construction of proposed Block J of the site plans prepared by HVT Design Pty Ltd. (Dated 8 July 2015, Referenced DEL-15) for the referral shall comply with Sections 3 and 7 (BAL 29) on the northern, southern and western elevation(s) and Section 3 and 6 (BAL 19) on the eastern elevation (s) in accordance with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection".
- ii. Construction of proposed Block L of the site plans prepared by HVT Design Pty Ltd. (Dated 8 July 2015, Referenced DEL-15) for the referral shall comply with Sections 3 and 6 (BAL 19) on the northern, southern and western elevation(s) and Sections 3 and 5 (BAL 12.5) on the eastern elevation(s) in accordance with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection".
- iii. Construction of proposed Blocks E, F and I of the site plans prepared by HVT Design Pty Ltd. (Dated 8 July 2015, Referenced DEL-15) for the referral shall comply with Sections 3 and 6 (BAL 19) on the northern, eastern and western elevation(s) and Sections 3 and 5 (BAL 12.5) on the southern elevation(s) in accordance with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- iv. Construction of proposed Blocks B, C, D, G and H of the site plans prepared by HVT Design Pty Ltd. (Dated 8 July 2015, Referenced DEL-15) for the referral shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

**59. 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.

**60. 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.

**61. Member Contact Details**

The names of the contacts and telephone contact numbers for contacting members of the temple are to be displayed on a sign at the site frontage.

**62. Air-conditioning Unit Complaints**

If any complaints are lodged by neighbouring residents, Council may issue a Noise Control 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.

**63. Fencing**

Apart from the fencing required in the recommendation of the Acoustic Report prepared by Dukane Pty Ltd, all boundary fencing shall be post and rail or post and wire to be compatible with the rural residential character of the locality.

**64. Residential Accommodation**

No more than 24 monks/nuns can reside at the premises at any one time. The residential component of the development shall not function as an independent and/or commercial use and is solely to be used by monks/nuns undergoing religious instruction on the subject site.

**65. Fill Validation Report**

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites, shall be submitted to Council for approval. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

**66. Chain of Custody Documentation**

'Chain of Custody' documentation shall be kept for the transport of the validated fill material off the site, to the subject premises. A record of 'Chain of Custody' shall be submitted to Council within 7 days of the fill material being moved to or from the subject site.

**67. 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*.

**68. Department of Primary Industry (Water)**

The following General Terms of Approval (GTA) shall be complied with at all times and only apply to the controlled activities described in the plans and associated documentation relating to DA 429.1/2015 and provided by Council.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.

- a. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA 429.1/2015 is land and material in or within 40 metres of the top of the bank or shore of the river identified.
- b. The consent holder must prepare or commission the preparation of:
  - i. Vegetation Management Plan/Landscape Plan.
- c. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals](http://www.water.nsw.gov.au/Water-Licensing/Approvals):
  - i. Vegetation Management Plans.
  - ii. Outlet structures.
- d. The consent holder must:
  - i. Carry out any controlled activity in accordance with approved plans; and

- ii. Construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional; and
  - iii. When required, provide a certificate of completion to DPI Water.
- e. The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way, so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by DPI Water.
- f. The consent holder is to ensure that all drainage works:
  - i. Capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and
  - ii. Do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.
- g. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
- h. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.

## **69. Traffic Management**

- a. The temple is to provide members of its congregation with an educational flyer advising of safe parking and traffic practices during special events and that all vehicles are to be parked within the dedicated spaces on the subject site.
- b. Staff members in high visibility gear will be present on site to regulate traffic movements into and out of the site and to manage on-site parking, to ensure that no vehicles are illegally parked and are not obstructing driveways or pedestrian paths. The persons engaged to operate the traffic management on site shall be suitably trained with appropriate traffic management qualifications
- c. The Temple shall operate a mini bus shuttle service for locals in the surrounding area, when required, during special events.

## **70. Plan of Management**

The Plan of Management for An Khong Buddhist Monastery & Temple, dated 30 November 2015 shall be modified by:

- a. deleting the name Thanh Hung Le after the term “Temple Master” wherever it occurs in the Plan of Management.

- b. requiring the Temple Master to provide Council with a copy of the Complaint Register on a yearly basis commencing on the first anniversary of the occupation of the temple complex. Where a complaint cannot be resolved through the processes outlined in the Plan of Management, the Temple Master shall notify Council in writing of the complaint, including the contact details of the complainant.