

CONDITIONS OF CONSENT

- 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-241/2016, submitted by Alliance Project Group, accompanied by the plans and documents listed in the table below, all 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.

Plans				
Drawing No.	Drawing Title	Revision	Prepared by	Dated
A-030-001	Demolition Plan	Rev F	ADS Pty Ltd	04/01/17
A-100-001	Site Plan	Rev F	ADS Pty Ltd	04/01/17
A-110-001	Ground Floor Plan 1/2	Rev F	ADS Pty Ltd	04/01/17
A-110-002	Ground Floor Plan 2/2	Rev F	ADS Pty Ltd	04/01/17
A-110-101	First Floor Plan	Rev F	ADS Pty Ltd	04/01/17
A-110-102	Second Floor Plan	Rev F	ADS Pty Ltd	04/01/17
A-110-201	Roof Plan	Rev F	ADS Pty Ltd	04/01/17
A-210-001	North & South Elevations	Rev F	ADS Pty Ltd	04/01/17
A-210-002	East & West Elevations	Rev F	ADS Pty Ltd	04/01/17
A-310-001	Sections	Rev F	ADS Pty Ltd	04/01/17
A-310-002	Sections	Rev F	ADS Pty Ltd	04/01/17
A-510-001	Fence Detail	Rev F	ADS Pty Ltd	04/01/17
LPDA 16- 498 Page No. 1	Landscape Plan – Ground Level	Rev D	Conzept Landscape Architects	09.01.17
LPDA 16- 498 Page No. 2	Landscape Plan – 1 st Level & 2 nd Level	Rev D	Conzept Landscape Architects	09.01.17
LPDA 16- 498 Page No. 3	Specification & Detail	Rev B	Conzept Landscape Architects	26.10.16

Reports				
No.	Drawing Title	Revision	Prepared by	Dated
IEI01	Plan of Management	N	Islamic Education Institute	01/06/2017
20151443.1/1 910A/R5/BW	Noise Impact Assessment	5	Acoustic Logic	30/10/2016
106616-BCA-r2	BCA Assessment Report (DA Stage- Revised Populations)		BCA Logic	25.10.2016
E15017CP-R01F	Stage 1 and Stage 2 Environmental Site Assessment	0	Geo-Environmental Engineering	27.7.2015

The development plans shall be amended as follows:

- a) The landscaping plan shall be amended to ensure that any trees proposed to be planted must be planted a minimum pot sizes of between 200-400 litres.
- 3) No approval is granted or implied for the fitout of the floor area marked on the plans as either “café” or “neighbourhood shop”. Separate Development

Consent for the fitout and use of a café/neighbourhood shop is required prior to occupation.

- 4) A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is "exempt development" in accordance with Bankstown DCP 2005 – Part D1.
- 5) The acoustic report submitted in support of this application, prepared by Acoustic Logic titled Condell Park Community Centre Noise Impact Assessment, Document Reference 20151443.1/2610A/R5/BW Revision 5 dated 30 October 2016 and the noise attenuation recommendations stated in the report form part of the development consent.

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

- 6) 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.
- 7) Landscaping shall be installed in accordance with the approved landscape plan.
- 8) No approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove any trees identified on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 9) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 10) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to www.sydneywater.com.au/tapin

For Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPIN.

Prior to release of a construction certificate Sydney Water must issue either a Building Plan Assessment letter which states that your application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 11) 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.
- 12) 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.
- 13) 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 \$73,060.32 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.

- 14) 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.
- 15) 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 Sheet Nos. SW-01, SW-02 and SW-03 all Rev/Issue B dated 28/10/2016 prepared by MYD Consulting Engineers Pty Ltd. 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.
- 16) 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.

- 17) 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:
- a) One (1) heavy duty vehicular footway crossing (VFC) of maximum width of 5.5m metres at the property boundary opposite the driveway access to Eldridge Rd.
 - b) One (1) heavy duty vehicular footway crossing (VFC) of maximum width of 5.5m metres at the property boundary opposite the driveway access to Nowill St.
 - c) Drainage connection to Council's system.
 - d) Full width concrete footway paving along the sites entire frontage to Eldridge Rd.
 - e) A landscape plan shall be provided relating to landscaping works required to be undertaken in the footway in Nowill St. (i.e. street tree planting - See Condition 60).
 - f) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - g) Repair of any damage to the public road including the footway occurring during development works.
 - h) 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.

- 18) No electricity connection is permitted to the site from power lines in Nowill St. The existing power pole to be removed in accordance with any requirements of the relevant service provider. Written confirmation from the relevant service provider for the removal of the existing power pole in Nowill St. must be provided to the PCA prior to the issue of the Construction certificate.
- 19) 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.
- 20) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.

- 21) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). 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 pedestrian management whilst vehicles are entering/exiting the construction site;
- d) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- e) 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.

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.

- 22) Prior to the issue of any Construction Certificate for this development, the Principal Certifying Authority must approve a Site Operations Management Plan (SOMP). This Plan must address the measures that will be implemented for the ongoing management of operations on and around the construction site, and other requirements as specified below.

This plan shall include details of the following:

- a) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- b) Proposed measures to be implemented, under the separately approved Works Permit issued by Council, 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;

- c) 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.
- d) 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.
- e) Proposed measures for protection of the environment, according to the relevant provisions of the Protection of Environment Operations (POEO) Act, 1997 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.

A number of the above matters may require separate approval from Council, particularly those relating to works on or adjacent to Council property. These may be covered by separate conditions of consent contained in this Determination Notice. Appropriate approvals will need to be obtained prior to the approval of this plan.

The approved Site Operations Management Plan is to be implemented prior to the commencement of any works on the site, and an approved copy provided to Council for information. Ongoing compliance with the matters detailed in the SOMP shall be monitored by the appointed Principal Certifying Authority.

- 23) 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 \$25,000.
- 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.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 24) Prior to the commencement of any works on site, a dilapidation report shall be prepared by the developer and a copy provided to the owners of properties directly adjoining the subject site. The report must clearly identify the condition of existing structures on these adjoining properties prior to the commencement of works. All care shall be taken during the construction process to ensure adjoining structures are protected, and should any change in condition occur from that recorded in the dilapidation report, the rectification of such shall be at full cost to the developer.
- 25) The demolition of all structures currently existing on the property must be undertaken, subject to strict compliance with the following: -
- a) The developer is to notify adjoining residents 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 Canterbury-Bankstown 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 Canterbury-Bankstown 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 on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 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 (ie. 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.
- 26) The building / subdivision work in accordance with the development consent must not be commenced until:
- a. a construction certificate for the building / subdivision 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 / subdivision 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 building 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 building / subdivision work.
- 27) 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.

- 28) 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.
- 29) 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.
- 30) 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.
- 31) 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.

- 32) Prior to the commencement of work, a fence must 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.

Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.

- 33) 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.
- 34) 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.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 35) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 36) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 37) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 38) 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.
- 39) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 40) 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.
- 41) 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.
- 42) 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). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.

- 43) 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. The applicant/developer shall arrange for an inspection to be carried out by Council or the PCA to verify depth and location of piers in relation to the pipe and easement prior to pouring of concrete.
 - 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.
- 44) 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.
- 45) All underground petroleum storage systems shall be removed in accordance with the requirements of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014, the *Protection of the Environment Operations Act, 1997* and Australian Standard 4976, The removal and disposal of underground petroleum storage tanks.
- 46) A validation report prepared by a suitably qualified and experienced person shall be submitted to Canterbury-Bankstown Council. The report is to confirm that all underground petroleum storage systems have been removed in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014, the *Protection Environment Operations Act, 1997* and Australian Standard 4976 - The removal and disposal of underground petroleum storage tanks.
- 47) Any new information which comes to light during excavation or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Canterbury-Bankstown Council immediately. Works are to cease until the new information is evaluated by an appropriately qualified and experienced environmental consultant and an appropriate response determined by the applicant and/or owner which is agreed to by Canterbury-Bankstown Council. Canterbury-Bankstown Council may also request that a NSW Environmental Protection Authority accredited site auditor is involved to assist with the assessment of the new contamination information.
- 48) All soils removed from the site shall be classified in accordance with the NSW EPA Waste Classification Guidelines 2014 and be disposed of to an appropriate EPA licensed waste facility.

- 49) Any fill imported on to the site shall be validated to ensure that it is suitable for the proposed land use. This validation must be undertaken by a suitably qualified and experienced environmental consultant in accordance with relevant EPA Guidelines. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.
- 50) Nowill Street/Hubert Street and Hubert Street/Eldridge Road are currently uncontrolled t-intersections with limited sight distance due to parked vehicles. No Stopping signage shall be installed, and the extent of this will be subject to an application being made to, and a recommendation being made by, the Canterbury-Bankstown Traffic Committee. Signage supply and installation to be carried out in accordance with any such recommendation by Council's contractor at the applicant's cost. This condition will be considered to be satisfied upon receiving payment for the signage as determined by Council's Traffic Engineer, and the signage is installed.
- 51) There is a bus stop at the Eldridge Road frontage. Bus Zone signage shall be adjusted to maximise sight distance from the driveway exit and any works associated with this condition shall be funded by the applicant. Applicant must apply to the Canterbury-Bankstown Traffic Committee, pay for and install any signs, in order to satisfy this condition.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 52) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 53) 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.
- 54) Consolidation of the existing allotments must be registered by the office of Land and Property Information prior to the issue of an occupation certificate.
- 55) One hundred and twenty-seven (127) off street car spaces being provided in accordance with the submitted plans.

An appropriate number of the above car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.

- 56) A suitably qualified Professional Civil 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.
- 57) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.

- 58) Signage required under Conditions 49 and 50 of this determination notice must be installed prior to the the issue of an occupation certificate.
- 59) Prior to the issue of an occupation certificate, a report prepared by an accredited Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of the State Environmental Planning Policy (Infrastructure) 2007, conditions of development consent and recommendations of the report prepared by Acoustic Logic titled Condell Park Community Centre Noise Impact Assessment, Document Reference 20151443.1/2610A/R5/BW, Revision 5 dated 30 October 2016. The report shall include post construction validation test results.
- 60) 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.

The applicant is to plant the following replacement trees on the nature strip forward of the property. The trees shall have a container size not less than **400 litres**, shall comply with *NATSPEC Specifying Trees: a guide to assessment of tree quality* (2003) or *Australian Standard AS 2303 – 2015 Tree stock for landscape use* and be planted and maintained in accordance with Council's street tree planting specifications Standard Drawing No. S-207A.

Species	Location
Four (4) x <i>Corymbia maculata</i> (Spotted Gum)	On the nature strip forward of the property on Nowill Street, planted at approx. 10 metre spacings, and not closer than 4m from the proposed vehicular footway crossing

Investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new plantings, the applicant is to:

- Carry out engineering works to protect those services from damage; or
- Relocate the plantings to a more suitable location following written approval from Canterbury Bankstown Council; or
- Substitute the approved tree species with an alternative species following written approval from Canterbury Bankstown Council.

The trees shall be planted by a qualified landscape contractor and to the satisfaction of Councils Tree Management Officer.

The Applicant shall contact Council to book an inspection by the Tree Management Officer of the completed tree planting prior to the issue of an occupation certificate. Inspections must be booked at least 5 working days prior to being required.

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

- 62) 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. The CCTV system must be installed and be operational prior to the issue of an occupation certificate.

USE OF THE PREMISES

- 63) The premises must be operated in accordance with the detailed operational Plan of Management – “131- 135 Eldridge Road, Condell Park prepared by Islamic Education Institute prepared for Condell Park Community and Faith Centre, Project No: IEI01 Revision N dated 01/06/2017”, at all times.
- 64) The use of the premises is limited to the following specific hours of operation, as well as the maximum number of patrons specified in the table below. Furthermore, the vehicle access points shall operate only in accordance with the times specified in the tables below.

i) Winter Operations (22 Mar – 21 Sept)

Use	Time	Max no. of patrons	Eldridge Rd access	Nowill St access
Morning Prayer (Mon-Sun)	5.30am-6.00am	30	Open	Closed
Focused Study Circle (Mon-Thu)	7.00am-2.00pm	64	Open	Closed
Focused Study Circle (Fri)	7.00am-12.00pm	64	Open	Closed
Midday Prayer (Mon-Thurs, Sat-Sun)	12.30pm-1pm	30	Open	Closed
Midday Prayer (Fri)	12.30pm-1.30pm	417	Open	Open
Afternoon Prayer (Mon-Sun)	4.00pm-4.30pm	30	Open	Closed
General Study Circle (Mon-Fri)	6-8pm	15	Open	Closed
General Study Circle (Sat)	9.00am-12.30pm	80	Open	Closed
Sunset Prayer (Mon-Sun)	6.00pm-6.30pm	40	Open	Closed
Evening Prayer (Mon-Sun)	7.30pm-8pm	60	Open	Closed
Library (Mon-Sun) [except Fri]	9am-5pm [closed 12-2pm]	N/A 0	Open	Closed
Arbitration (Mon-Thu)	3pm-8pm	10	Open	Closed
Arbitration (Sat)	10am-3pm	10	Open	Closed

The use of the premises is limited to the above uses at the timeframes specified above. The overall operation of the premises must occur within a maximum spread of hours of operation: 5.30am-8pm. No persons shall be on the site outside of these times, unless otherwise permitted under iii) below.

ii) Summer Operations (22 Sept – 21 Mar)

Use	Time	Max no. of patrons	Eldridge Rd access	Nowill St access
Morning Prayer (Mon-Sun)	5.00am-5.30am	30	Open	Closed
Focused Study Circle (Mon-Thu)	7.00am-2.00pm	64	Open	Closed
Focused Study Circle (Fri)	7.00am-12.00pm	64	Open	Closed
Focused Study Circle (Sat)	9.00am-12.30pm	80	Open	Closed
Midday Prayer (Mon-Thurs, Sat-Sun)	1.30pm-2pm	30	Open	Closed
Midday Prayer (Fri)	1.30pm-2.30pm	417	Open	Open
Afternoon Prayer (Mon-Sun)	5.00pm-5.30pm	30	Open	Closed
General Study Circle (Mon-Fri)	6-8pm	15	Open	Closed
Sunset Prayer (Mon-Sun)	7.30pm-8pm	40	Open	Closed
Evening Prayer (Mon-Sun)	9pm-9.30pm	60	Open	Closed
Library (Mon-Sun) [except Fri]	9am-5pm [closed 1-3pm]	N/A 0	Open	Closed
Arbitration (Mon-Thu)	3pm-8pm	10	Open	Closed
Arbitration (Sat)	10am-3pm	10	Open	Closed

The use of the premises is limited to the above uses at the timeframes specified above. The overall operation of the premises must occur within a maximum spread of hours of operation: 5.00am-9.30pm. No persons shall be on the site outside of these times.

iii) Ramadan Operations (30 days per calendar year)

Use	Time	Max no. of patrons	Eldridge Rd access	Nowill St access
Taraweeh Prayer (Daily)	7.30pm-8.30pm	300	Open	Closed

During Ramadan, no consent is provided for the operation of any other ancillary service at the site during the hours of 7pm-9pm. Services such as the General Study Circle, Arbitration, etc. that would normally be permitted to operate during these times in the tables above are to be suspended.

- 65) As per the Plan of Management, no approval is granted for the use of the premises for any events associated with Eid Al-Fitr and Eid Al-Ad'ha. These prayer services and any events/festivities associated with them shall occur off-site, and shall be subject to obtaining appropriate approval from the relevant authority.
- 66) No chanting or amplified noise of any kind shall occur external to the premises.
- 67) Prayer/worship is only approved to be carried out in the area marked on the plans as prayer areas. No approval is granted for the use of the areas marked "courtyard" or "terrace" on the approved plans, or any other internal spaces within the building, to be used for the purposes of worship or prayer. The uses approved in the tables contained in Condition 61 of this determination notice must be complied with at all times.

- 68) For the Friday Communal Prayer Service there shall be a minimum of two (2) traffic marshals present 20 minutes prior and 20 minutes after the service to manage the traffic flow and assist in directing the parking of cars on site correctly. Once the car park is full, the traffic marshals will close the entry points and manage the area around the centre to ensure all on street parking is legal and not hindering neighbouring/nearby properties. After the completion of the service, the traffic marshals will direct all cars to leave via the two exists, and distribute the cars at a 50:50 ratio to each exit.

Note: All traffic marshals must complete the relevant traffic control course, wear high-vis clothing and carry a directional wand before commencement of traffic marshalling.

- 69) No approval is granted for the operation of an educational establishment and/or school on the subject site. Approval for the general and focused study circles relate to religious instruction only, and cannot be attended by students who should otherwise be enrolled in the NSW Education System. Attendance at either the general or focused study circles must not result in any student approved for home schooling to breach the specific terms and/or conditions of enrolment for the purposes of 'home schooling'. Council may require regular auditing of the operation of the study circles.
- 70) The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

- 71) The use of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises and environment.
- 72) 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.
- 73) The operation shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupants. In the event of Council receiving complaints and considers that excessive noise is emanating from the premises, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises. The measures shall be approved by Council prior to implementation and shall be at full cost to the applicant.

- 74) Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be varied at Council’s discretion if Council considers there to be adverse effects on the amenity of the area.
- 75) The operator of the place of public worship must organise and chair a Neighbourhood Liaison Committee. The purpose of the Committee is for the operator and neighbours to resolve any issues, such as traffic and noise, arising from the operation of the place of public worship. The operation of the Committee must ensure:
- (a) The membership of the Neighbourhood Liaison Committee must include residents who live opposite the place of public worship.
 - (b) The Neighbourhood Liaison Committee must meet at least twice a year.
 - (c) The operator of the place of public worship must forward the meeting minutes to Committee members.
 - (d) The operator of the place of public worship may forward the meeting minutes to Council for information purposes.