

## Draft conditions of consent

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JRPP-16-03335

Property: Lot 1 DP 1115215, 33 Hamilton Street, Riverstone

Proposal: The construction, fit out and operation of a Ministry Centre (Place of public worship) in 2 stages comprising a church auditorium with 500 seats, a meeting foyer (hub), meeting and administration rooms, a youth hall and meeting spaces, external play areas, landscaping, lighting, directional signage and 201 car parking spaces.  
The proposal will be on Residue Lot 19 in approved Subdivision DA-15-02708.

### 1 ADVISORY NOTES

#### 1.1 Terminology

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 6.4 of the Environmental Planning and Assessment Act 1979.

#### 1.2 Scope of Consent

- 1.2.1 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.
- 1.2.3 No demolition works are approved in this consent.

#### 1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
  - (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
  - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development.
- 1.3.3 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
  - (a) the installation of a caravan, temporary structure, stormwater drainage in a public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,
  - (b) the installation of a vehicular footway crossing servicing the development.

## 1.4 Services

1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be approved through the 'Sydney Water Tap In' service to determine whether the development will affect the Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. A receipt must be provided to the PCA. Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for more information. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use. Should the site require the construction of a Septic Tank or Sewage Management System in accordance with section 68 of the Local Government Act 1993, advice is to be provided from Sydney Water that any necessary requirements are met.

1.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

1.4.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

1.4.4 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

## 1.5 Identification Survey

1.5.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

## 1.6 Engineering Notes

1.6.1 Any Construction Certificate must include and address the following:

- Design of specified Engineering Works as required by this consent
- Any ancillary works necessary to make the construction effective.

Works which require approval under the *Roads Act 1993* or *Local Government Act 1993* CAN NOT be privately certified. Examples of these works are, but not limited to:

- Works in public areas (i.e. Connection of Stormwater Drainage and associate works within Council Road Reserve).

Engineering works (as nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent) can be included within a Construction Certificate for Building works, provided that:

- All Engineering Works are specifically mentioned on the Construction Certificate
- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.

1.6.2 All works requiring approval under the *Roads Act 1993* or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate.

Note: In this regard all works nominated with DA-15-02708 (issued by Blacktown City Council and dated 19/07/2016) requiring a Roads Act 1993 or Local Government Act 1993 approval must be approved PRIOR to the issue of any Construction Certificate.

## 2 GENERAL

### 2.1 Scope of Consent

2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing No.	Dated	Council's File Enclosure
<b>Architectural Plans prepared by Silvesterfuller:</b>		
Site Analysis Plan DA - 001, Issue D	19.04.2017	<b>33A</b>
Site Plan DA – 002, Revision D	19.04.2017	<b>33B</b>
Ground Stage 1 Plan DA – 003, Revision D	19.04.2017	<b>33C</b>
Ground Stage 2 Plan DA – 004, Revision D	19.04.2017	<b>33D</b>
Cut / Fill / Retaining Plan DA – 005, Revision D	19.04.2017	<b>33E</b>
Elevation – North DA – 006, Revision D	19.04.2017	<b>33F</b>
Elevation – South DA – 007, Revision D	19.04.2017	<b>33G</b>

Elevation –West DA – 008, Revision D	19.04.2017	<b>33H</b>
Elevation – East DA – 009, Revision D	19.04.2017	<b>33I</b>
Section A DA – 010, Revision D	19.04.2017	<b>33J</b>
Section B DA – 011, Revision D	19.04.2017	<b>33K</b>
Exterior Materials and Finishes DA – 013, Revision D	19.04.2017	<b>33L</b>
<b>Landscape Plans prepared by Ecodesign:</b>		
Landscape Plan L – 01, Revision F	24.02.2017	<b>33M</b>
Landscape Plan L – 02, Revision F	24.02.2017	<b>33N</b>

\* Unless modified by any condition of this consent

## 2.2 Services

- 2.2.1 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

## 2.3 Suburb Name

- 2.3.1 The land the subject of this consent is known to be located in the following suburb. This suburb name shall be used for all correspondence and property transactions:

Suburb: RIVERSTONE

## 2.4 Signage

- 2.4.1 Discreet directional signage which provides clear way finding directions for pedestrians and vehicles are permitted to be erected. No illuminated, LED or moving signs are permitted. No business identification signage is approved.

Any other signage requires separate Council approval prior to installation, except where signage is permitted pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

## 2.5 Engineering Matters

### 2.5.1 Design and Works Specification

- 2.5.1.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management

(d) Blacktown City Council Growth Centre Precincts Development Control Plan

(e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements **MUST** be submitted to Council with any application for Construction Certificate, *Road Act 1993* or *Local Government Act 1993* approval.

Any Construction Certificates issued by Private Certifiers must also be accompanied by the above documents.

**NOTE:** Any variations from these design requirements must be separately approved by Council.

## 2.5.2 Other Necessary Approvals

2.5.2.1 A separate application will be required for the following approvals, under the *Local Government Act 1993* and/or the *Roads Act 1993*.

- Vehicular Crossing
- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

## 2.6 Other Matters

2.6.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.

2.6.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

## 2.7 NSW Local Police Matters

2.7.1 CCTV Surveillance – Inside Building: NSW Police strongly recommend the use of High Definition CCTV cameras, with 2 mega pixel capabilities as a minimum inside the building. It is recommended a security specialist is consulted for ideal placement. Ideally, the cameras should monitor anywhere where cash is handled and/or stored and in areas with poor natural supervision. Recommendations for CCTV:

- CCTV recording equipment should be installed away from public areas to prevent tampering.
- Ensure management at the centre know how to operate the CCTV surveillance system including how to copy CCTV footage.
- Ensure that the requirements of the Surveillance and Privacy Act are adhered to.
- Upon video surveillance being installed, signage is to refer to the existence of video surveillance systems.

2.7.2 Alarm System – Inside Building: to enhance the security of the centre, NSW Police highly recommend the use of a monitored intruder alarm system.

- The system should be tested on a regular basis to ensure it is operating effectively.
- Staff should be trained in the correct use of the system.
- Consider only using companies licenced under the NSW Security Industry Act.

- 2.7.3 Car park area – Layout: The car park which will be utilised by the public is to be clearly marked with directional arrows and marked parking bays. This allows for ease of movement and channelling within the car park.
- 2.7.4 Car park area - CCTV Surveillance: NSW Police strongly recommend the use of High Definition CCTV cameras, with 2 mega pixel capabilities as a minimum, in the car park area. It is recommended a security specialist is consulted for ideal placement to ensure all areas of the carpark are covered. CCTV cameras that capture vehicle registration plates at entry and exit points is highly recommended. Recommendations for CCTV:
- Ensure management at the centre know how to operate the CCTV surveillance system including how to copy CCTV footage.
  - Ensure that the requirements of the Surveillance and Privacy Act are adhered to.
  - Upon video surveillance being installed, signage is to refer to the existence of video surveillance systems.
- 2.7.5 Car park area – Lighting: It is recommended that security lighting (flood lighting/sensor lighting) that is vandal resistant be of highest standards throughout the carpark to ensure it is well lit. Appropriate standard of lighting will also assist with the sense of safety in the area and also enhance the quality of CCTV surveillance system footage.
- 2.7.6 Car park area – Landscaping: Trees and shrubs are to be kept trimmed and maintained with low ground cover species. This will reduce concealment opportunities and increase natural surveillance from surrounding roads and properties.
- 2.7.7 Car park area – External Fencing/Walls: NSW Police highly recommends utilising protective graffiti coatings on all external timber, brick or stone walls. Alternatively, where appropriate, ‘green screen’ external walls with native vegetation such as climbing ivy, Bottlebrush, Tea Trees and Dwarf Lilly Pilly.
- 2.7.8 Emergency Evacuation Plans should be implemented and maintained to assist staff, public and emergency services in the event of an emergency. This plan should be prominently displayed.
- 2.7.9 After hours key holder contact details are to be forwarded to Riverstone Police Station.
- 2.7.10 The number and location CCTV Surveillance Cameras should be forwarded to Riverstone Police Station so that it can be added to the database of the NSW Police VIEW Camfind system.
- 2.7.11 A Security Management Plan including security guards and CCTV cameras should be developed and adhered to during construction stage. This will assist with on-site building theft during and after hours.

### **3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)**

#### **3.1 DA Plan Consistency**

- 3.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

## 3.2 Road Inspection Fee

3.2.1 The following current fee (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

(a) Road inspection fee of \$180.00

Council will undertake initial and final inspection of civil assets outside the development site. The applicant will held liable for any damage arising from construction activities. Council will undertake reinstatement works and recover the costs from the applicant in accordance with Council's current Goods & Services Pricing Schedule.

## 3.3 Blacktown Growth Centres Development Control Plan 2018

3.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Growth Centres Development Control Plan 2018.

## 3.4 Site Contamination and Salinity

3.4.1 The recommendations of the Preliminary Site Investigation and Salinity Report prepared by DLA Environmental Services dated March 2016 shall be implemented.

## 3.5 Section 7.11 Contributions

3.5.1 Contributions under Section 7.11 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment.

Payment of the indexed amount must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) whichever occurs first.

**PLEASE NOTE:** Payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount	Relevant CP
Stormwater Quantity First Ponds Creek	\$721,029	20
Stormwater Quality First Ponds Creek	\$117,169	20
Traffic Management	\$194,799	20

These contributions are based upon the following parameters as specified in the Contributions Plan.

Developable Area: 1.031 hectares  
Additional Population: Nil persons



Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Customer Information Centre. Alternatively, Contributions Plans may be downloaded from Council's website:

S.94 CP No. 20 Riverstone and Alex Avenue Precincts

### 3.6 **Special Infrastructure Contributions**

- 3.6.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Infrastructure before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

#### **More information**

Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx>

### 3.7 **Aesthetics / Landscaping**

- 3.7.1 The reflectivity index of glass used in the external facade of the development is not to exceed 20 percent.
- 3.7.2 The development approved by Council is to be constructed in accordance with the approved External Materials and Finishes Plan.
- 3.7.3 All proposed new retaining walls shall be made of masonry material. Where these walls are to be visible from a public place or road they are to be finished in a decorative appearance and not plain blockwork.
- 3.7.4 With regard to the treatment of any boundary fencing / acoustics walls in the vicinity of the public domain / public footway, appropriate measures are to be in place to deter the potential for graffiti on these fences / acoustic walls, such as landscaping which limits access to these boundary fences / acoustic walls, or an anti-graffiti finish. Any fencing proposed around the site fronting the public road is required to be a powder coated palisade fence. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.
- 3.7.5 Service conduits which are located on the external facade of the building, and which are visible from the public domain, are not permitted to be exposed, and are to be appropriately screened from view so as to blend in and integrate with the overall presentation of the building.

### 3.8 **Street Tree Planting**

- 3.8.1 Prior to the issue of any Construction Certificate, the person having the benefit of the development consent is to enter into an arrangement satisfactory to the Council for the planting and maintenance of trees along the street frontages of the development site for the purposes of improving the amenity of the streetscape. The Applicant is to undertake the planting and maintenance of street tree/s at no cost to Council and obtain any necessary clearances from relevant Service Authorities. Street tree planting must not interfere with the street light spill.



The Applicant is to lodge a tree bond of \$320 per tree with Council to ensure the health and vigour of the tree/s. This bond shall be returned 12 months after the completion of the development (i.e. issue of the final Occupation Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

### **3.9 Access / Parking**

3.9.1 All car parking spaces (being 104 spaces for Stage 1 and 201 spaces for Stage 2) and internal roads shall be maintained to a standard suitable for the intended purpose. All car parking spaces are to be available to staff and visitors at all times, comprising 63 permanent spaces and 41 'overflow' spaces to be constructed on reinforced permeable lawn surface for Stage 1 and 130 permanent spaces and 71 'overflow' spaces to be constructed on reinforced permeable lawn surface for Stage 2. A total of four (4) car parking spaces are to be provided for persons with disabilities at all times.

3.9.2 The design of the car parking areas, aisle widths, driveway widths, manoeuvring areas, sight distances, ramp grades, headroom, loading areas, etc. are to conform AS 2890.1-2004.

3.9.3 All required car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Commercial Car Space: 2.6m x 5.4m

Disabled Car Space: 2.4m x 5.4m with a shared area of 2.4m x 5.4m

3.9.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.

3.9.5 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

### **3.10 Staging**

3.10.1 The development is permitted to be constructed and occupied in a staged manner, in accordance with the Ground Stage 1 Plan, DA – 003, Revision D, dated 19.04.2017 and Ground Stage 2 Plan, DA – 004, Revision D, dated 19.04.2017.

### **3.11 Services/Utilities**

3.11.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the removal of any power poles and any provision of street lighting, to the development.
- (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

## **4 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)**

### **4.1 Building Code of Australia Compliance**

4.1.1 All aspects of the building design shall comply with the applicable performance

requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. 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 provision, or
  - (iii) A combination of (a) and (b).

4.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- (a) Part D, E, F, H.

## 5 Prior to Construction Certificate (Environmental Health)

### 5.1 Food Premises

5.1.1 Plans and specifications submitted for issue of a Construction Certificate shall demonstrate compliance with the requirements of:

- Food Act 2003 and Regulations there under
- Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

## 6 Prior to Construction Certificate (Engineering)

### 6.1 General

6.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.

6.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.

6.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Drawing No.	Sheet No.	Revision	Dated
Stefani Group P/L	1548	1 of 1	B	12/05/2016

### 6.2 Roads Act Requirements

6.2.1 Under *Section 138 of the Roads Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Vehicular crossings

- Any works within Council's road reserve
- Connection of stormwater drainage, new kerb inlet pit and associate works along proposed future road adjoining to the north boundary of the site. Note: An approval under the *Roads Act 1993* will only be required if the proposed road adjoining the site to the north (constructed and dedicated under DA-15-02708) precedes the subject development and the work is considered to be undertaken on public land.

The above requirements are further outlined in this section of the consent.

### 6.3 Other Engineering Requirements

- 6.3.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.
- 6.3.2 Any ancillary works undertaken shall be at no cost to Council.
- 6.3.3 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

### 6.4 Drainage

- 6.4.1 Drainage from the site shall be connected into Council's existing drainage system. In this regard it is required to construct a new standard Council kerb inlet pit in the proposed road to the north.

### 6.5 Erosion and Sediment Control

- 6.5.1 Provide a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.

### 6.6 Earthworks

- 6.6.1 Batters should not exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation. Where batters exceed a grade of 1V:5H, amended civil plans and written verification from a civil engineer are to be submitted to Council for approval from Council's Development Services Unit Engineering Approvals section which demonstrate that the batters are appropriately stabilised by landscaping and/or reinforced for stability.
- 6.6.2 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.

### 6.7 Vehicular Crossings

- 6.7.1 Construct commercial and industrial vehicular crossings to Council's standard A(BS)103S.

### 6.8 Relationship with other Approvals

- 6.8.1 Special attention is drawn to the below listed approvals for the parent subdivision works creating the surrounding road, drainage and temporary onsite detention infrastructure. It is noted that there is a nexus between the subject development of the Place of Public Worship Centre and the reliance of the development on the works subject of the below

listed approvals. In this regard the development shall comply with the requirements of the following nominated approvals:

- a. Development Consent No. DA-15-02708 dated 19/07/2016 issued by Blacktown City Council.
- b. Construction Certificate No. 14121 (Council Reference No. CC-17-00008) dated 06/01/2017 issued by Land Development Certificates.
- c. Relevant requirement of any other development consent, Construction Certificate issued under the *Environmental Planning and Assessment Act, 1979*, *The Local Government Act, 1993* or *The Roads Act 1993*.

- 6.8.2 Prior to the issue of any Construction Certificate, Residue Lot 19 in approved Subdivision Development Application DA-15-02708 is to be registered with NSW Land and Property Information.

## **7 PRIOR TO DEVELOPMENT WORKS**

### **7.1 Safety/Health/Amenity**

- 7.1.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) A standard flushing toilet, or
- (b) A temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.

- 7.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (a) The name, address and telephone number of the principal certifying authority for the work, and
- (b) The name of the principal contractor (if any) for the 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.

This condition does not apply to:

- (a) Building work carried out inside an existing building, or
- (b) Building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

- 7.1.3 Should the development work:

- (a) Be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) Involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

- 7.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 7.1.5 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.
- 7.1.6 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 7.1.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 7.1.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
  - (a) Shall be preserved and protected from damage, and
  - (b) If necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) The owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

## 7.2 Notification to Council

- 7.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.
- 7.2.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

## 7.3 Tree Protection

- 7.3.1 Any tree not approved for removal or more than 3m from the building perimeter is to be

effectively protected against damage.

#### **7.4 Sydney Water Authorisation**

- 7.4.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 1300 082 746 for assistance.

#### **7.5 Roads and Maritime Services**

- 7.5.1 Written evidence shall be obtained from the Roads & Maritime Services indicating compliance with its requirements, including the payment of any necessary works supervision fees. A copy of such approval shall be lodged with Council.

### **8 DURING CONSTRUCTION (BUILDING)**

#### **8.1 Safety/Health/Amenity**

- 8.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 8.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (a) The name, address and telephone number of the principal certifying authority for the work, and
  - (b) The name of the principal contractor (if any) for the 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.

#### **8.1.3 Should the development work:**

- (a) Be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) Involves the enclosure of a public place,

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.

- 8.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained

during the development works.

- 8.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 8.1.6 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 8.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 8.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
  - (a) Shall be preserved and protected from damage, and
  - (b) If necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) The owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 8.1.9 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

## 8.2 **Building Code of Australia Compliance**

- 8.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

## 8.3 **Surveys**

- 8.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 8.3.2 A registered surveyor's report indicating that the required minimum Australian Height Datum floor level has been achieved, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.
- 8.3.3 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

## 8.4 **Nuisance Control**

- 8.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.



8.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

8.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

## 8.5 **Waste Control**

8.5.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

## 8.6 **Tree Protection**

8.6.1 The measures required to effectively protect trees on the land shall be maintained throughout the development works.

## 8.7 **Construction Inspections**

8.7.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection "(f)" must be carried out by the Principal Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

**Note:** Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

## 8.8 **Vehicular Crossings**

Any vehicular crossing of the footway shall be maintained a minimum of 6m from the tangent point of the kerb return on a corner allotment. The vehicular crossing shall also be maintained at least 1m clear of any stormwater gully pit and clear of any other utility surface infrastructure.

## 8.9 **Site Cut and Fill levels**

The extent of cut and fill on the development site is restricted to that which is indicated on the approved plans. Any ground re-shaping by cut and/or fill shall not compromise the structural integrity of any adjacent building, structure or service conduit on the subject or adjoining land.

## **9 DURING CONSTRUCTION (ENGINEERING)**

### 9.1 **Notification of Works**

- 9.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum five (5) business days prior to commencement of engineering works.

### 9.2 **Insurances**

- 9.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000.00 Indemnity and Workers Compensation.

### 9.3 **Boundary Levels**

- 9.3.1 Any construction at the property boundary, including but not limited to fences, retaining walls and driveways shall not be carried out until boundary alignment levels have been fixed.

### 9.4 **Tree Protection and Preservation**

- 9.4.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 9.4.2 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.

### 9.5 **Soil Erosion and Sediment Control Measures**

- 9.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.5.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 9.5.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

## 9.6 Filling of Land and Compaction Requirements

- 9.6.1 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.
- 9.6.2 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.

## 9.7 Inspection of Engineering Works - Roads Act 1993

- 9.7.1 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993* must be made by Council's Development Overseers.

Inspections must be pre-booked with a minimum twenty-four (24) hours notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7am - 8am and 12.30pm - 1.30pm, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

## 9.8 Public Safety

- 9.8.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

## 9.9 Site Security

- 9.9.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.

## 9.10 Traffic Control

- 9.10.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.
- 9.10.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.
- 9.10.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 9.10.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.

- 9.10.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

## 10 DURING CONSTRUCTION

### 10.1 Environmental Management

- 10.1.1 The recommendations provided in the Planning Phase Report prepared by Marshall Day Acoustics August 2016 shall be implemented. The angled acoustic barrier fencing is to be as detailed on the approved Elevation Plans.
- 10.1.2 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that all plant and equipment have been selected to meet the project noise criteria.
- 10.1.3 Any asbestos material is to be handled and treated in accordance with the WorkCover document “*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*” dated March 2008.
- 10.1.4 Hazardous materials survey must be completed prior to demolition of any structures on site, as concluded in section 8.0 of *Preliminary Site Investigation and Salinity Report*, prepared by DLA Environmental Services Pty Ltd, dated 18 March 2016.
- 10.1.5 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council’s Manager, Development Services for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.
- 10.1.6 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:
- The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified environmental consultant in accordance with Council’s Contamination Land Policy.
  - The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
  - Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
  - Any filling shall be undertaken in accordance with the fill protocol approved by Council’s Manager, Development Assessment.

Should Council receive any complaints regarding non-compliance with any of the above matters or other such operational type matters, then Council will have no alternative but to fully investigate the complaint and pursue an appropriate course of action.

## 10.2 European Heritage

- 10.2.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Heritage Council is issued.

## 10.3 Aboriginal Heritage

- 10.3.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the NSW Office of Environment & Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

# 11 PRIOR TO OCCUPATION CERTIFICATE

## 11.1 Road Damage

- 11.1.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

**Note:** Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

## 11.2 Compliance with Conditions

- 11.2.1 A Final Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 11.2.2 Prior to occupation/use of a new building/stage, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.8 of the Environmental Planning & Assessment Act 1979.

## 11.3 Other Matters

- 11.3.1 The landscaped areas for each stage are to be provided in accordance with the approved landscaping design plan prior to the issue of the Occupation Certificate for the relevant stage.
- 11.3.2 The replacement tree planting along the eastern boundary is to be completed in accordance with the plans approved as a result of **Condition 3.3.1**.
- 11.3.3 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 11.3.4 All required internal roads and car parking spaces for the use of staff and visitors shall be

line-marked, and the permanent car parking spaces are to be sealed with a hard standing, all-weather material to a standard suitable for the intended purpose, being 63 spaces for Stage 1 and a total of 130 spaces for Stage 2. The 'overflow' car parking spaces are to be constructed of reinforced permeable lawn surface materials, being 41 spaces for Stage 1 and a total of 71 spaces for Stage 2.

- 11.3.5 Appropriate way finding signage is to be erected which directs staff, visitors and delivery vehicles to the appropriate locations.
- 11.3.6 All privacy screening measures and boundary fencing detailed on the approved plans are to be installed and completed prior to the issue of any Occupation Certificate. The acoustic barrier fencing along the south-eastern and eastern boundaries is to be erected as per the approved Elevation Plans with a height of 1.8 m at the boundary line (and is to be constructed of a noise attenuating design and material, such as 50 mm thick wall panels), with a further 1 m height above (to a total height of 2.8 m and constructed of a noise attenuating design and material such as 25 mm thick Plexiglass which is visually permeable) and angled inwards at a 45 degree angle. The acoustic barrier fencing is to be erected wholly within the development site.
- 11.3.7 Any above ground rainwater tank that is visible from the street or a public place is to be screened from view by a physical screen and landscape screening.

#### 11.4 **Acoustic and Vibration Impacts**

- 11.4.1 Prior to the occupation / operation of each of the approved stages of this development, certification must be provided by a qualified acoustic engineer that all work associated with the building (including walls, all door and window openings and the roof), installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent. This certification is required to consider the operation of the premises and all associated plant and equipment to ensure it satisfies the relevant policies during the day and night periods with regard to noise and vibration impacts. Should any neighbouring properties or residential receivers be adversely impacted with regard to excessive noise and vibration impacts, improved acoustic mitigation measures are required to be introduced.
- 11.4.2 A sign is to be displayed in the building on a prominent notice board/s requesting that patrons leave the premises and car park in a quiet manner that is mindful of the surrounding residential area.

#### 11.5 **Street Tree Planting**

- 11.5.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's Maintenance Section satisfaction.

#### 11.6 **Waste Collection**

- 11.6.1 Arrangements for waste and recycling collection services are to be in accordance with Council's Resource (waste) Management Services Charter for Stages 1 and 2.

#### 11.7 **Maintenance Plans**

- 11.7.1 A "total" maintenance plan is to be prepared for the site. The plan is to ensure the following:



- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, car park areas, fencing, soft and hard landscaping, outdoor play areas, security systems, directional signage, lighting, plant and equipment, loading areas and services are regularly inspected and maintained at optimum levels at all times.
- (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted "junk mail" is to be collected on a regular basis and disposed of as necessary.
- (c) The development is always managed by a Building Manager / Caretaker.

A copy of the Plan is to be submitted to Council prior to the release of any Occupation Certificate.

11.7.2 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:

- (a) Methods to minimise the potential for graffiti.
- (b) Management/notification procedures for the "early" removal of graffiti.
- (d) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level.
- (e) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

## 11.8 Service Authorities

11.8.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Documentary evidence of the Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

11.8.2 A "Notification of Arrangement" Certificate from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development is to be submitted to Council prior to the issue of any Occupation Certificate.

11.8.3 A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

## 11.9 Temporary Facilities Removal

11.9.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.

11.9.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.



11.9.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.

11.9.4 Any temporary builder's sign or other site information sign shall be removed from the land.

11.9.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

#### 11.10 **Fire Safety Certificate**

11.10.1 An interim or final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

11.10.2 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

#### 11.11 **Fee Payment**

11.11.1 Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

#### 11.12 **Engineering Matters**

##### 11.12.1 **Surveys/Certificates/Works As Executed plans**

11.12.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

11.12.1.2 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent. A final inspection report is to be included noting that all works are complete.

##### 11.12.2 **Bonds/Securities/Payments in Lieu of Works**

11.12.2.1 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)

b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

This maintenance period may be extended in the following situations to allow for the completion of i) necessary maintenance and or ii) all outstanding minor works.

### 11.12.3 Inspections

- 11.12.3.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

### 11.12.4 Relationship with other Approvals

- 11.12.4.1 Compliance with the requirements of the following nominated approvals are to be met prior to the issue of any Occupation Certificate:
- a. Development Consent No. DA-15-02708 dated 19/07/2016 issued by Blacktown City Council
  - b. Construction Certificate No. 14121 (Council Reference No. CC-17-00008) dated 06/01/2017 issued by Land Development Certificates.
  - c. Relevant requirement of any other development consent, Construction Certificate issued under the *Environmental Planning and Assessment Act, 1979*, *The Local Government Act, 1993* or *The Roads Act 1993*.

The conditions contained within the above approvals shall be fully complied with in order to obtain release of the Occupation Certificate.

The authorised person issuing the Occupation Certificate shall ascertain whether any Compliance Certificate(s) for the developments, are required to be issued in relation to any element, component or system incorporate in the development. A copy of each required Compliance certificate shall be lodged with Council.

### 11.12.5 CCTV Inspection of Stormwater Drainage Structures

- 11.12.5.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of a DVD of the inspection, a hard copy printout of the SEWRAT (or equivalent) report and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

## 12 OPERATIONAL

### 12.1 Environmental Management

- 12.1.1 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.

- 12.1.2 A post commissioning report produced by an independent organisation that is eligible for membership with the Association of Australian Acoustic Consultants within 3 – 6 months of the Centre operating for both Stages 1 and 2 to validate the findings of the Acoustic Report is to be submitted to Council.
- 12.1.3 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 12.1.4 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 12.1.5 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 12.1.6 A sign is to be displayed in the building on a prominent notice board/s requesting that patrons leave the premises and car park in a quiet manner that is mindful of the surrounding residential area.
- 12.1.7 The LA10 noise level emitted from within both the Stage 1 and Stage 2 buildings, including all amplified music or speech, shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7am and midnight at the boundary of any affected residence.

The LA10 noise level emitted from within both the Stage 1 and Stage 2 buildings, including all amplified music or speech, shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between midnight and 7am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the subject premises shall not be audible within any habitable room in any residential premises between midnight and 7am.

- 12.1.8 No amplified music or speech is permitted to be played within the hours of 9:30pm-8am.
- 12.1.9 Amplified sound equipment must be kept within the building.

## 12.2 Access / Parking

- 12.2.1 All required off-street car parking spaces (104 spaces for Stage 1 and 201 spaces for Stage 2) and internal roads shall be maintained to a standard suitable for the intended purpose.
- 12.2.2 Staff are required to park on site at all times.
- 12.2.3 All loading, unloading operations and parking shall take place at all times wholly within the confines of the land.
- 12.2.4 All vehicles must enter and exit the site in a forward direction.
- 12.2.5 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

- 12.2.6 Access to the car parking area is to be closed upon the last staff member or visitor leaving the site, and at the latest by 10pm daily.

### 12.3 Specific Uses

- 12.3.1 The approved '*place of public worship*' shall comply with the requirements of the following definition contained within State Environmental Planning Policy (Sydney Region Growth Centres) 2006:

**'place of public worship'** means "a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training."

- 12.3.2 The approved office, administration and meeting rooms shall be used solely in conjunction with the use of the building as a place of public worship. The separate use or occupation of the approved office space(s) is not permitted by this consent.
- 12.3.3 This consent does not authorise the sale or display of goods for retail to the general public.
- 12.3.4 The development shall not be used or converted for use for any purpose other than that:
- (a) Granted consent by Council's Notice of Determination, or
  - (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.
- 12.3.5 Any change of use of the development, other than a '*place of public worship*', will require separate development consent to be obtained from Council and will be required to provide the minimum number of car parking spaces as required by the Blacktown City Council Growth Centre Development Control Plan 2010 for that new land use.

### 12.4 Waste Collection

- 12.4.1 Waste and recycling collection services are to be in accordance with Council's Resource (waste) Management Services Charter for Stages 1 and 2.
- 12.4.2 No bins are to be located or placed in the approved waste collection points outside the scheduled collection time for that area.
- 12.4.3 It is the responsibility of the building manager / caretaker to transfer bins to the nominated collection point and remove them on the same day of service which will be in line with this area's collection schedules.

### 12.5 General

- 12.5.1 The 'place of public worship' is permitted to operate from 8am to 10pm, 7 days a week, including public holidays, subject to compliance with **Conditions 12.5.2, 12.5.3, 12.5.4 and 12.5.5** below.
- 12.5.2 All meetings and events, including the amplification of any speech or music must cease at 9:30pm.
- 12.5.3 All staff and visitors/persons attending the Centre are to leave the premises by 10pm.

- 12.5.4 The use of the outdoor areas, including the north and south youth play areas and the open grassed area to the east of the Centre are not to be occupied/used after 8pm daily. After 8pm, all activities are to be held within the building.
- 12.5.5 The use/activities to be held at the Centre and number of people on site at any one time is to be generally in accordance with the 'Schedule for Stages 1 and 2' submitted with the Development Application in the Planning Phase Report prepared by Marshall Day Acoustics August 2016. The Church Services to be held on Sunday are limited to four (4) services and are not to exceed 250 persons for Stage 1 and 500 persons for Stage 2, Youth Group on Fridays are not to exceed 100 persons for Stage 1 and 200 persons for Stage 2, and the various meetings at other times are not to exceed 50 persons for Stage 1 and 130 persons for Stage 2.
- Separate development consent is required from Council should the operation of this Centre exceed the schedule of activities, hours of operation and number of people detailed in the 'Schedule of Stages 1 and 2' as this is considered to be an intensification of use.
- 12.5.6 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 12.5.7 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 12.5.8 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 12.5.9 No signage, goods, materials, or the like, are to be stored at any time outside of the building on either the internal vehicular driveway, car parking area, landscaping or footpath.
- 12.5.10 All loading and unloading operations shall take place at all times wholly within the confines of the land. All unloading activities are to be conducted in a manner that does not impact on the amenity of adjoining property owners/occupants.
- 12.5.11 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 12.5.12 Removal of any graffiti visible from any public road or place is the responsibility of the property owner/s. Once identified, all graffiti must be removed within 48 hours. The development is to be maintained in accordance with the Total Maintenance Plan and Graffiti Management Plan as required by **Condition 11.7**.
- 12.5.13 The maintenance of the acoustic barrier fencing and Perspex topping along the south-eastern and eastern boundaries is the responsibility of the Applicant/operator of this development. This fence is to be kept in a well maintained condition for the life of the development.