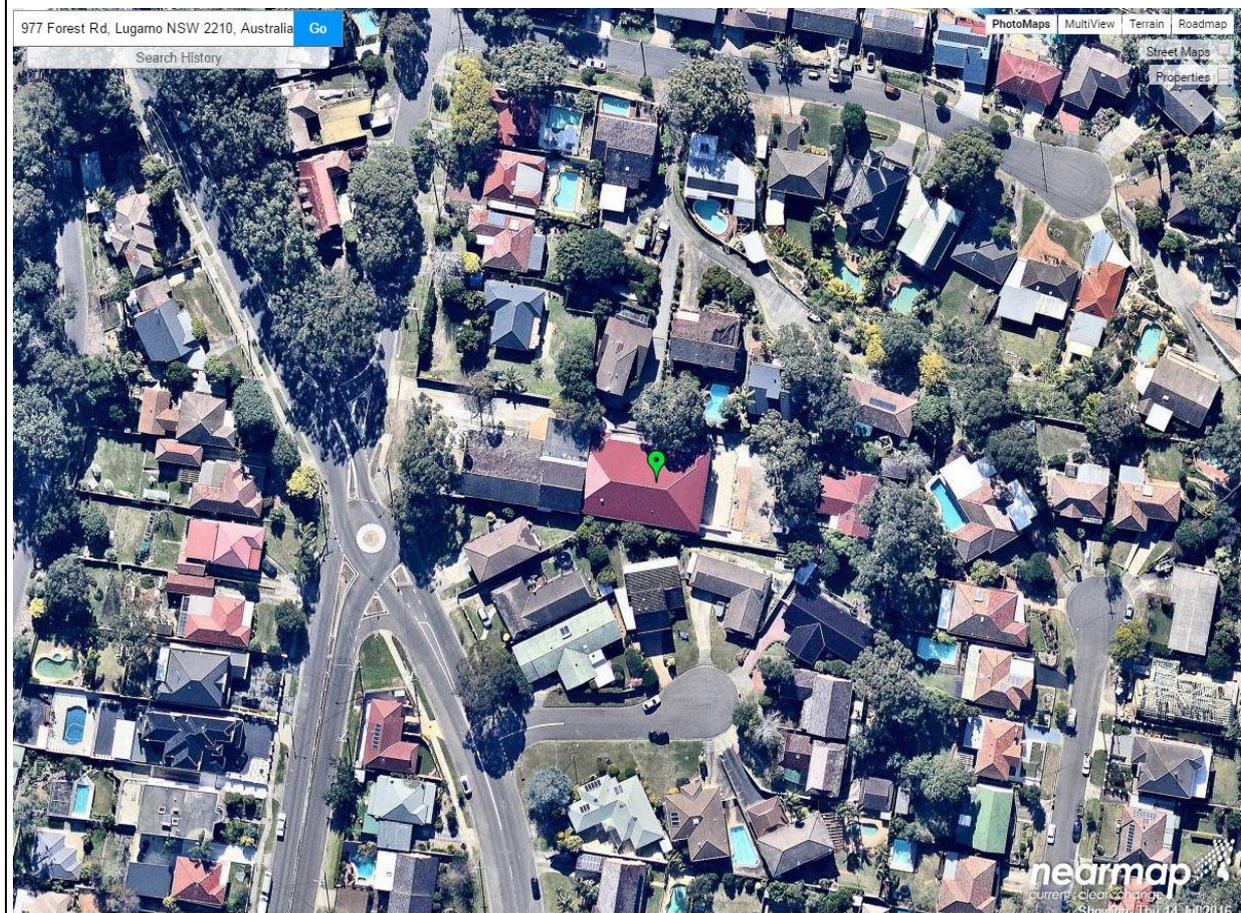


**REPORT TO GEORGES RIVER COUNCIL  
IHAP MEETING OF 27 OCTOBER 2016**

<b>IHAP Report No</b>	6	<b>Development Application No</b>	MOD2015/0146
<b>Site Address &amp; Ward Locality</b>	977 Forest Road LUGARNO Peakhurst Ward		
<b>Proposal</b>	Section 96 modification to approved church hall and addition - modify Condition 75 of the consent relating to noise criteria		
<b>Report Author/s</b>	Development Assessment Officer, Mr P Nelson		
<b>Zoning:</b>	Zone R2 - Low Density Residential		
<b>Date of Lodgement</b>	23 November 2015		
<b>Owner</b>	The Congregational Christian Church of Samoa Parish of Sydney Incorporated		
<b>Applicant</b>	Congregational Christian Church In Samoa Parish Of Sydney		
<b>Submissions</b>	108 submissions received		
<b>Cost of Works</b>	N/A		
<b>Resubmitted item</b>	Yes – previously referred to IHAP on 25 August 2016		
<b>Issues</b>	Submissions received and variations to DCP1		
<b>Recommendation</b>	THAT the application be modified in accordance with the conditions included in the report.		

**Site Plan**



## **EXECUTIVE SUMMARY**

1. The Section 96 application proposes the deletion of Condition 75 of the original consent which requires that no amplified music or public address systems be audible outside of the hall.
2. Ongoing noise complaints have been received as a result of the operation of the hall both prior to and following the issue of the Interim Occupation Certificate on 15 July 2015.
3. The existing use does not satisfy the requirements of existing conditions of consent.
4. The proposal was notified to thirty two (32) adjoining neighbours for a period of fourteen (14) days during which time a total of one hundred and eight (108) submissions were received
5. The proposal was considered at the IHAP held on 25 August 2016 where the proposal was deferred for the following reasons:
  1. *“Specifying the work required to be carried out to the hall building to ensure that ongoing use of the hall does not exceed the intrusive noise criteria;*
  2. *Providing a consistent approach to the times and days during which the hall may be used and the noise levels that must be complied with during those times and days.”*
6. The relevant information has been submitted.

## **RECOMMENDATION**

THAT the application be modified in accordance with the conditions included in the report.

## **ADDENDUM TO ORIGINAL REPORT**

1. The proposal was considered at the IHAP held on 25 August 2016 where the proposal was deferred for the following reasons:
  - “1. *Specifying the work required to be carried out to the hall building to ensure that ongoing use of the hall does not exceed the intrusive noise criteria;*
  2. *Providing a consistent approach to the times and days during which the hall may be used and the noise levels that must be complied with during those times and days.”*
2. In response to point 1 above, Council engaged the services of an Acoustic Consultant to inspect the site and provide a report indicating the range of building improvements required.

The “Church Hall Remediation Advice” prepared by Acoustic Dynamics, dated 29 September 2016 identified a number of transmission paths in the building envelope that require remediation:

- Internal partition exit door,
- Eastern exit door,

- Sliding doors in green room/side of stage area,
- Exit doors nearby to the stage,
- Hole in the ceiling in the southern exit hallway,
- Southern exit door,
- Hole in the exterior roof/ceiling systems; and
- Gaps in brickwork surrounding glass bricks.

This list is not exhaustive and *“forms a guide for the type of sound transmission paths found throughout the building”*.

In relation to the types of treatment required, the Acoustic Dynamics advice is summarised below.

Doors: The existing timber or glass construction of the various exit doors is *“not ideal for the attenuation of sound”* and the doors are to be upgraded to include double door “airlocks.” In areas where space is an issue the existing doors are to be upgraded with high quality seals (including drop seals) and must remain closed at all times.

The main northern door has been recommended to be used as the primary access door with other doors to remain closed at all times except when required for an emergency or to allow disabled access.

Operable windows: Poorly sealed operable windows are located at the rear of the stage area. These windows are to be replaced with either fixed glazing or awning windows that are installed so as to provide a tight seal. Any operable windows must be closed when the hall is in operation.

Holes in ceiling/roof systems: All gaps in the ceiling/roof system are to be sealed with appropriate building materials (fibrous cement sheeting, plasterboard or equivalent).

Gaps in brickwork: Gaps in the existing brickwork (including around the glass brick windows on the southern side of the building) are to be sealed with either cement render, or flexible mastic sealant where appropriate.

Ongoing management: A written management plan must be in place ensuring the minimisation of noise issues including:

- Reducing the number of patrons congregating outside,
- Keeping all windows and doors closed during the use of the hall,
- Limiting the length and frequency of louder activities,
- Conduct regular reviews of the management plan.

Alternative ventilation: The acoustic report states that as the hall must operate with all doors and windows closed, mechanical ventilation with an external condenser unit may be required. The report has indicated that the installation of mechanical ventilation can satisfy relevant noise criteria if installed on the eastern side of the hall. Further noise remediation works may be required in

relation to the condenser however these can be considered under any future development application for the provision of mechanical ventilation.

As the doors and windows are required to stay closed during operation, the provision of mechanical ventilation will be conditioned to be provided on the eastern side of the building. The external condenser unit will be conditioned to be acoustically treated to ensure compliance with acoustic amenity requirements. This condition of consent will ensure that the hall can be comfortably used in the warmer months and will negate the necessity for a further development application to be lodged.

Staged conditions: The advice further recommends that following rectification of the hall as recommended in the report that further assessment should be undertaken to determine if any other transmission paths become evident following the rectification works.

The advice states that operation of the hall should be reduced during the rectification works, however it is considered that these works must be undertaken prior to the issue of any Occupation Certificate and certification provided from an acoustic consultant that all transmission paths within the building envelope have been sealed prior to any operation of the hall.

The recommendations included in the “Church Hall Remediation Advice” prepared by Acoustic Dynamics, dated 29 September 2016 has been included in the determination section of this report.

The intention of the recommended conditions of consent is to bring the existing building up to a standard that will permit the use of the hall with a reasonable level of noise (i.e. La90+ 5 decibels). Occupation of the hall is permitted, however Council will monitor the use and penalty infringement notices will be issued if noise exceeds levels permitted under the consent.

3. In relation to point 2 of the IHAP deferral decision, the conditions relating to noise (Condition numbers 35 and 64) have been updated to provide a consistent approach to times in line with the methods used in the “NSW Noise Industrial Policy” prepared by the NSW EPA. These conditions have been amended as detailed below.

## **CONCLUSION**

4. The Section 96 application seeks to amend the existing proposal by deleting the following condition of consent:

*‘75. ZC14 - Amplified music/public address systems must not be audible outside the premises, unless approved by Hurstville City Council.’*

The deletion of this condition is supported provided the existing use is moderated in terms of noise and that the existing building provides

appropriate physical attenuation measures including the strengthening of weak points in the building envelope (windows and doors).

The proposal was notified to thirty two (32) adjoining neighbours for a period of fourteen (14) days during which time a total of one hundred and eight (108) submissions were received from forty five (45) neighbouring residential addresses (multiple submissions from the same addresses were received). A petition with two hundred and twenty four (224) signatures was also received. These submissions related predominately to acoustic issues where the neighbours are currently experiencing levels of noise not commensurate with the local area.

These submissions will be better addressed by the recommended conditions of consent relating to both ongoing operation/noise levels permitted and the additional requirement to strengthen the envelope of the building as a physical noise attenuation measure.

A summary of the recommended changes to the original conditions of consent is provided below:

**Delete:**

75. Amplified music/public address systems must not be audible outside the premises, unless approved by Hurstville City Council.

**Add:**

- 79C. The subject premise must not be in use between the hours of 10.00pm and 7.00am Monday to Saturday and 10.00pm to 8.00am on Sundays and public holidays.

(Reason: To protect the amenity of the adjacent residential dwellings, including the potential for sleep disturbance through the closing of car doors in the car park)

- 79D. The LAeq(15min) noise level emitted from the use of the subject premise must not exceed the intrusive noise criteria (La90+ 5 decibels) as determined in accordance with the NSW Industrial Noise Policy.

- 79E. The subject premise must operate with windows and doors closed at all times.

- 9(c). The built form of the hall is to be upgraded and strengthened, especially in but not limited to the following areas:

- Internal partition exit door
- Eastern exit door
- Sliding doors in green room/side of stage area
- Exit doors nearby to the stage
- Hole in the ceiling in the southern exit hallway
- Southern exit door
- Hole in the exterior roof/ceiling systems; and

- Gaps in brickwork surrounding glass bricks

Specific measures to be detailed in plans submitted with the construction certificate include but are not limited to:

- i) **Doors:** The northern, southern and eastern access doors are to be provided with a double door airlock (ie a second set of doors) and all external doors are to be provided with rubber seals and drop seals to reduce noise transmission.
- ii) **Windows:** Poorly sealed operable windows are located at the rear of the stage area. These windows are to be replaced with either fixed glazing or awning windows that are installed so as to provide a tight seal. Any operable windows must be closed when the hall is in operation.
- iii) **Holes in ceiling/roof systems:** All gaps in the ceiling/roof system are to be sealed with appropriate building materials (fibrous cement sheeting, plasterboard or equivalent).
- iv) **Gaps in brickwork:** Gaps in the existing brickwork (including around the glass brick windows on the southern side of the building) are to be sealed with either cement render, or flexible mastic sealant where appropriate.

These measures are to be provided for in architectural plans prepared by a qualified architect; and written advice in support of these plans from a qualified acoustic consultant so as to ensure that the ongoing use of the hall does not exceed the intrusive noise criteria (La90+ 5 decibels) as determined in accordance with the NSW Industrial Noise Policy.

- 9(d). Mechanical ventilation is to be provided to the hall. The external unit for the mechanical ventilation system is to be located on the rear eastern façade of the hall and is to be acoustically treated to ensure compliance with the noise emission requirements under condition 79C and 79D of this consent. Details are to be provided with the Construction Certificate application.
- 60A. All work must be certified by a relevantly qualified building inspector and acoustic consultant specifying that the building envelope has been strengthened acoustically in accordance with Condition 9C of this consent. An acoustic report and a building report must be provided to the satisfaction of Council in relation to the acoustic measures prior to the issue of any occupation certificate. No occupation of the church hall is permitted until the issue of the Final Occupation Certificate.

#### **Amend:**

35. Prior to a Construction Certificate being issued, submit to Council for approval, a detailed acoustic noise attenuation report from a suitably qualified and experienced acoustical consultant addressing the sound level output for all proposed activities associated with the use and running of the premise. The report shall address reference plans lodged with the Construction Certificate application and shall provide;

~~\* increase in floor area to church,~~

- ~~\* increase in floor area to new hall,~~
- ~~\* three (3) new workshops,~~
- ~~\* new kitchen,~~
- ~~\* two (2) new conference rooms~~
- ~~\* mechanical equipment; and~~
- ~~\* use of air conditioning units vs open windows/doors, etc.~~
- \* A written management plan detailing ongoing measures to be implemented as part of the ongoing use to limit noise detailing methods that will: reduce the number of patrons congregating outside; ensure all windows and doors are closed during the use of the hall; limiting the length and frequency of louder activities; and allowing for regular reviews of the management plan.
- \* Provision of additional treatment measures in the outdoor areas to limit noise impacts on adjacent neighbours e.g. fencing, landscaping etc.
- \* Discussion of all building improvement measures undertaken to block noise transmission points within the building envelope that will enable the proposal to satisfy the following noise emission requirements:

The report shall demonstrate the sound level output not exceeding 5dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8.00am-7.00pm Monday to Saturday and ~~on weekdays and Saturdays~~, 8.00am-8.00pm on Sundays and Public Holidays.

Outside the above specified hours, the sound level output for all activities associated with the use and running of the premise shall not exceed the ambient background noise level.

64. Prior to an Occupation Certificate being issued, submit to Council for approval, a detailed acoustic noise attenuation report from a suitably qualified and experienced acoustical consultant addressing the sound level output for all proposed activities associated with the use and running of the premise . The report shall refer to the plans approved with the construction certificate and shall address provide;

- ~~\* increase in floor area to church,~~
- ~~\* increase in floor area to new hall,~~
- ~~\* three (3) new workshops,~~
- ~~\* new kitchen,~~
- ~~\* two (2) new conference rooms~~
- ~~\* mechanical equipment; and~~
- ~~\* use of air conditioning units vs open windows/doors, etc.~~
- \* A written management plan detailing ongoing measures to be implemented as part of the ongoing use to limit noise
- \* Acoustic certification that all building improvement measures undertaken to block noise transmission points within the building envelope and in any outdoor areas have been successful and will meet the following noise emission requirements:

(a) The sound level output for all activities associated with the use and the running of the premise shall not exceed 5dB(A) above the ambient background level at the closest neighbouring boundary between the hours of

8:00am-7:00pm Monday to Saturday and ~~on weekdays and Saturdays~~,  
8:00am-8:00pm on Sundays and Public Holidays.

(b) Outside the above specified hours, the sound level output for all activities associated with the use and running of the premise shall not exceed the ambient background noise level.

## DETERMINATION

5. THAT pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979, as amended, the Council grants development consent to Development Application MOD2015/0146 for the modification to approved church hall and addition - modify Condition 75 of the consent relating to noise criteria on Lot 2 DP 405732 and known as 977 Forest Road, Lugarno, subject to the attached conditions:

### Conditions of Consent:

1. **OC1 - Act, Regulations and Environmental Planning Instruments Prevail** - This modification to original Development Consent No 06/DA-372 endorsed 23 March 2007 is granted subject to compliance with the relevant requirements of the Environmental Planning and Assessment Act 1979 as amended ("the Act"), the Environmental Planning and Assessment Regulation 2000 ("the Regulation"), the Building Code of Australia ("the BCA"), Hurstville City Council's ("the Council's") Local Environmental Plan 1994, the following Development Control Plans:
- a. No. 2 - Car Parking, effective 12/08/99
  - b. No.15 - Contaminated Lands, effective 05/10/99
  - c. No.18 - Crime Prevention Through Environmental Design, effective 26/06/01
  - d. No. 19 - Access and Mobility, effective 27/12/01

and Adopted Codes:

(i) Drainage and on site detention requirements - effective reprinted 26/11/04

except where varied by this consent.

2. **OC2 - Approved Plans** - The development shall be carried out in accordance with the details set out on the application form, supporting information received with the application and the schedule of plans and details below, except as amended by the conditions of this consent. A copy of the plans is stamped approved, and attached to this consent.

Plan Number	Plan Date	Description	Prepared By
05977/06A Sheets 1-4	11 Dec 06	Architectural	Draft Aid

A 1016/2 E	2 Feb 12	Main floor plan	Abrecon Designs and House Plans
A1016/3 E	2 Feb 12	Lower Ground Floor Plan	Abrecon Designs and House Plans
A1016/4 H	21 Jun 12	Elevations	Abrecon Designs and House Plans

(This condition is amended as part of 06/DA-372REV01 and subsequently as part of 06/DA-372REV02)

3. The proposal must comply with the provisions of the Building Code of Australia. However, if this requires any changes to the external portion of the building it may require a Section 96 Modification to be lodged and approved with Council, prior to the issue of the Construction Certificate.
4. OC3 - **Amenity** - The implementation of this development shall not adversely affect the amenity of the neighbourhood by way of the emission or discharge of noise, vibrations, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.
5. OC4 - **Prescribed Conditions** - This development consent is subject to the conditions as prescribed pursuant to Section 80 A(11) and Section 85A(6)(a) of the Environmental Planning and Assessment Act 1979 and Clauses 98-98E of the Environmental Planning and Assessment Amendment Regulation 2000.

### **Erection of Signs**

- (1) A sign must be erected in a prominent position on any work site on which building work, subdivision work or demolition is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number at which that person may be contacted outside working hours
  - (c) stating that unauthorised entry to the work site is prohibited
- (2) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, and must be removed when the work has been completed.
- (3) This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (4) These signage requirements do not apply to in relation to Crown building work that is certified to comply with the technical provisions of the State's building laws.

### **6. HOI - Hoardings**

- (a) A separate Development Consent for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained;
- (b) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
- (c) A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party. The copy is to be provided to Council before the issue of the Construction Certificate.

**To Obtain a Construction Certificate**

- 7. The following must be submitted to either Council or an Accredited Certifier before a Construction Certificate is issued:
  - (a) Fees to be paid to Council:

<b>Schedule of fees, bonds and contributions</b>					
Fee Type	Paid	Fee Type	Amount	Receipt Date	Receipt No
Development Application Fee	X	DA1	\$661.36	2 Aug 06	263431
Plan First Fee	X	AP35	\$105.60	2 Aug 06	263431
Notification Fee	X	AP12	\$100.00	2 Aug 06	263431
Imaging Fee	X	AP165	\$40.00	2 Aug 06	263431
Long Service Levy	X	AP34	\$577.00	2 Aug 06	263431
Builders Damage Deposit	X	BON2	\$3200.00	2 May 08	296544
Inspection Fee for Refund of Damage Deposit	X	DA6	\$92.00	2 May 08	296544
Company Search Fee			\$20.00		
The following fees apply where you appoint Council as your Principal Certifying Authority (PCA). (If you appoint a private PCA, separate fees will apply)					
Building Inspection Fees	X	DA6	\$459.00	2 May 08	296544
Occupation Certificate Fee	X	AP22	\$74.00	2 May 08	296544

Fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

- 8. **BL1 - Building Code of Australia ("BCA")** - A Construction Certificate must be obtained before the commencement of work from Council or an Accredited Certifier. Detailed plans and specifications for the proposed building must demonstrate compliance with the BCA.

9. **OC8 - Design Changes Required** - The following design changes are required and are to be incorporated into the plans to be lodged **with the Construction Certificate application**.

- (a) A fully accessible toilet facility for disabled person must be provided on both the lower ground floor and the church/hall level of the building. These facilities must comply with AS1428.1.
- (b) Two (2) disabled car parking spaces shall be provided on the site. These spaces shall be clearly line marked and shall be designed and located in accordance with AS2890.
- (c) The built form of the hall is to be upgraded and strengthened, especially in but not limited to the following areas:
  - Internal partition exit door,
  - Eastern exit door,
  - Sliding doors in green room/side of stage area,
  - Exit doors nearby to the stage,
  - Hole in the ceiling in the southern exit hallway,
  - Southern exit door,
  - Hole in the exterior roof/ceiling systems; and
  - Gaps in brickwork surrounding glass bricks.

Specific measures to be detailed in plans submitted with the construction certificate include but are not limited to:

- i) **Doors:** The northern, southern and eastern access doors are to be provided with a double door airlock (ie a second set of doors) and all external doors are to be provided with rubber seals and drop seals to reduce noise transmission.
- ii) **Windows:** Poorly sealed operable windows are located at the rear of the stage area. These windows are to be replaced with either fixed glazing or awning windows that are installed so as to provide a tight seal. Any operable windows must be closed when the hall is in operation.
- iii) **Holes in ceiling/roof systems:** All gaps in the ceiling/roof system are to be sealed with appropriate building materials (fibrous cement sheeting, plasterboard or equivalent).
- iv) **Gaps in brickwork:** Gaps in the existing brickwork (including around the glass brick windows on the southern side of the building) are to be sealed with either cement render, or flexible mastic sealant where appropriate.

These measures are to be provided for in architectural plans prepared by a qualified architect; and written advice in support of these plans from a qualified acoustic consultant so as to ensure that the ongoing use of the hall does not exceed the intrusive noise criteria (La90+ 5 decibels) as determined in accordance with the NSW Industrial Noise Policy.

- (d) Mechanical ventilation is to be provided to the hall. The external unit for the mechanical ventilation system is to be located on the rear eastern façade of the hall and is to be acoustically treated to ensure compliance with the noise emission requirements under condition 79C and 79D of this consent. Details are to be provided with the Construction Certificate application.

**(This condition is amended as part of MOD2016/0146 (06/DA-372))**

10. **BI2 - Long Service Leave Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to [www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au) or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**
11. **BD1 - Damage to Council Property** - In order to insure against damage to Council property the following is required:
- (a) Payment to Council of a Damage Deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$3,200.00**
  - (b) Payment to Council of a non refundable Inspection Fee to enable assessment of any damage and repairs where required: **\$92.00**
  - (c) At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.
  - (d) Prior to the commencement of work a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal, shall be submitted to Council.
  - (e) Payments pursuant to this condition are required to be made to Council before the issue of the Construction Certificate.
12. Four (4) mature native trees shall be planted on the site. The trees shall be located so as not to interfere with any essential services, buildings or drainage infrastructure on the site or neighbouring sites.
13. **DR11 - Stormwater drainage plans** - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a qualified practising hydraulics engineer in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.

14. Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing building must be brought into total conformity with the Building Code of Australia except, for the protection of openings in the external wall of the existing building. In this regard, construction plans that demonstrate compliance with the Building Code of Australia must be submitted to the Principal Certifying Authority. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.
15. Should Council be appointment Principal Certifying Authority, in determining the Construction Certificate, all new building work must comply with the applicable deemed to satisfy provision of the Building Code of Australia. However, if an alternative solution is proposed it must comply with the performance requirements of the Building Code of Australia, in which case, the alternative solution must be fully detailed and supported with suitable evidence and expert judgement. Council will also require, if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or the SSL (Scientific Service Laboratory). In these circumstances, the applicant must pay all costs for the independent review.
16. Access for persons with disabilities must be provided to the existing church, the proposed hall and workshops, and to all other areas normally used by the occupants in accordance with the requirements of the Building Code of Australia and AS 1428.1. Details must be submitted with the Construction Certificate application.
17. The proposed hall must not be used as a Place of Public Entertainment unless separate application under the provisions of Section 68 of the Local Government Act 1993, to carry out Entertainment as defined in the Local Government (Approvals) Regulations 1999 is made and approved by Council. The intended use of the hall must be clearly specified and submitted to the Principal Certifying Authority with the application for a Construction Certificate.
18. The Construction Certificate application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the Building Code of Australia:
  - \* Mechanical ventilation system.
  - \* Fire fighting services and equipment including hydrants, hose reels, sprinklers, portable fire extinguishers, emergency lights, exit signs, etc.
  - \* Smoke hazard management system.
  - \* Fire resistance levels of all building elements.
  - \* Protection to wall openings that stand less than 3 metres from the boundary or fire source feature.
  - \* Details of sanitary and disabled sanitary facilities.
  - \* Provisions for an adequate number of exits and egress widths.

19. The new works on the site shall be constructed so that any use within those sections do not exceed the background noise level by more than 5dB(A) when measured at the boundary of the nearest residential premises. Details showing how compliance will be achieved shall be submitted with the Construction Certificate.
20. **SM3 - Construction Management Plan** - Submit to the Principal Certifying Authority a Construction Management Plan that clearly sets out the following:
  - (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
  - (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
  - (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
  - (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
  - (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer with National Professional Engineering Registration 3 (NPER3) in structural design.
  - (f) A Soil and Water Management Plan detailing all sedimentation controls.
21. PN9 - No excavation, pier hole drilling, construction or the like may be carried out **before the issue of the Construction Certificate**.
22. PN10 - The site is not to be filled or excavated other than as strictly indicated on the approved plans.
23. PN11 - Details of all proposed retaining walls, including height, materials, finish and structure, must be submitted **with the Construction Certificate Application**.
24. PW1 - The developer must ensure that appropriate dust suppression measures are installed/utilised during the periods of excavation/placement of fill/construction. Details of the means of dust suppression must be submitted **with the Construction Certificate application**.
25. PW4 - The developer must take all measures available to control the emission of dust from the site and in this regard adequate watering equipment acceptable to Council shall be used on the site at all times other than in wet weather. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail.

Details to be submitted **with the Construction Certificate application.**

26. PW5 - The developer must submit a site works plan detailing sedimentation controls, fencing, builders site sheds office and amenities, materials storage and unloading arrangements **with the Construction Certificate application.** This is required before the commencement of any work on-site, including demolition.
27. PW6 - **Vehicle Wash Bays** - All car washing shall be conducted in a roofed and bunded wash bay, with pre-treatment approved by Sydney Water, graded to a drainage point and connected to the sewer. Evidence of approval of the system by Sydney Water to be submitted **with the application for a Construction Certificate.**
28. FP3 - **Trade Waste** - A Trade Waste Agreement with Sydney Water must be obtained. If no trade waste agreement or grease trap is required, a letter from Sydney Water is to be submitted to Council to this effect. A copy of the Trade Waste Agreement or letter to Council shall be provided **before the issue of the Construction Certificate.**
29. PU1.1 - **Sydney Water - Access to Water and Waste Water Services** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

The Notice of requirements must be submitted **with the application for a Construction Certificate.**

30. PU2 - **Sydney Water** - The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water assets sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- \* Quick Check agents details - see Building Developing and Plumbing then Quick Check; and

- \* Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.

or telephone 13 20 92.

31. **IN3 - Fire Safety Measures** - Prior to the issue of a Construction Certificate a list of the fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a Construction Certificate, which is required to be submitted to either Council or an accredited certifier. Such list must also specify the Minimum Standard of Performance for each Fire Safety Measure included in the list. The Council or Accredited Certifier will then issue a Fire Safety Schedule for the building.
32. **PU4 – Energy Australia - Substations/Kiosks** Energy Australia shall be consulted to determine if an electricity distribution substation is required. If so, it will be necessary for the final film survey plan to be endorsed with an area, having the required dimensions as agreed with Energy Australia, indicating the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site to be dedicated to Council as public roadway, or as otherwise agreed with Energy Australia. For details visit [www.energy.com.au](http://www.energy.com.au) or call 131525:
- (a) written confirmation of Energy Australia's requirements is to be submitted before the issue of the Construction Certificate; and
  - (b) Energy Australia's requirements are to be met before the issue of the Occupation Certificate.
33. **PU5 - Energy Australia - Underground Electrical Conduits** - Energy Australia is to be consulted to determine if underground electricity conduits are to be installed in the footway. If so, the developer is to install the conduits within the footway across the frontage/s of the development site, to Energy Australia's specifications. Energy Australia will supply the conduits at no charge. The developer is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. . For details visit [www.energy.com.au](http://www.energy.com.au) or call 131525.
- (a) A copy of Energy Australia's requirements is to be submitted to Council **before issue of the Construction Certificate**.
  - (b) Where conduits are to be installed, evidence of compliance with Energy Australia's requirements is to be submitted **before the issue of the Occupation Certificate**.

Where works within the road reserve are to be carried out by the developer, a Road Opening Permit Application must be submitted to, and approved by, Council **before the commencement of work**.

34. Prior to Construction Certificate being issued, Submit to Council for approval, report from a suitably qualified and experience acoustical consultant detailing types of noise generated from the use and running of the premise and recommendations of noise attenuation works to ensure there will be no noise impact on adjoining residence.

The report is to specifically address use of premise including;

- \* increase in floor area to church,
- \* increase in floor area to new hall,
- \* three (3) new workshops,
- \* new kitchen,
- \* two (2) new conference rooms,
- \* mechanical equipment; and
- \* use of air conditioning units vs open windows/doors, etc.

35. Prior to a Construction Certificate being issued, submit to Council for approval, a detailed acoustic noise attenuation report from a suitably qualified and experienced acoustical consultant addressing the sound level output for all proposed activities associated with the use and running of the premise. The report shall address reference plans lodged with the Construction Certificate application and shall provide;

- ~~\* increase in floor area to church,~~
- ~~\* increase in floor area to new hall,~~
- ~~\* three (3) new workshops,~~
- ~~\* new kitchen,~~
- ~~\* two (2) new conference rooms~~
- ~~\* mechanical equipment; and~~
- ~~\* use of air conditioning units vs open windows/doors, etc.~~
- \* A written management plan detailing ongoing measures to be implemented as part of the ongoing use to limit noise detailing methods that will: reduce the number of patrons congregating outside; ensure all windows and doors are closed during the use of the hall; limiting the length and frequency of louder activities; and allowing for regular reviews of the management plan
- \* Provision of additional treatment measures in the outdoor areas to limit noise impacts on adjacent neighbours e.g. fencing, landscaping etc.
- \* Discussion of all building improvement measures undertaken to block noise transmission points within the building envelope that will enable the proposal to satisfy the following noise emission requirements:

The report shall demonstrate the sound level output not exceeding 5dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8.00am-7.00pm Monday to Saturday and ~~on weekdays and Saturdays~~, 8.00am-8.00pm on Sundays and Public Holidays.

Outside the above specified hours, the sound level output for all activities associated with the use and running of the premise shall not exceed the ambient background noise level.

**(This condition is amended as part of MOD2016/0146 (06/DA-372))**

36. Prior to Construction Certificate being issued, submit to Council for approval, plans and specifications for the garbage storage area.

The waste storage area must be:

- i) provided with a hose tap connected to the water supply;
  - ii) paved with impervious floor materials;
  - iii) bunded, graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
  - iv) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997.
37. Prior to Construction Certificate being issued, submit to Council for approval, plans and specifications detailing locations of equipment, ductwork, flues etc for all mechanical equipment associated with premise including but not limited to mechanical exhaust systems to kitchen, fans, air conditioning units etc.
- 37A. Prior to the issuing of a Construction Certificate, the stormwater disposal system as outlined in Appendix 2 in the submission prepared by Engineer M Maran and received by Council on 17 April 2007 shall be noted on the Construction Certificate plans.

(This condition is added as part of Deferred Commencement approval 21 May 2007)

**Before Commencing the Development**

38. **IN3 - Appointment of Principal Certifying Authority** - No work shall commence in connection with this Development Consent until;
- (a) a construction certificate for the building work has been issued by:
    - (i) the consent authority; or
    - (ii) an accredited certifier; and
  - (b) the person having the benefit of the development consent has appointed a principal certifying authority for the building work; and
  - (c) the principal certifying authority has, no later than 2 days before building work commences:
    - (i) notified Council of his or her appointment;
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are required to be carried out in respect of the building work; and

- (d) the person having the benefit of the development consent has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence for the residential building work involved;
  - (ii) notified the principal certifying authority of any such appointment, and
  - (iii) unless that 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
- the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Note: If the Principal Certifying Authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

39. **BC1 - Construction Certificate - No work shall commence until you:**
- (a) Obtain a Construction Certificate from Hurstville City Council - a fee applies for this service; or
  - (b) Lodge with Hurstville City Council any Construction Certificate obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service.
40. **BC2 - Notice of Commencement - No work shall commence until you submit a Notice of Commencement (form attached or available from our website) giving Council:**
- (a) Not less than two (2) days notice of the date on which it is proposed to commence work associated with this Development Consent.
  - (b) Details of the appointment of a Principal Certifying Authority (either Hurstville City Council or an Accredited Certifier).
  - (c) Details of the name, address and licence details of the Builder.
41. Prior to the demolition or the carrying out of any building works, a certificate of adequacy from a practicing structural engineer must be submitted to the Principal Certifying Authority certifying the adequacy and structural stability of the existing building.
42. **BC3 - Site Safety Fencing** - Erect site fencing complying with WorkCover Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied

dwelling. The fencing must be erected before the commencement of any work and maintained through out any demolition and construction work.

43. **BC4 - Principal Certifying Authority (PCA) Sign** - A sign must be erected in a prominent position on the site indicating that entry to the site by unauthorised persons is not permitted, and including the contact details of the PCA. Where Council is the PCA, a sign may be obtained at no cost from Council's Customer Service Centre. A PCA sign must be erected on the site **before the commencement of any work.**
44. **PW2** - The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.
45. **ES1 - Erosion and Sedimentation Controls** - Erosion and sedimentation controls must be provided to ensure:
  - (a) compliance with the approved Soil and Water Management Plan
  - (b) removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
  - (c) all uncontaminated run-off is diverted around cleared or disturbed areas
  - (d) silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
  - (e) all erosion and sediment controls are fully maintained for the duration of demolition/ development works
  - (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
  - (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
  - (h) all water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
  - (i) pumped or overland flows of water are discharged so as not to cause, permit or allow erosion
  - (j) compliance with the Do it Right on Site brochure requirements publicated by SSROC

**before the commencement of work (and until issue of the Occupation Certificate).**

46. **PU6 - Energy Australia - Clearances to Electricity Mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Energy Australia is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Energy Australia for any

necessary modification to the electrical network in question. For details visit [www.energy.com.au](http://www.energy.com.au) or call 131525.

47. **ST1 - Structural Details** - Structural plans and specifications prepared and endorsed by a suitably qualified practising structural engineer shall be submitted to the Principal Certifying Authority for any of the following, as required by the building design:
- a. Piers
  - b. Footings
  - c. Slabs
  - d. Columns
  - e. Structural steel
  - f. Reinforced building elements
  - g. Retaining walls
  - h. Stabilising works

**before the commencement of work.**

48. **PU11 - Water, Waste Water, Electricity, Gas and Telecommunications** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the developer's expense.

### **During the Development**

49. **IN3** - The Principal Certifying Authority must carry out the last critical stage inspection and, as well, the Principal Certifying Authority, or another certifying authority, must carry out all other critical stage inspections, as are prescribed in the Environmental Planning and Assessment Regulation, 2000, together with the inspections required by the principal certifying authority and the undermentioned inspections:
- (a) All structural inspections,
  - (b) All inspections necessary to determine that the appropriate conditions attached to this consent have been complied with, and
  - (c) All inspections necessary to determine that the requirements of the Building Code of Australia are being met.

Where Council has been appointed as the principal certifying authority, an inspection fee will be paid in accordance with the Schedule of Fees and Charges. Inspection fees are payable for each and every inspection, whether an initial inspection or follow up inspection where remedial work has been necessary. Forty-eight (48) hours notice in writing, or alternatively twenty-four (24) hours notice by facsimile or telephone, must be given to Council when specified work requiring inspection has been completed.

**Fee Required: \$459.00** where Council is the Principal Certifying Authority, payment before issue of the Construction Certificate.

50. **DD2 - Registered Surveyor's Report - Submit to the Principal Certifying Authority During Development Work**

A Registered Surveyor's Report must be submitted to the Principal Certifying Authority at each of the following applicable stages of construction:

- (a) Setout before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
- (h) Other.

Work must not proceed beyond each stage until the Principal Certifying Authority is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

51. **PN1 - Hours of Operation for Building and Demolition Work** - Work in connection with the proposed development or building that involves the demolition of any existing buildings, any excavation or earthworks, the depositing of materials on the site, the removal of spoil and materials from the site or the erection of the building that requires the use of any tools (including hand tools) or any power operated plant or machinery that creates noise on or adjacent to the site shall only be performed between the hours of 7.00 am and 5.00 pm, Monday to Saturday inclusive. No work is to take place on Sundays, Good Friday, Christmas Day, and any public holiday.

Additionally, construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) is prohibited on Saturdays and Sundays on weekends adjacent to a public holiday.

A Penalty Infringement Notice may be issued for failure to comply with this condition.

52. **BC5 - Bulk Excavation or Filling Levels** - The bulk excavation or filling levels for footings or slabs, when placed, shall not exceed the levels as required by this consent. A surveyor's certificate verifying compliance with this condition must be submitted **before placement of concrete in footings or slabs**.
53. **DE4 - Ground Levels** - The ground levels of the site shall not be raised, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved separately by Council.
54. **PN4 - Offensive Noise Generally** - The use of the premises, building services, equipment, machinery and ancillary fittings must not give rise to offensive noise as defined under the Dictionary of the Protection of the Environment Operations Act 1997.
55. **LA8 - Protection of Tree Roots** – During construction, protective fencing shall be provided around the existing trees and/or bushland to be retained.  
  
This fencing shall encompass the maximum possible area covered by the drip line of the canopy to prevent damage to the trees and their root system by the movement of vehicles, the handling or storage of building materials, any excavation, filling, or the like. There is to be no storage of building materials, fill or equipment permitted under the canopy of trees retained on site. The Principal Certifying Authority is to approve on-site protection methods **before work commences and to ensure maintenance of those protection methods during construction works**.
56. **PU8** – The electricity supply to the subdivision must be underground.
57. **PA3 - Prohibition of Burning Off** - No article, material or the like shall be ignited or burnt whatsoever on or in association with the work on the site.
58. **PW3** - The developer must remove any material deposited on public roads, adjacent to the site, resulting from construction/subdivision works, immediately it occurs and as directed by Council.
59. **RR6 - Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved in accordance with Council's Waste Skip Bin Policy. A Penalty Infringement Notice may be issued for any offence. A severe penalty applies.

60. **RR7 - Maintenance of Road and Footpath** - During construction, the footpath and road are to be maintained in a condition which prevents any trip or safety hazard to pedestrian or vehicular traffic.

### **Prior to issue of Final Occupation Certificate**

- 60A. All work must be certified by a relevantly qualified building inspector and acoustic consultant specifying that the building envelope has been strengthened acoustically in accordance with Condition 9C of this consent. An acoustic report and a building report must be provided to the satisfaction of Council in relation to the acoustic measures prior to the issue of any Occupation Certificate.

**(This condition is added as part of MOD2016/0146 (06/DA-372))**

### **Before Occupation**

61. **Occupation Certificate (Class 1 to 10 buildings inclusive)** - The building must not be occupied or used until an occupation certificate is issued by the principal certifying authority appointed for the erection of the building.

Prior to the issue of the Occupation Certificate the principal certifying authority for the building work to be carried out on the site must be satisfied that:

- (a) any preconditions required by the development consent to be met have been met; and
  - (b) such building work has been inspected by that principal certifying authority, or, in the case of all inspections other than the last critical stage inspection, by another certifying authority, on such occasions as are prescribed in the Environmental Planning and Assessment Regulation, 2000, and on such other occasions as may be required by the principal certifying authority and the conditions required by this development consent.
62. **Fire Safety Certificate before Occupation or Use** - Prior to the issue of an occupation certificate the owner of the building must issue a fire safety certificate and must cause a copy of that fire safety certificate to be given to the principle certifying authority issuing the occupation certificate. The fire safety certificate must be issued to the effect that each essential fire safety measure specified in the fire safety schedule for the building to which the certificate relates:
- (a) has been assessed by a properly qualified person, and
  - (b) was found, when it was assessed, to be capable of performing to at least a standard required by the current fire safety schedule for the building for which the certificate is issued.

Note: The owner of the building:

- (a) must cause a copy of the fire safety certificate (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner, and
- (b) must cause a further copy of the fire safety certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

63. WA7 - All rubbish and waste materials on-site must be removed before occupation of the premises/commencement of the approved activity.

64. Prior to an Occupation Certificate being issued, submit to Council for approval, a detailed acoustic noise attenuation report from a suitably qualified and experienced acoustical consultant addressing the sound level output for all proposed activities associated with the use and running of the premise. The report shall refer to the plans approved with the construction certificate and shall address provide;

~~\* increase in floor area to church,~~

~~\* increase in floor area to new hall,~~

~~\* three (3) new workshops,~~

~~\* new kitchen,~~

~~\* two (2) new conference rooms~~

~~\* mechanical equipment; and~~

~~\* use of air conditioning units vs open windows/doors, etc.~~

\* A written management plan detailing ongoing measures to be implemented as part of the ongoing use to limit noise;

\* Acoustic certification that all building improvement measures undertaken to block noise transmission points within the building envelope and in any outdoor areas have been successful and will meet the following noise emission requirements.

(a) The sound level output for all activities associated with the use and the running of the premise shall not exceed 5dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8:00am-7:00pm Monday to Saturday and ~~on weekdays and Saturdays,~~ 8:00am-8:00pm on Sundays and Public Holidays.

(b) Outside the above specified hours, the sound level output for all activities associated with the use and running of the premise shall not exceed the ambient background noise level.

**(This condition is amended as part of MOD2016/0146 (06/DA-372))**

64A. The efficacy of the existing stormwater drains and downpipes from the roof of the Church building shall be established to the satisfaction of the Principal Certifying Authority and where necessary the drains and pipes shall be cleared, repaired and connected so as drain roof waters to the drainage pit in Ponderosa Place.

(This condition is added as part of Deferred Commencement approval 21 May 2007)

### **After Occupation/Ongoing Conditions**

65. The proposed hall shall be used for purposes ancillary to the church only and shall not be hired or let to any other person/s for private use.
66. PV14 - **Prohibited Parking** - Staff, company and visitors' vehicles must only be parked in the spaces provided on the subject premises and not on adjacent footpath or landscaped areas.
67. PV15 - **Disabled Parking** - The parking space(s) for disabled persons must be sized/marked/signposted in compliance with Australian Standard 2890.1-1993.
68. PV16 - **Obstruction of Parking and Manoeuvring Areas** - Goods and/or waste or extraneous material must not be stored in the vehicular manoeuvring and parking areas. Those areas must be kept clear at all times for the manoeuvring of vehicles.
69. PV19 - **Loading or Unloading** - The loading and/or unloading of all goods and materials used in conjunction with the development must take place within the property.
70. LA4 - **Parking on Landscaped Areas** - No vehicles, goods, materials or extraneous matter may be parked, deposited, or stored on any of the landscaped areas.
71. WA4 - **Handling of Waste** - No bottle, can or garbage disposal shall take place between the hours of 10.00pm and 8.00am daily.
72. WA5 - Service of trade waste bins must be carried out between 7.00 am and 7.00 pm. weekdays.
73. EF3 - **Annual Fire Safety Statement** - The owner of the building must issue an annual fire safety statement in respect of each essential fire safety measure in the building premises and cause a copy of that certificate to be given to Council within 14 days of its receipt by the owner.

The annual fire safety statement must be to the effect that:

- (a) in respect of each essential fire safety measure, such measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing:
  - (i) in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or

- (ii) in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- (b) the building has been inspected by a properly qualified person and was found when it was inspected to be in a condition that did not disclose any grounds for a prosecution under Part 2, Division 7 of the Environmental Planning and Assessment Regulation, 2000.

The owner of the building must also cause a copy of the statement (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner and as well cause a further copy of the statement (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

- 74. ZC10 - The building exterior is to be maintained in a clean and neat manner, including the regular cleaning of windows. Any such window cleaning is to be done in an water efficient manner, for example no hosing of the windows is permitted.
- ~~75. ZC14 - Amplified music/public address systems must not be audible outside the premises, unless approved by Hurstville City Council.~~

**(This condition is deleted as part of MOD2016/0146 (06/DA-372))**

- 76. ZC2 - Only signage that is exempt under Council's *Development Control Plan No. 14 – Exempt and Complying Development* or has consent from Council may be affixed to the building. All signage must comply with Council's *Development Control Plan No. 23 – Advertising and Signage*. In particular:
  - (a) window signs should be on the inside of the glass and must not cover more than one half of the window
  - (b) if a language other than English is used on the sign, there must be an accurate English translation in lettering of at least the same size
  - (c) signs should look professional (not handwritten) and must be securely fastened
  - (d) signs, posters or notices must not be glued to any part of the exterior of the building
- 77. Washing of waste receptacles to take only take place wholly within approved garbage storage area.
- 78. All waste, empty bottles, cardboard, used cooking oil drums etc to be stored wholly within approved garbage storage area at all times with the exception of collection day/s.
- 79. The premise shall not give rise to 'offensive' noise as defined under the Protection of the Environment Operations Act 1997.

- 79A. The stormwater drainage systems shall be maintained so as to effectively discharge water to Ponderosa Place and minimise stormwater discharging across the site to neighbouring premises.

(This condition is added as part of Deferred Commencement approval 21 May 2007 (added as part of 06/DA-372REV01))

- 79B. The approved hall shall only be used for Church activities and is not permitted to be leased for commercial activities, functions or the like.

- 79C. The subject premise must not be in use between the hours of 10.00pm and 7.00am Monday to Saturday and 10.00pm to 8.00am on Sundays and public holidays.

(Reason: To protect the amenity of the adjacent residential dwellings, including the potential for sleep disturbance through the closing of car doors in the car park)

**(This condition is added as part of MOD2016/0146 (06/DA-372))**

- 79D. The LAeq(15min) noise level emitted from the use of the subject premise must not exceed the intrusive noise criteria (La90+ 5 decibels) as determined in accordance with the NSW Industrial Noise Policy.

**(This condition is added as part of MOD2016/0146 (06/DA-372))**

- 79E. The subject premise must operate with windows and doors closed at all times.

**(This condition is added as part of MOD2016/0146 (06/DA-372))**

### **Other Approvals - Section 78(5), Local Government Act 1993**

Nil.

### **Advices to Applicant**

80. **Consent Operation** - This consent operates from the date the original consent was endorsed, ie 23 March 2007, except as qualified by Section 93 of the Act.

This development consent will lapse unless acted upon within five (5) years from the date of the original endorsement, except as qualified by Section 99 of the Environmental Planning and Assessment Act 1979.

81. If you are not satisfied with this determination, you may:

- (a) Apply for a Review of a Determination under Section 96AB of the Environmental Planning and Assessment Act 1979. A request for review and the decision by Council of that request must be made within twenty-eight (28) days from the date of this Notice of Determination

and be accompanied by the relevant fee in accordance with Environmental Planning and Assessment Regulations 2000 Clause 123I. You must ensure that an application for review of determination gives Council a reasonable period in which to review its decision having regard to the relevant issues and complexity of the application.

OR

(b) Appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice of Determination, under Section 97AA of the Environmental Planning and Assessment Act 1979.

82. AD1 - **Dial Before You Dig** - contact Sydney One Call Service to ascertain which utility services are underground in the proposed excavation area, via details of:

- (a) street/house number and street name
- (b) side of the street
- (c) name of nearest cross street
- (d) distance from nearest cross street

For more details visit [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) or call 1100. You can find out the location of Council drainage pipes by contacting Council's Service Delivery Directorate.

83. AD2 - **Dividing Fences** - You must satisfy the requirements of the Dividing Fences Act before erecting any fencing on common boundaries. The Chamber Magistrate at the Local Court advises on the Dividing Fences Act, particularly for legal advice or disputes, and the Community Justice Centre can also assist with disputes.

84. AD3 - **Covenants** - irrespective of the terms of this consent you must make sure that covenants on the title of the property are complied with for proposed construction. For more details contact the Lands Department - [www.lands.nsw.gov.au](http://www.lands.nsw.gov.au) or call 9228 6713 or contact your Solicitor.

85. AD4 - **WorkCover Authority** - For premises which are/will be workplaces a copy of the approved plan to the WorkCover Authority shall be submitted to ensure that the proposal complies with WorkCover requirements. Where factory registration is required by WorkCover, a separate application to Council may be required for a statement of compliance with the egress provisions of the Building Code of Australia. If so it is best to do so as soon as possible. For more details visit [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or call 131050.

86. AD5 - **Australia Post** - A mail box meeting certain position, dimension and height requirements must be installed to satisfy Australia Post. For more details visit [www.auspost.com.au](http://www.auspost.com.au) or call 131318.

87. AD6 - **Access for Persons with a Disability** - In addition to Development

Control Plan no. 19 - Access and Mobility and the Building Code of Australia, the Commonwealth Disability Discrimination Act 1992 may impose greater obligations on providing access/facilities for disabled persons. For more details visit the Human Rights and Equal Opportunity Commission website [www.hreoc.gov.au](http://www.hreoc.gov.au) or call 9284 9600.

88. AD7 - **Tree Preservation** - Council's Tree Preservation Order prohibits the ringbarking, cutting down, lopping, removing, injuring, or the wilful destruction of any tree, that is 3 metres or more in height, have a girth of 30cm or more when measured 45cm above the ground and/or has a branch spread of 3 metres or more, except with the specific consent of the Hurstville City Council. Severe penalties apply for an offence.
89. AD8 - **Stencilling** - Colouring or stencilling of the footpath crossing within the road reserve is prohibited.
90. AD9 - **Construction Zone** - You may apply for a construction zone on the roadway adjacent to the site for the duration of the construction work, by way of written application and payment of fees detailed in our Schedule of Fees and Charges.
91. AD10 - **Energy Australia** - The minimum safe distance from overhead power lines shall be maintained in accordance with the requirements of Energy Australia. For details visit [www.energy.com.au](http://www.energy.com.au).
92. AD11 - Other approvals required - Where it is proposed to:
  - (a) Pump concrete from within a public road reserve or laneway.
  - (b) Stand a mobile crane within the public road reserve or laneway.
  - (c) Use part of Council's road/footpath area.
  - (d) Pump stormwater from the site to Council's stormwater drains.
  - (e) Store waste containers, skip bins, and/or building materials on part of Council's footpath or roadway.

an appropriate application for a Work (construction) Zone, a pumping permit, a hoarding, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee in accordance with Council's Schedule of Fees and Charges shall be submitted to Council and approval obtained before commencement of any of the those activities.

93. AD13 - A separate application must be lodged and approved under Section 68 of the Local Government Act 1993 for the erection of any A-Frames or signage boards proposed to be erected on Council's footway.
94. If you need more information, please contact Development Assessment Officer, Peter Nelson on 9330-6156 during normal office hours.

A copy of the original report to the IHAP is included as an attachment to this report.