

MINUTES OF THE SYDNEY WEST JOINT REGIONAL PLANNING PANEL MEETING HELD AT THE HILLS SHIRE COUNCIL ON THURSDAY, 24 MARCH 2011 AT 3.30 PM

PRESENT:

Janet Thomson	Chair
Bruce McDonald	Panel Member
Stuart McDonald	Panel Member
Dave Walker	Panel Member
Stewart Seale	Panel Member

IN ATTENDANCE

Claro Patag	Development Assessment Co-ordinator
Cameron McKenzie	Group Manager Environment and Planning
Paul Osborne	Manager Development Assessment Services

APOLOGY:

1. The meeting commenced at 3:30 PM

2. **Declarations of Interest - NIL**

3. **Business Items**

ITEM 1 - 2010SYW058 The Hills DA 298/2011/JP - Conversion of the existing industrial building to a place of worship, associated works, signage and landscaping; 219A North Rocks Road, North Rocks

5. **Public Submission –**

Michael Daffy addressed the Panel against the development
Adam Brynes spoke on behalf of the applicant

6. **Business Item Recommendations**

Item 1 - 2010SYW058 The Hills DA 298/2011/JP - Conversion of the existing industrial building to a place of worship, associated works, signage and landscaping; 219A North Rocks Road, North Rocks

Moved, Dave Walker, seconded by Bruce McDonald that;

Deferred commencement development consent be granted to DA 298/2011 subject to the conditions contained in Appendix A be granted.

MOTION CARRIED.

The meeting concluded at 4:18 PM

1. Post-meeting discussion and determination:

Endorsed by
Janet Thomson
Sydney West Joint Regional Planning Panel
30 March 2011

Appendix A
Conditions of Consent to DA 298/2011/JP
JRPP Ref. No. 2010SYW058

Deferred Commencement – Registration of Right of Carriageway and Drainage Easement

A1. Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to the following:

1. In order to provide a new access road (private) across Lot 1 DP 1143379 in compliance with relevant engineering design standards and Council’s design requirements, the applicant shall submit the following to Council:

- Detailed engineering drawings ensuring that the proposed works associated with the construction of the driveway does not impact the existing stormwater drainage network and basins within Lot 1 DP 1143379, and a minimum driveway width complying with the relevant Australian Standards is provided;
- The existing variable width ‘right of carriageway’ is amended/ extended to reflect the driveway design referenced in Item 1 of this deferred commencement consent unless it is demonstrated that the extent of the driveway design, including any necessary batters, is contained wholly the existing ‘right of carriageway’ registered under DP 1143379.

A2. The applicant must provide Council with written evidence demonstrating that the matters listed under Part A1 above have been satisfactorily addressed no later than four weeks before the notice of expiry date.

B. Upon compliance with the requirements of Part A1, a full consent will be issued subject to the following conditions:

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA:002	Site Plan - Overall	A	24/08/2010
DA:003	Site Plan Detailed A	D	18/02/2011
DA:004	Site Plan Detailed B	A	24/08/2010
DA:010	Lower Ground Floor Plan	A	24/08/2010
DA:011	Ground Floor Plan	A	24/08/2010
DA:012	First Floor Plan	A	24/08/2010
DA:013	Roof Plan	A	24/08/2010
DA:050	Car Park Ground Floor Plan	B	17/11/2010
DA:051	Car Park First Floor Plan	B	17/11/2010
DA:200	Elevations 1	A	24/08/2010
DA:201	Elevations 2	A	24/08/2010
DA:250	Elevations N + E + W	A	24/08/2010
DA:300	Sections AA, BB	A	24/08/2010
DA:320	Section KK + LL + MM	A	24/08/2010
LA01	Landscape Masterplan	B	01/11/2010
LA03	Landscape Detail Plan South Entry and Forecourt (with notation - Revision B - Further Information dated 01/11/2010)	A	25/08/2010
LA04	Landscape Detail Plan	B	01/11/2010

	North Entry and Sports Court		
LA05	Landscape Detail Plan – Carpark	B	01/11/2010
Tiar 2.01 Sheet 12 of 19	Proposed Development – Tree Retention & Removal	0.1	09/12/2010

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Staging of the Development

Stage 1

- Refurbishment/redevelopment of the existing industrial building to accommodate a maximum congregation of 1,600 people;
- Construction of the ground floor level of the main carpark off Trent Road (i.e. 250 car parking spaces and 6 motorbike spaces);
- Landscaping and hard surfaces (including linemarking of 77 parking spaces and 4 mini-bus spaces);
- Use of the administration building; and
- Signage

Stage 2

- Construction of the first floor level of the main carpark off Trent Road (i.e. 248 car parking spaces and 6 motorbike spaces) completing the overall car parking provision on site;
- Construction of the two buildings between the administration building and the industrial building (cafe and guest accommodation building and multipurpose building)

3. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

4. Separate Development Applications for Future Work

Separate development applications are required to be lodged for any future works. Further BCA assessment report and/or fire engineering review may be required to demonstrate their continued conformity with the Performance Requirements of the Building Code of Australia.

5. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). The existing Main Building and the Administration Building shall be upgraded to full conformity with the Performance Requirements of the BCA under Clause 94 of the Environmental Planning and Assessment Regulation 2000. This Development Consent is granted in consideration of the BCA Assessment Report dated 24 August 2010 by BCA Logic Pty Ltd. The non-compliances identified in the Report shall be addressed by fire engineering/alternative solutions implemented in the Fire Safety Schedule. The fire egress model is to be based on the worst case scenario population of 3500 persons in the Main Building. Only the Main Hall in the Main Building has been approved as an Entertainment Venue. Refer to another condition where separate approvals are required for proposed change of use of other areas as entertainment venues.

6. Separate Approval for Use of Other Entertainment Venues

As the current Development Consent does not include the use of other potential entertainment venues within the Main Building e.g. Gallery Foyer, Theatre, Gymnasium, Small Halls 1 to 11, Atrium, Multi-purpose Halls, etc, separate development application is to be lodged and approved prior to the use of those areas as entertainment venues. Those areas, or the building as a whole, may be subject to further upgrading under Clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000.

7 External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

8. Provision of Parking Spaces

The development shall make provision and maintenance thereafter of a minimum of:

- Total of five hundred and seventy five (575) off-street car parking spaces (being 327 spaces in Stage 1, i.e. 77 spaces off North Rocks Road & 250 spaces at ground floor of the main carpark off Trent Road & 248 spaces in Stage 2, i.e. first floor of main car park off Trent Road);
- Twelve (12) motorbike spaces (i.e. six (6) spaces in each floor of the main car park off Trent Road);
- Four (4) mini-bus spaces off North Rocks Road; and
- Six (6) extra parking spaces within the loading area (only to be used during Sunday Service)

9. Compliance with NSW Rural Fire Service Requirements

Compliance with the requirements of the NSW Rural Fire Service attached as Appendix "A" to this consent and dated 23 September 2010.

10. Compliance with the NSW RTA Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority attached as Appendix "B" to this consent and dated 3 November 2010.

11. Compliance with the NSW Police Requirements

Compliance with the requirements of the NSW Police attached as Appendix "C" to this consent and dated 19 October 2010, in terms of the relevant Crime Prevention through Environmental Design (CPTED) factors such as surveillance, access control and territorial reinforcement with the exception of traffic matters outlined in the letter which are addressed separately as separate conditions in this consent.

12. Car Park Management Plan

a). The car parking area accessed off North Rocks Road shall principally be used by aged and disabled persons only. A car park management plan shall be in place in order to deter vehicles from entering the car park unnecessarily and then exiting to North Rocks Road and proceeding to the Trent Road access when the car park off North Rocks Road becomes full. This management plan could either stipulate that an attendant be in place near the North Rocks Road driveway redirecting traffic or provision being made for a sign indicating "*Car park full access off Trent Road*". This plan shall be submitted to Council's satisfaction prior to the issue of any Occupation Certificate.

b). Any car parking not made available on a Sunday due to the construction work in building the upper level of the main car park off Trent Road (as part of Stage 2) be provided as temporary parking elsewhere on site. This area shall be depicted on a site plan for submission to and approval by Council prior to commencement of any works in Stage 2 and the use shall cease upon the issue of an Occupation Certificate for the second level. This area shall be strictly supervised to ensure minimal interruption to the ground floor car park operation and that no overspill parking occur on the street as a result of the upper level construction.

13. Adherence to Waste Management Plan

The Waste Management Plan submitted to Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

14. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;

- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

15. Waste Management

Construction of the garbage and recycling bin storage area is to be in accordance with the "Bin Storage Facility Design Specifications" as attached to this consent. Storage facility is to be provided for a minimum of 4 x 240 litre garbage bins and 4 x 240 litre recycling bins. Garbage and recycling bins are to be ordered no earlier than (3) days prior to occupancy of the development. The bins are to be ordered by the property owner or agent acting for the owner by calling Council's Waste Hotline on 1800 623 895.

16. Dust Control

The following measures must be taken to control the emission of dust:

- dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

17. Construction and Fit-out of Kitchen

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard – Design, construction and fit-out of food premises AS 4674-2004 and the provisions of the Food Safety Standards Code (Australia).

Note: Copies of AS 4674-2004 may be obtained from Standards Australia Customer Service on telephone 1300 654 646 or by visiting the website: www.standards.com.au

Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, e-mail: info@foodstandards.gov.au or by visiting the website: www.foodstandards.gov.au

18. Contamination

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination as contained in the contamination assessment report prepared by JBS Environmental Pty Ltd, referenced as JBS 40795 -13288, dated June 2009, shall be immediately notified to Council.

19. Stockpiles

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

20. Acoustic Requirements

The recommendations of the Noise Impact Assessment Report prepared by Marshall Day Acoustics, referenced as Report No. 001 R02 2010209, dated 23 August 2010 and submitted as part of the Development Application are to be implemented as part of this approval. No external amplification shall occur at any time.

21. Hazardous Building Materials

The recommendations of the Hazardous Building Materials Survey Report prepared by JBS Environmental Pty Ltd, referenced as JBS40795-13303, dated June 2009 and submitted as part of the Development Application are to be implemented as part of this approval.

22. Asbestos Removal

Asbestos and asbestos containing material shall be removed by licensed asbestos removalist and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment & Conservation and all docketts and paper work for the disposal shall be retained and made available to the Council if requested.

23. Acoustic Design of the Main Building

The final design of the main building must be assessed by Marshall Day Acoustics and the design must achieve the Project Specific Noise Levels established in the acoustic report submitted as part of the Development Application. Written confirmation of the acoustic assessment of the final design must be provided prior to the Construction Certificate

24. Restricted Development Area

No works or stockpiling of materials is permitted within the restricted development area created by the preceding subdivision approval pursuant to Development Consent DA 176/2009/ZB.

25. Separate Application for other Signs

A separate application is required to be submitted to, and approved by Council prior to the erection of any advertisements or advertising structures other than the signs approved in this consent.

26. Tree Removal

Approval is granted for the removal of those trees as indicated on Tree Retention and Removal Plan sheet 12 of Arboricultural Impact Assessment prepared by Footprint Green Pty Ltd and dated 09/12/10.

27. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers to be planted at 5/m².

28. Tree/s to be retained

To maintain the treed environment of the Shire, those trees as indicated on Tree Retention and Removal Plan sheet 12 of Arboricultural Impact Assessment prepared by Footprint Green Pty Ltd and dated 09/12/10 are to be retained.

29. Acquisition of an Easement

The creation of a minimum 1.5m wide easement to drain water over Council's Excelsior Reserve No.45, Lot 5 DP 263454 adjoined to the subject site in accordance with the requirements of Council as outlined in the document entitled "Requirements when seeking Drainage Easements over Council land" and generally as shown on the approved plans.

The easement width must vary so as to encompass the outlet structure. All costs incurred must be borne by the applicant.

NOTE:

- In addition to the easement a positive covenant covering the maintenance of the pipe will be required to be created over the dominant tenement, if the easement creation is approved by Council resolution.
- Where an easement is to be created over Council land under this consent the relevant documentation must be reported and submitted for endorsement by the Council.
- Sufficient time must be allowed for the preparation of a report and the execution of the documentation by Council.
- The applicable fee in accordance with Council's Schedule of Fees and Charges is to be paid for endorsement.

30. Protection of Public Infrastructure (Stages 1 & 2)

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

31. Structures Adjacent to Piped Drainage Easements (Stages 1 & 2)

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

32. Requirements for Council Drainage Easements (Stages 1 & 2)

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

Provision for overland flow and access for earthmoving equipment must be maintained.

The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.

No fill, stockpiles, building materials or sheds can be placed within the easement.

New or replacement fencing must be approved by Council. Open style fencing must be used.

33. Vehicular Access and Parking (Stages 1 & 2)

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps is required, with their design and construction complying with:

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part D Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- v. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

34. Gutter and Footpath Crossing Application (Stages 1 & 2)

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the current fee as prescribed by Council's Schedule of Fees and Charges.

35. Engineering Works – Design and Construction Approval Process (Stages 1 & 2)

The design certification and construction approval of the engineering works nominated in this consent require separate approval prior to the commencement of any works.

Works on existing public roads or any other land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road. An ECC can only be issued by Council.

All other engineering works must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

For Council to issue an ECC the following must be provided:

- a) A completed application form.
- b) Four copies of the design plans and specifications.
- c) Payment of the applicable application and inspection fees.
- d) Payment of any required security bonds.

36. Supervision of Works (Stages 1 & 2)

All work in the road/public reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

37. Public Liability Insurance (Stages 1 & 2)

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

38. Directional Signage

Only one (1) directional sign per vehicular entry/exit point to the site shall be permitted, and shall meet the relevant requirements of BHDCP Part D Section 2 – Signage.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

39. Landscape Bond

To ensure the public amenity of the streetscape a landscape bond in the amount of \$20,000.00 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Final Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

40. Engineering Works and Design – Council Approval Required (Stages 1)

The design and construction of the engineering works outlined below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Concrete Footpath Paving

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on 'Trent Road' frontage.

ii. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated

footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

iii. Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

iv. Stormwater Drainage Pipe - Extension within Council's reserve

Construction of a stormwater outlet pipe extended to the proposed point of discharge via a Drainage Easement created within Excelsior Reserve (Council's land) as required under the Condition A1 of the deferred commencement condition.

Note: Council's construction Engineer is required to be consulted prior to commencement of works in this respect.

41. Engineering Works and Design (Stages 1 & 2)

The design and construction of the engineering works outlined below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

i. Driveway Construction from Trent Road (Stage 1)

Construction of a driveway (variable width) as approved under Condition A1 of the deferred commencement condition.

The engineering plans must be endorsed by the property owner of Lot 1 DP 1143379 in relation to the driveway access.

If the Engineering Construction Certificate plans endorsed by the adjoining land owner require amendment to the Right of Carriageway, the Right of Carriageway must be further amended prior to issue of a Construction Certificate.

ii. Onsite Stormwater Detention – Upper Parramatta River Catchment Area (Stage 1)

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The stormwater concept plan 'Hydraulic Services' plans HDA 01-02 (revision 3 & 4 dated 21/02/2011 and 25/02/2011) is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plans and shall include the following:

OSD Basin A

- A minimum of 10% primary underground storage, which should not be formed by the drainage pits pipes;
- Connect the existing drainage pipe traverses through the Basin A to the proposed Discharge Control Pit;
- Provision of an Oil-Arrestor Pit at the outlet of the Basin A.

OSD Basin B

- A minimum of 70 Cum primary underground storage, in order to control the stormwater runoff generated by the new access road;

Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

- A completed OSD Drainage Design Summary Sheet;

- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes;
- A completed OSD Detailed Design Checklist;
- A maintenance schedule.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council subject to the following being provided:

- i. A completed application form;
- ii. Four copies of the design plans and specifications;
- iii. Payment of the applicable application and inspection fees.

iii. Rainwater Reuse Facilities – Sydney Water Requirements (Stage 1)

Proposed conversion of existing tunnel into a Rainwater reuse tank should be completed to Sydney Water's and other relevant authorities.

iv. Site Stormwater Drainage (Stages 1 & 2)

The entire site area including roof gutter over flow must be graded, collected and drained by pits and pipes to a suitable point of discharge based on a 1 in 10 year ARI storm event. This shall include the area proposed to be connected to the OSD facilities including upper level carparks to the respective OSD storages.

v. Traffic Control Plan

A Traffic Control Plan is required to be prepared in strict compliance with the requirements of AS 1742.3 and the current RTA Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RTA accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

42. Works in Existing Easement (Stages 1 & 2)

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate is issued.

43. Works on Adjoining Land (Stages 1 & 2)

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

44. Registration of Drainage Easement

Before any Construction Certificate can be issued documentary evidence (a copy of the registered easement plan and associated 88B Instrument) from the NSW Land and Property Management Authority must be submitted to Council to demonstrate the drainage easement over Council's Excelsior Reserve 45, Lot 5 DP 263454, has been created as required by this consent.

45. Draft Legal Documents (Stage 1)

Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

46. Security Bond – Pavement and Public Asset Protection (Stages 1 & 2)

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of **70,000.00** is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site 100m plus an additional 50m on either side or the width of the road measured from face of kerb on both sides 12m, or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

47. Security Bond – External Works (Stage 1)

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works, or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of any Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

48. Bank Guarantee Requirements (Stages 1 & 2)

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 298/2011/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

PRIOR TO ANY WORK COMMENCING ON SITE

49. Protection of Existing Trees

The trees that are to be retained are to be protected during all works with 1.8m high chainwire fencing which is to be erected at least three (3) metres from the base of each tree or group of trees and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

The installation of services within the root protection zone is not to be undertaken without consultation with Council's Tree Management Officer.

50. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

51. Builder's Address

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

52. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

53. Erosion and Sedimentation Controls – Minor Works

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

54. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and made available to Council officers on request.

55. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

56. Resubmit Waste Management Plan – Demolition/Construction

Prior to the issue of the Construction Certificate the Waste Management Plan for the demolition and construction stages of the development must be resubmitted to and approved by Council. Tiles and plasterboard must be sent to a recycling facility, not to landfill. The following information is required in respect of disposal of bricks, tiles, concrete, timber, metals and gyprock;

1. Waste contractor information;
2. Address of recycling outlet(s) and/or landfill site(s).

A plan showing the location of waste compounds for waste storage and separation during the demolition and construction stages must also be submitted.

The Western Sydney Recycling Directory is available to assist the applicant in selecting appropriate contractors and facilities. The Directory may be obtained from Council's website www.thehills.nsw.gov.au or by contacting Council's Waste Management Project Officer on 9762 1112.

57. Management of Building Sites – Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an afterhours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

58. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

59. Pre-Construction Public Infrastructure Dilapidation Report (Stages 1 & 2)

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

DURING CONSTRUCTION

60. Protection of Existing Vegetation

Care is to be exercised during the construction of the proposed works to ensure natural vegetation and topography on the subject site is not unnecessarily disturbed.

The restricted Development Area adjacent to the proposed car park shall be fenced and sign posted as *Restricted Development Area* during the construction of the car park.

Any material, vegetation and soil not used in the construction of the subject works is to be removed from the site and under no circumstances is to be deposited in bushland areas.

61. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

62. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

63. Internal Pavement Construction Certification (Waste Services)

Certification from a Certified Practicing Engineer (CPEng) must be submitted to Council prior to the issue of an Occupation Certificate, confirming that the internal pavement has been constructed in accordance with the approved plans and is suitable for use by a loaded waste vehicle.

64. Agreement for On-site Waste Collection

An Indemnity Agreement is to be signed and returned to Council to enable servicing of bins from the private road by Council's waste collection vehicles. The garbage service will not commence and bins will have to be taken to the public road for collection, if the Indemnity Agreement has not been received.

65. Interim Fire Safety Certificate

An Interim Fire Safety Certificate must be issued prior to the issue of an Interim Occupation Certificate to use or change the use of a building, except in the case of a Class 1a or Class 10 building(s).

66. Issue of Occupation Certificate

A final inspection shall be carried out to ensure compliance with all the conditions of the Development Consent, prior to the issue of an Occupation Certificate. Such certificate shall be issued prior to the occupation/use of any part of the buildings.

67. Maximum Capacity Signage to be Displayed in the Premises

With effect from 26 January 2010, it is a Prescribed Condition under Clause 98D of the Environmental Planning and Assessment Regulation 2000 that Entertainment Venues, Function Centres, Pubs, Registered Clubs and Restaurant shall have a Maximum Capacity Signage on display. The following signage is ready for use and shall be displayed in a prominent position in the building:

4. Projection suites

2) When a film is being screened at an entertainment venue, at least one person trained in the operation of the projectors being used and in the use of the fire fighting equipment provided in the room where the projectors are installed (the "projection room") must be in attendance at the entertainment venue.

3) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the Building Code of Australia, the person required by subclause (2) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.

4) No member of the public is to be present in the projection suite during the screening of a film.

11. Emergency evacuation plans

1) An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as an entertainment venue.

2) An "emergency evacuation plan" is a plan that specifies the following:

a. the location of all exits, and fire protection and safety equipment, for any part of the building used as an entertainment venue,

b. the number of any fire safety officers that are to be present during performances,

c. how the audience are to be evacuated from the building in the event of a fire or other emergency.

3) Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

69. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site being carried out prior to issue of the Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with BHDCP Part D, Section 3 – Landscaping.

70. Bushland Management Plan

The Bushland Management Plan is to be submitted to Council for approval prior to issue of an Occupation Certificate. The plan can be the previous plan prepared by Ann Clements & Associates Pty Ltd dated 7 April 2009 prepared as part of the subdivision of the property. The plan is to detail management for the restricted development area, and be prepared by a suitably qualified environmental consultant. The plan is to include the recommendations contained in the Flora Assessment Report dated 22 February 2005 and supplementary letter dated 18 July 2008 by Anne Clements & Associates Pty Ltd and the Fauna Assessment Report dated 18 February 2005 and supplementary letter dated 1 December 2008 by Ambrose Ecological Services Pty Ltd (Ambecol).

71. Compliance with Requirements of Development Consent

Compliance with all conditions of approval of the Development Consent on the subject property.

72. Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "Your Business" section of Sydney Water's web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.

Following an application a "Notice of Requirements" will detail 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 and landscape design.

73. Completion of Engineering Works (Stages 1 & 2)

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

74. Post Construction Public Infrastructure Dilapidation Report (Stages 1 & 2)

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets in the direct vicinity of the development site and the means of rectification for the approval of Council.

75. Creation and Registration of Restrictions and Positive Covenants (Stage 1)

a) Creation of Restrictions and Positive Covenants

The submission to Council of all necessary documentation together with payment of the endorsement fee prescribed in Council's Schedule of Fees and Charges to create the following over the title of the property. The wording must nominate The Hills Shire Council as the authority to release, vary or modify each restriction or positive covenant.

i. Restricting Development – OSD Modification

A restriction as to user restricting development over or the varying of any finished levels and layout of the constructed onsite stormwater detention system.

ii. Positive Covenant – OSD Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed onsite stormwater detention system.

b) Registration of Request Documents

The request documents endorsed by Council must be registered and a copy of the registered documents submitted to Council before an Occupation Certificate is issued.

76. Confirmation of Pipe Locations (Stages 1 & 2)

A letter from a registered surveyor must be provided certifying that all pipes and drainage structures are located within the proposed drainage easements.

77. OSD System Certification (Stage 1)

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

- a) Works as executed plans prepared on a copy of the approved plans;
- b) A certificate from a suitably accredited engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably accredited structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

78. OSD System - Stormwater Connection Certification (Stage 2)

Site stormwater drainage collection and drainage to appropriate stormwater points of discharge as required under the consent is to be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the works prior to a final inspection:

- a) Amended Works as executed plans prepared on a copy of the approved plans incorporating stage 2 works;
- b) A certificate from a suitably accredited engineer or surveyor verifying that the completed works will not affect the hydraulic function of the OSD system;

- c) A certificate of structural adequacy from a suitably accredited structural engineer verifying that the structures associated with the constructed additional components of the OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

USE OF THE SITE

79. Security Screens/Locking Devices (Fire Safety)

All required fire exits or paths of travel to an exit shall not be fitted with security screens and/or locking devices that will impede safe egress of the building occupants and visitors without prior consent from Council. This condition does not apply to the entry door of the sole occupancy residential units.

80. No Obstruction to Path of Travel

The placement of storage racks, cabinets, floor stock, pallets or the like, shall not obstruct any path of travel to an exit nor the efficient operation and effective coverage of any fire hose reel, fire hydrant, fire extinguisher or other essential fire safety measures.

81. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

The site identification signage lighting shall be fitted with a time control to coincide with the approved hours of operation.

82. Operational Details

The operation of the place of worship and ancillary facilities shall be restricted to the following:

Purpose	Hours/Day
Administration	Monday to Friday, 8:30am – 6:00pm
Sunday Service (1-hour service)	8:30am 10:00am 12:00pm 3:00pm Premises vacated by 8:00pm.
Sunday School	12:00 – 3:00pm 700 children incl. teachers
Sunday School Teachers, Worship Leaders encouragement & meetings	Monday to Friday, 7:00pm – 10:30pm
Saturday	7:00am – 6:00pm Preparation for Sunday & ancillary uses: - Choir practice - Food preparation - Language guidance
Dawn Service	Monday to Saturday, 5:30am– 6:30am
Special Events	e.g. Easter, Christmas, guest speaker (1 per quarter ave.) 9:00am – 8:00pm
Max. attendance at any one time will be when the Sunday Service occurs at the same time as Sunday School	800 (main service) + 700(Sunday School) + 100(ancillary e.g. parking attendant, admin & catering purposes) - 12:00pm – 2:00pm Sunday

Deliveries	Monday to Saturday, 7:00 – 6:00pm No deliveries on Sundays or public holidays
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No other activities (such as use of gymnasium, library and other ancillary facilities) shall occur on site when Sunday worship and Sunday School are in operation.