

JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	2016SYW138
DA Number	1368/2015/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	PLACE OF PUBLIC WORSHIP
Street Address	LOT 1 DP 242713 AND LOT 6 DP 241932 – NOS. 2 -4 GUM NUT CLOSE, KELLYVILLE
Applicant/Owner	AUSTRALASIAN CONFERENCE ASSOCIATION LTD
Number of Submissions	TWO
Regional Development Criteria (Schedule 4A of the Act)	PRIVATE INFRASTRUCTURE AND COMMUNITY FACILITIES WITH A CIV OF OVER \$5 MILLION
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> - State Environmental Planning Policy (Sydney Region Growth Centres) 2008 - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy Infrastructure 2008 - State Environmental Planning Policy No 55 – Remediation of Land - SEPP No. 64 – Advertising and Signage • List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) <ul style="list-style-type: none"> - Nil • List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> - North Kellyville DCP 2008 - DCP 2012 Part C Section 1 – Parking - DCP 2012 Part C Section 2 – Signage - DCP 2012 Part C Section 3 – Landscaping • List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) <ul style="list-style-type: none"> - Nil • List any coastal zone management plan: s79C(1)(a)(v) <ul style="list-style-type: none"> - Nil • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> - Environmental Planning and Assessment Act Regulation 2000 •

Does the DA require Special Infrastructure Contributions conditions (s94EF)?	Yes, condition recommended.
List all documents submitted with this report for the panel's consideration	Submissions
Recommendation	Approval
Report by	Development Assessment Coordinator Robert Buckham
Report date	18 August 2016

EXECUTIVE SUMMARY

The Development Application is for a place of worship identified as Stage 3 on the approved Masterplan for the Greater Sydney Conference of the Seventh Day Adventist Church and School. The church will be provided in three building wings linked by a large foyer area and includes a chapel with a capacity of 350 persons and a number of multi-purpose rooms. The existing temporary car park will be removed in order to facilitate the construction of the church and the existing permanent car park will be extended to the west and south to provide an additional 80 car parking spaces. The ultimate car parking provision on site following extension of the car park will be 104 spaces.

State Environmental Planning Policy (SEPP) Sydney Regional Growth Centres limits height on the site to 9 metres. A height of 9.6m is proposed which is a 6.7% variation to the standard. The additional height is considered reasonable given the site is located at a prominent street corner and the extent of non-compliance with the height limit (600mm) is only minor, is restricted to the internal parts of the site and does not contribute to any privacy or overshadowing impacts.

The application also proposes a number of signs that exceed the DCP requirements for signs in residential areas. It is considered that the proposed signs, with the exception of the pylon sign on Hezlett Road, are compatible with the scale of the proposed building and use and can be supported subject to illumination being turned off after 9pm at night to protect amenity of adjoining properties. The pylon sign is not supported as it contains an illuminated LED variable message board and is located directly adjacent to residential properties on Hezlett Road and the combination of this sign and other signs proposed is considered to be excessive in a residential zone.

The proposal was notified to adjoining and surrounding property owners and two submissions were received. The submissions raise concerns relating to traffic, parking and local infrastructure. It is considered that sufficient parking is provided for the proposal given that the proposed place of worship will generally operate outside of the hours of use of the school. Improvements to Hezlett Road and the Hezlett Road/Gum Nut Close intersection, including full width reconstruction and a signalised intersection, are accommodated within the provisions of the Section 94 Contribution Plan.

The proposal is defined as 'Integrated Development' under the provisions of Section 91 of the Environmental Planning and Assessment Act, 1979 as the proposal requires approval from the Rural Fire Service under the provisions of the Rural Fires Act 1997. RFS have provided a Bush Fire Safety Authority for the proposal.

In the absence of the JRPP process, this matter would be determined by the Development Assessment Unit.

It is recommended that the Development Application be approved subject to conditions.

BACKGROUND

MANDATORY REQUIREMENTS

Applicant:	Australasian Conference Association Ltd.	1.	<u>SEPP Sydney Region Growth Centres (North Kellyville) 2006</u> - Variation required, see report.
Owner:	Australasian Conference Association Ltd.	2.	<u>DCP North Kellyville</u> - Satisfactory.
Zoning:	R1 General Residential, R2 Low Density Residential and SP2 Infrastructure (Road Widening)	3.	<u>SEPP No. 64 - Advertising and Signage</u> - Satisfactory.
Area:	4.046Ha	4.	<u>DCP Part C Section 1 - Parking</u> - Satisfactory.
Existing Development:	Existing School	5.	<u>DCP Part C Section 2 - Signage</u> - Variation required, see report
		6.	<u>DCP Part C Section 3 - Landscaping</u> - Satisfactory.
		7.	<u>Section 79C (EP&A Act)</u> - Satisfactory
		8.	<u>Section 94A Contribution</u> - \$74,140.00

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. Exhibition:	Yes, 30 days	1.	Private Infrastructure and Community Facilities with a Capital Investment Value in Excess of \$5 million (\$6,740,000).
2. Notice Adj Owners:	Yes, 30 days		
3. Number Advised:	Fifty-seven		
4. Submissions Received:	Two		

HISTORY

27/11/2009

Development Consent granted by DAU for Stage 1 development of the site for a temporary educational establishment (1407/2009/HC).

15/12/2011

Development Consent granted by JRPP to Masterplan (653/2011/JP). The Masterplan approval included nine stages of works over the site. The staging reflected an indicative program for development on the site. The temporary educational establishment was identified as Stage 1 works. The church component was identified as Stage 3 on the approved

	Masterplan.
10/02/2012	Development Consent granted for Middle School buildings (Stage 2) under Delegated Authority (711/2011/HC). This consent provided for 350 students and 48 car spaces. This consent has not yet been acted upon.
14/12/2012	Development Consent granted for Senior School buildings (Stage 4 and 5) under Delegated Authority (682/2013/HC). This consent provided for 300 students, 25 staff and 48 car spaces. This consent has been acted upon.
05/05/2015	Subject Development Application 1368/2015/HC received.
14/07/2015	Letter sent to the applicant requesting additional information in relation to various stormwater matters.
07/09/2015	Water Sensitive Urban Design information submitted.
21/10/2015	Further additional engineering information submitted.
01/12/2015	Additional information requested in relation to various stormwater matters.
05/02/2016	Additional information received.
22/02/2016	Meeting held with the applicant in relation to outstanding engineering information.
02/03/2016	Further additional information requested in relation to various stormwater matters.
16/03/2016	Additional information submitted in relation to outstanding stormwater matters.
06/04/2015	Further additional information requested in relation to various stormwater matters.
13/04/2016	Further meeting held with the applicant in relation to outstanding engineering information.
28/04/2016	Further comments provided to the applicant in response to plans and details tabled by the applicant at the meeting with Council staff on 13 April 2016.
06/06/2016	Additional information submitted.
20/07/2016	Briefing of Joint Regional Planning Panel.

PROPOSAL

The proposed development is for a place of worship identified as Stage 3 on the approved Masterplan (DA 653/2011/JP) for the Greater Sydney Conference of the Seventh Day Adventist Church and School (refer Attachment 5).

The church building will be located in the north eastern corner of the site adjacent to Hezlett Road and Gum Nut Close. The proposal includes three building wings linked by a large foyer area (refer Attachment 7). The proposal includes:

- A chapel with a capacity of 350 persons.
- Two multi-purpose wings. The southern-most building will include two multi-purpose rooms, storeroom and a kitchen (to be used for catering for church functions). The building in the north eastern corner of the site will provide two multi-purpose rooms on the ground level together with reception area, amenities and library. A large seminar space is proposed on the first floor.

- The internal foyer leads to a large outdoor courtyard area which will serve as an informal meeting space.

The table below identifies the proposed use of the facility:

Activity	Time	Frequency	Maximum estimated Attendees
Adult study groups	Saturday 9.30am – 11am	Weekly	150
Children's groups	Saturday 9.30am – 11am	Weekly	130
Worship services	Saturday 11am – 12.15pm	Weekly	350
Teen/Youth Programs	Friday Night 7.30pm – 10pm	Weekly	30 - 150
Games/Social nights	Saturday night 6.30pm – 10pm	Bi monthly	150
Playgroup	9.30am – 11am	Up to 3 mornings per week	20 plus coordinator
Mid-Week Study Group	Weekdays 7.40pm – 9.30pm	2 days per week	20
Healthy living/Weight Management Programs	Sunday 6.30pm – 8.30pm	2 courses, 8 weeks per year	20
Exercise classes	Monday 6.30pm – 7.30pm	Weekly	15
Weeks of Worship	Sunday to Friday 7.30pm – 9.30pm	2 weeks per year	120
Pathfinders/Scouts Program	Saturday 5pm – 9pm	Monthly	50
Weddings	Normally Sundays for 1.5 hours	Approximately 3 times per year	100 - 200
Funerals	Normally weekdays (would be limited to outside peak school hours eg 9.30am – 2pm)	Approximately 2 times per year	Up to 300

The buildings will generally be in use during the following hours:

- Monday to Thursday – 8.00am to 9.30pm;
- Friday – 8.00am to 10.00pm;
- Saturday – 9.30am to 10.00pm; and
- Sunday – 9.30am to 9.30pm.

In addition to the church building, offices associated with the operation of the church are proposed to be constructed. The administration facilities will include offices and a drop-in centre. The applicant has advised that it is anticipated that these facilities will also be used by the school community for pastoral care services for students and their families.

A fenced play area is proposed to be located to the east of the church and a ceremonial driveway, principally to be used for funeral services, is proposed for the church. This will require the provision of two new vehicular crossings to Gum Nut Close.

The existing temporary car park will be removed in order to facilitate the construction of the church. The existing permanent car park will be extended to the west and south to provide an additional 80 car parking spaces. The ultimate car parking provision on site following extension of the car park will be 104 spaces for both the school and church.

In order to facilitate expansion of the car park, the existing temporary drainage swale will be relocated to its permanent location (between the car park and the church). Provision of the swale in this location will require the construction of a bridge across the swale to facilitate pedestrian (and light vehicle) access to the church.

A separate, additional exit only driveway is proposed to be provided at the western end of the car park. Due to the provision of the central road swale in Gum Nut Close, a left turn only will be available to vehicles exiting via this driveway.

The application also proposes four signs (Refer Attachment 10) including:

- Sign 1 – Pylon Sign Hezlett Road – 6.9m high x 1.375m wide (9.48m²), internally illuminated;
- Sign 2 – Wall Sign on north eastern wall of multi-purpose building – 6.5m wide x 4m high (26m²), internally illuminated;
- Sign 3 – Wall Sign on northern wall of chapel building, 11m wide x 700mm high (7.7m²), internally illuminated; and
- Sign 4 – Wall Sign, western wall of chapel building, 12.5m wide x 4m high (50m²), LED variable messages and images sign.

ISSUES FOR CONSIDERATION

1. Compliance with Requirements of SEPP Sydney Region Growth Centres 2006

a. Permissibility

The subject site is located within the North Kellyville Precinct and is zoned pursuant to SEPP Sydney Region Growth Centres 2006. The development site is located on land zoned R1 General Residential, R2 Low Density Residential and SP2 Infrastructure (Road Widening)(refer Attachment 3).

A place of public worship is defined as:

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

The place of public worship is proposed to be located on that part of the site zoned R1 General Residential under the Growth Centres SEPP. A *place of public worship* is permissible in the R1 General Residential zone with consent.

The car park, which is located in the R2 Low Density Residential zone, will be used by both the school and the church. *Places of public worship* are a prohibited land use in the R2 Low Density Residential zone despite one of the zone objectives implying that religious activities are acceptable;

To support the well being of the community, including educational, recreational, community, religious and other activities if there will be no adverse effect on the amenity of the proposed or existing nearby residential development.

The issue of the dual use of the car park by both the school and the church was considered and approved by the JRPP as part of their consideration of the Masterplan DA (DA 653/2011/JP). The JRPP report specifically noted:

The car park which is proposed in the R2 zone will be used by both the school and the church. However 'places of public worship' are a prohibited land use in the R2 zone despite the zone objective implying that religious activities are acceptable. Notwithstanding this, given that the car park is ancillary to the school, the location of the car park is permissible within the zone.

Similarly, the church offices (which will be located on land zoned R2 Low Density Residential) will also provide services ancillary to the school community.

It is considered that as Educational Establishments are a permissible use in the R2 Low Density Residential zone, the car park is ancillary to the school and the offices will also serve students and other members of the school community, these uses are permissible within the R2 Low Density Residential zone as ancillary development associated with the school.

b. Height

SEPP Sydney Region Growth Centres 2006 limits the height of the development to 9 metres (refer Attachment 4). The proposal has a maximum height of 9.6 metres, which is a variation of 600mm or 6.6%.

The applicant has sought to rely on Clause 4.3 Height of Buildings rather than submit a formal Clause 4.6 Variation to exceed the 9m height limit. Clause 4.3 of the SEPP states (emphasis added):

4.3 Height of buildings

(1) *The objectives of this clause are as follows:*

- (a) to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,*
- (b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,*
- (c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,*
- (d) to provide appropriate height controls for commercial development,*
- (e) to restrict the height of buildings within the curtilage of heritage items.*

(2) *Except as provided by this clause, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

(2A) ***The consent authority may grant development consent for development for the purpose of an attached dwelling, a dwelling house, dual occupancy, multi dwelling housing, place of public worship or school on land in Zone R1 General Residential or Zone R2 Low Density Residential, or a dwelling house on land in Zone E4 Environmental Living, that exceeds 9 metres in height above finished ground level, if the consent authority is satisfied that the development:***

(a) is located:

- (i) on a prominent street corner, or***
- (ii) adjacent to land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre or that is a public open space, or***
- (iii) on land with a finished ground level slope equal to or more than 15%, and***

(b) is not likely to have an adverse impact on the existing or future amenity of any adjoining land on which residential development is permitted, having regard to over shadowing, visual impact and any impact on privacy.

Measurement of building height

The SEPP defines building height as:

building height (or **height of building**) means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Comment:

The Growth Centres SEPP does not define 'prominent street corner' however the corner of Hezlett Road and Gum Nut Close will be a signalised intersection, one of only three within the precinct and could therefore be considered as being a prominent street corner. The site is also considered prominent due to its use as a school and church which is likely to be a focal point for the local community.

A building height plane plan (Refer Attachment 12) identifies the sections of the proposed building which exceed the 9 metre height limit. This plan demonstrates that the extent of non-compliance with the height limit (600mm) is only minor and restricted to the internal parts of the site and does not contribute to any privacy or overshadowing impacts. The development also satisfies the objectives of Clause 4.3 above in that it does not impact on the amenity of adjoining residential development and does not result in an unreasonable built form outcome.

Further, the following comments were provided within the JRPP report in relation to the Masterplan DA and school hall building approved as part of the Nation Building Scheme in 2011:

Whilst the Masterplan is a concept and does not fully detail the heights of all buildings, the application does indicate that the church and hall would exceed the 9m height limit.

With respect to the school hall, the applicant sought approval from the Taskforce but also sought comments from Council. The plans proposed a minor portion of the hall roof toward the rear (away from the public main road) to be approximately 9.8m above the finished ground level - exceeding the SEPP's standard by 800mm. Council staff advised that there was no objection to the proposed hall location and the height variation subject to several conditions including determination of the overall Masterplan.

It is considered that the height exceedance is minimal and variation is considered acceptable as the non-compliance does not create any detrimental impacts on neighbours through overshadowing or privacy impacts.

Given the above comments, it is considered that the minor variation to the height control in this instance is acceptable.

2. Compliance with the North Kellyville Development Control Plan 2008

The proposal has been assessed against the requirements of the North Kellyville Development Control Plan. Comments have been provided below to the relevant sections of the DCP being setbacks, signage and parking controls.

Section 4.2.2 – Setbacks

Section 4 of NKDCP 2008 sets out provisions for setbacks for residential development in the various character areas of the North Kellyville Precinct. While these provisions do not

apply to places of public worship, the church building has adopted a setback of 4.5m to both Hezlett Road and Gum Nut Close. The proposed setbacks are consistent with the setback stipulated within the Masterplan (DA 653 2015/JP – Attachment 5) and remain satisfactory with a reasonable built form outcome and streetscape character.

Section 5.1.3 – Signage

The proposed development includes the erection of business identification signage on the building and on the Hezlett Road frontage of the site. Section 5.1.3 of NKDCP sets out the following objectives for signage in the North Kellyville Precinct however the controls are more suited to business uses. The proposal has also been assessed in relation to SEPP 64 Advertising and Signage and The Hills Development Control Plan Part C Section 2 – Signage.

The proposed business identification signage is consistent with the objectives of Section 5.1.3.

Section 5.1.4 – Parking

A parking provision for places of public worship is not identified in Table 20 under Section 5.1.4 of NKDCP and therefore parking for the church component has been calculated having regard to the provision of The Hills DCP Part C Section 1 Parking.

3. Compliance with The Hills Development Control Plan

The proposal has been assessed against the provisions of The Hills Development Control Plan (THDCP) particularly:-

- Part C Section 1 – Parking
- Part C Section 2 - Signage
- Part C Section 3 – Landscaping

In this regard the North Kellyville DCP specifically states that the NKDCP should be read in conjunction with the above DCP's.

a. Part C Section 1 – Parking

The application has been assessed against the relevant standards and objectives of The Hills DCP Part C Section 1 – Parking which is applicable to the proposal pursuant to Clause 1.3 of the North Kellyville DCP.

Parking was considered as part of the Masterplan for the site which approved a school accommodating a population of 1,000 students and 120 staff and a church with a seating capacity of 350 people. The Masterplan involved the provision of off-street car parking for a total of 180 vehicles accessed via Gum Nut Close.

A place of worship requires parking be provided at the rate of 1 space per 5 seats. Based on the place of worship (chapel) having 350 seats, 70 spaces for this use would be required. It is noted that the highest anticipated capacity (350) is to occur on a Saturday. It is noted that other activities occur during school hours however these are low attendance activities. The only use with high attendance will be funerals and these are infrequent will not be held during peak school drop off and pick up.

The DCP allows that, where the component uses are not operated concurrently, parking provisions will be based on whichever of the components generates the greatest car parking requirement and where the main usage periods of the component uses do not coincide, Council may consider a reduction in the car parking requirements provided that the total car parking is not less than that needed for the component that generates the greatest requirement.

Based on the current approvals for the school a total of 48 car spaces are required. Given 70 spaces are required for the place of worship, a total of 118 spaces would be required. However, it is considered that the 104 spaces proposed as part of this application and existing school stages is sufficient to cater for development proposed as part of this application given the schedule of uses proposed, dual use of parking and alternate times for use of the school and church.

b. Part C Section 2 – Signage

The North Kellyville DCP has limited applicability for signage in residential zones. An assessment against the relevant controls of Part C Section 2 – Signage has been undertaken.

i. Signage in residential areas

The application proposes 4 signs (Refer Attachment 10) including;

- Sign 1 – Pylon Sign Hezlett Road – 6.9m high x 1.375m wide (9.48m²), internally illuminated;
- Sign 2 – Wall Sign on north eastern wall of multi-purpose building – 6.5m wide x 4m high (26m²), internally illuminated;
- Sign 3 – Wall Sign on northern wall of chapel building, 11m wide x 700mm high (7.7m²), internally illuminated; and
- Sign 4 – Wall Sign, western wall of chapel building, 12.5m wide x 4m high (50m²), LED variable messages and images sign.

As indicated, the proposed signs relate to a place of worship within a residential area. Clause 2.3 Signs in Residential Zones of the DCP includes the following relevant objectives and controls.

Objectives:

- (a) *To permit an approved use to adequately identify their premises while maintaining the residential character of the area.*
- (b) *To ensure that advertising signs are appropriate to size and scale of the activity conducted on the property.*
- (c) *To ensure that advertising signs do not detract from any residential area by requiring size, shape, materials and location of the signage to complement the visual character of the surrounding area.*

Controls:

- | | |
|-----------------------|--|
| <i>Section 2.3(a)</i> | <i>The maximum area of any sign shall be 2.25m² with maximum dimensions of 1.5m x 1.5m.</i> |
| <i>Section 2.3(b)</i> | <i>The maximum height to the top of a sign shall be 2.5 metres from natural ground level.</i> |
| <i>Section 2.3(d)</i> | <i>Illuminated signage is prohibited within residential zones other than an illuminated cube light to identify health care premises.</i> |

Comment:

The proposed signage does not comply with the above numerical requirements, however is supported with the exception of the proposed pylon sign on Hezlett Road (Sign 1). The remaining three signs are considered satisfactory in regards to the objectives given that the size of the signs is appropriate and they allow adequate identification of premises. The proposed pylon sign is located adjacent to existing residential properties in Hezlett Road

and given it is illuminated and includes an LED message board has the potential to detract from the residential character of the area and impact the adjoining properties.

ii. Illumination of Signs

Clause 2.11 of the DCP provides objectives and controls for illumination of signs as follows:

Objective:

- i. *To ensure that illuminated signage does not adversely impact on adjacent property owners or the amenity of the area."*

Controls:

Section 2.11(a) Any illuminated signage shall not adversely impact upon adjoining properties and shall be designed to ensure that no light spills onto adjoining or adjacent properties.

Section 2.11(b) Any illumination of signage shall be switched off upon the closure of business each day. Should the business operate during normal business hours only, illumination shall be switched off by 9pm daily.

Comment:

The signs are proposed to be illuminated either internally or are LED type. Conditions are recommended that require any signage illumination to be switched off by 9:00pm and limitations on the content and use of any LED signage (refer Conditions Nos. 66, 67 and 68).

4. Compliance with State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No. 64 – Advertising Signage requires consideration of the following design considerations:-

"A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1."*

Schedule 1 - Assessment Criteria

Assessment Criteria	Proposal	Compliance
Character of the Area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage with the exception of the Pylon Sign (Sign 1) is considered consistent with existing land uses within the locality. Although the proposed signage does not comply with Council, Signs in Residential Zones, it is considered to satisfy the objectives of the DCP and satisfy the character	Yes (Subject to Sign 1 being deleted).

	considerations of SEPP 64.	
Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal is adjacent to residential properties. Although no objections were received in regard to the proposed signage the proposed pylon sign is illuminated and includes an LED message board that has the potential to detract from the residential character of the area and impact the adjoining properties. The remaining signs are considered to not detract from the amenity and visual quality of the adjoining residential area.	Yes (Subject to Sign 1 being deleted).
Views and vistas Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	The signage does not compromise important views. The signage does not dominate the skyline, nor reduce the quality of existing vistas. The proposal does not have a detrimental impact on the viewing rights of other advertisers.	Yes. Yes. Yes.
Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage is considered to be in scale with the proposed development and other developments in the locality. While the signage does not contribute to a more pleasing streetscape, the provision of the signage is considered not to detract from the streetscape.	Yes.

<p>Site and building</p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The proposed signage is considered satisfactory and maintains architectural integrity of the building and setting.</p> <p>The proposal does not detract from important features on the site.</p>	<p>Yes.</p>
<p>Associated devices and logos</p> <p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>All elements of the signage have been integrated in to the design and are considered satisfactory.</p>	<p>Yes.</p>
<p>Illumination</p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Is the illumination subject to a curfew?</p>	<p>The proposed pylon sign is located adjacent to existing residential properties in Hezlett Road and given it is illuminated and includes an LED message board has the potential to detract from the residential character of the area and impact the adjoining properties.</p> <p>The remaining signage will not adversely impact upon adjoining properties and has been designed to ensure that no light spills onto adjoining or adjacent properties or interferes with the safety of vehicles or pedestrians.</p> <p>A condition is recommended that requires that the signage approved by this consent shall only be illuminated until 9pm.</p>	<p>Yes (Subject to Sign 1 being deleted).</p>
<p>Safety</p> <p>Would the proposal reduce the safety for any public road?</p>	<p>It is not considered that the proposal reduces safety as specified in SEPP 64 including inhibiting of view lines or</p>	<p>Yes</p>

Would the proposal reduce the safety for pedestrians or bicyclists?	distracting vehicles and pedestrian utilising the pedestrian crossing.	
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?		

Objectives of the Policy

"1) *This Policy aims:*

(a) *to ensure that signage (including advertising):*

(i) *is compatible with the desired amenity and visual character of an area, and*

(ii) *provides effective communication in suitable locations, and*

(iii) *is of high quality design and finish."*

The evaluation of the application having regard to the assessment criteria contained within SEPP 64 indicates that the proposal satisfies the objectives of the SEPP.

5. Compliance with the Masterplan

The proposal for the place of worship is consistent with the Masterplan (653/2011/JP) and provides an appropriate facility for use by the community. Issues relating to general impacts in respect to traffic and appropriateness of the use were considered with the Masterplan, and as the proposal is consistent there are no concerns raised in respect to these matters.

6. Integrated Development – NSW Rural Fire Service

The application is classified as 'integrated development' pursuant to Section 91 of the Environmental Planning and Assessment Act, 1979 as the development requires approval from the Rural Fire Service (RFS).

The application was referred to RFS for assessment and was considered satisfactory with a Bushfire Safety Authority issued by the RFS without conditions (Refer Attachment 13).

7. Issues Raised in Submissions

The application was placed on exhibition and notification for a period of thirty days and two submissions were received. The issues raised are addressed below.

ISSUE/OBJECTION	COMMENT	OUTCOME
The estimated capacity of the building is 350 persons. This will cause tremendous traffic and parking problems when the building is in use. Should 350 people attend at any one time then there could be around 200 vehicles that need to enter Gum Nut Close and require a parking space. We have lived in Gum Nut Close	As identified in Section 3 of this report, a place of worship requires parking be provided at the rate of 1 space per 5 seats. Based on the place of worship (chapel) having 350 seats, 70 spaces for this use would be required. The application will provide 104 spaces as part of this proposal and existing school stages which is sufficient to cater for development. It is noted that	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>since October 2013 and since then have experienced a number of Adventist College functions that have resulted in cars parking on the residential side of Gum Nut Close that restricted access to our driveways. We have accepted this because the College only has a few functions yearly. However, we have discussed this problem with the College and they appreciate our concerns and they try to encourage visitors to not park on the residential side of the road during College functions.</p>	<p>the highest anticipated capacity (350) is to occur on a Saturday outside school hours. Other activities occur during school hours however these are low attendance activities. The only use with high attendance will be funerals and these are infrequent and will not be held during peak school drop off and pick up.</p>	
<p>Should this development go ahead we believe that any access and exit for this new development should be on Hezlett Road and not Gum Nut Close. Additionally with such an increase in local traffic, Hezlett Road would require improvement to deal with the increase in traffic in this local area.</p>	<p>Hezlett Road is identified as a sub-arterial road within the North Kellyville DCP. Direct vehicular access is not permitted to and from the property from Hezlett Road. Improvements to Hezlett Road are accommodated within the provisions of the Section 94 Contributions Plan, and works are due to commence once works on Samantha Riley Drive have been completed. These works include the full width reconstruction of Hezlett Road. The intersection of Hezlett Road/Gum Nut Close and Gabba Street will also ultimately be controlled by traffic signals.</p>	<p>Issue addressed.</p>
<p>Vehicular connectivity between Gum Nut Close and the expanded car parking area is proposed to be accessed via an upgrading of the existing site access driveway located opposite Messenger Street in conjunction with the provision of a new egress only driveway, located approximately 70m to the west of Messenger Street.</p> <p>This will mean that all traffic will have to depart into Gum Nut Close and have to do a U turn and come back into a very narrow street. If any caravans or trucks are parked there, traffic and especially buses and trucks have difficulty getting down the street which is being made worse by the trees planted in the centre. We believe the entrance to the car park should be</p>	<p>It is acknowledged that carpark users may use the western exit driveway and undertake a U turn at the Barwick Street intersection to travel east along Gum Nut Close to Hezlett Road, however opportunity will also exist in the future for users to continue west along Gum Nut Close and travel south towards Samantha Riley Drive along Hardcastle Street, Farnsworth Street and Treweek Avenue. Given the carpark has been designed to provide an entry and exit driveway adjacent to Messenger Street, the proposed driveway locations and functions are considered acceptable.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
widened to allow egress into a street that is wide enough to take all the traffic.		

8. North Kellyville Section 94A Contributions Plan

The site is located within the area to which the North Kellyville Section 94A Contributions Plan applies.

The Section 94A Plan provides that Council may levy a contribution based on a percentage of the proposed cost of carrying out the development (1% of the cost of works in this instance). Clause 8 of the Plan provides that an exemption may be requested in certain circumstances. An application for the purpose of a place of public worship is identified as a use for which Council may allow an exemption from payment of a levy.

The applicant has requested that consideration be given to not imposing a condition requiring the payment of a levy for this application. The applicant states:

The development of the church at this facility will be an integral component in the North Kellyville community and be available for a variety of activities that will benefit the social and cultural welfare of that community.

The development is unlikely to generate a demand for facilities and services above that currently contemplated for the North Kellyville area. The church will not generate significant traffic and no specific traffic management controls, other than those already planned, will be required.

Although Clause 8 of the North Kellyville Precinct Plan provides Council with the ability to exempt specific types of development from the payment of Section 94A contributions in certain circumstances, it is important to note that the granting of such an exemption is at the full discretion of Council following careful consideration of any "comprehensive submission" requesting exemption associated with a development proposal. In response to the applicant's request, the following is noted:

1. While it is acknowledged that the church may benefit a portion of the North Kellyville community, it is not "local infrastructure". A range of other developments which could also be seen to benefit the community (such as non-Government Schools, recreation facilities and shopping centres) are also expected to make Section 94A Contributions on the basis that they result in an incremental increase in demand for local infrastructure within the area;
2. It is considered that the development will generate significant traffic within the locality above that of residential development that was envisaged for the subject site and therefore it is appropriate in this instance to impose a contribution condition reflective of this; and
3. Notwithstanding 1 and 2 above, the granting of exemptions is at the full discretion of Council and in accordance with Section 94A (4) of the EP&A Act, "a condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition".

Based on the above it is considered both fair and reasonable to levy the proposed development in accordance with the applicable Section 94A Contributions Plan.

9. SEPP 55 - Remediation of Land

Clause 7 (Contamination and remediation to be considered in determining development application) of SEPP 55 – Remediation of Land, states:

"(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

A Detailed Site Investigation (DSI) of the subject site was undertaken by Sydney Environmental and Soil Laboratory. A copy of the DSI dated 22 July 2009 was included as part of the Masterplan DA (DA 653/2011/JP).

That assessment concluded that the site is suitable for the proposed construction of a church and school facility, however should any additional contamination be encountered, an environmental consultant should prepare a Remedial Action Plan (RAP) providing details for site remediation. This is consistent with recommended Condition 42.

ENGINEERING COMMENTS

No objection raised to the proposal. Relevant conditions of consent are included in the recommendation.

TREE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions of consent are included in the recommendation.

ENVIRONMENTAL HEALTH & SUSTAINABILITY COMMENTS

No objection raised to the proposal. Relevant conditions of consent are included in the recommendation.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, SEPP Sydney Region Growth Centres, the North Kellyville Development Control Plan and The Hills Development Control Plan and is considered satisfactory.

The issues raised in the submissions have been addressed in the report. Further amendment or refusal is not warranted.

Accordingly approval subject to conditions is recommended.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for satisfactory built form is provided with respect to the streetscape and general locality

RECOMMENDATION

The Development Application be approved subject to the following conditions of consent.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

The amendments in red include:

- The Pylon Sign (Sign 1) be deleted

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA01	Site Plan	1	04/05/2015
DA02	Ground Floor Plan	1	30/04/2015
DA03	Level 1 Floor Plan and Roof Plan	1	30/04/2015
DA04	Elevations	1	30/04/2015
DA05	Sections and Fence Elevations	1	04/05/2015
DA06	Car Park Plan – Kiss and Drop	1	30/04/2015
DA07	Car Park Plan (Non Kiss and Drop)	1	30/04/2015
DA13	External Finishes Schedule	1	30/04/2015
DA14	Signage Locations	1	30/04/2015
LP-001	Landscape Plan	00	22/04/2015
LP-002	Landscape Plan	00	22/04/2015

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. 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 5 June 2015.

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. 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.

5. External Finishes

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

6. Compliance with Masterplan 653/2011/JP

The subject development application shall be constructed and operated in accordance with Development Consent 653/2011/JP and any subsequent amendments, including all conditions of consent.

7. Recycled Water

The subject site must be connected to Sydney Water's Rouse Hill Recycled Water Scheme, unless written evidence from Sydney Water is submitted advising that this service is not available.

8. Water Sensitive Urban Design Handover Process

An operations and maintenance plan must be prepared for all WSUD proposals. The operations and maintenance plan must include:

- The location and type of each WSUD element, including details of its operation and design;
- A brief description of the catchment characteristics, such as land uses, areas etc;
- Estimated pollutant types, loads and indicative sources;
- Intended maintenance responsibility, Council, landowner etc;
- Inspection method and estimated frequency;
- Adopted design cleaning/ maintenance frequency;
- Estimate life-cycle costs;
- Site access details, including confirmation of legal access, access limitations etc;
- Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- A work method statement;
- A standard inspection and cleaning form.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

9. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

10. Protection of Public Infrastructure

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.

11. Structures Adjacent to Piped Drainage Easements

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.

12. Requirements for Council Drainage Easements

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

13. Vehicular Access and Parking

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

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2
- DCP Part C Section 1 – Parking
- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- 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.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

14. Gutter and Footpath Crossing Application

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

15. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

a) Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

The proposed driveways must be built to Council's heavy duty standard.

The pedestrian accesses adjacent to the driveways must be physically delineated from the latter by way of line-marking or similar. The layback in the footpath verge must only extend for the width of the driveway to stop vehicles driving across the pedestrian accesses also.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

b) Disused Layback/ Driveway Removal

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

c) Earthworks/ Site Regrading

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

16. Finished Floor Level – Flooding

The finished floor level (or levels) of the building must reflect the approved plans and are to be no lower than 500mm above the top water level associated with the adjacent overland flow path/ easement at any point.

The finished floor level (or levels) of the car park reflect the approved plans and are to be no lower than the top water level associated with the adjacent overland flow path/ easement at any point.

17. Contamination

Any new information, that may come to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council's Manager – Environment and Health.

18. Litter Control

A sufficient number of litter bins must be provided on the premises for litter disposal.

19. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by EMF Griffiths Pty Ltd, referenced as Project No. S215607, dated 22 April 2015 and submitted as part of the Development Application are to be implemented as part of this approval.

20. Tree Removal

Approval is granted for the removal of three (3) trees located within the building platform as marked on landscape plan prepared by Stanton Dahl architects dated 26/03/15.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

21. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 45 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

Proposed planting *Eucalyptus scoparia* is to be replaced by *Eucalyptus crebra*.

Proposed planting *Eucalyptus saligna* is to be replaced by *Eucalyptus tereticornis*.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

22. Security Bond Requirements

A security bond may be submitted in lieu of a cash bond. The security bond must:

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);

- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

23. Sediment and Erosion Control Plan

A sediment and erosion control plan prepared in accordance with Council's Works Specification Subdivision/ Developments must be submitted. The plan must include:

- Lot boundaries;
- Roads;
- Contours;
- Existing vegetation;
- Existing site drainage;
- Critical natural areas;
- Location of stockpiles;
- Erosion control practices;
- Sediment control practices; and
- A maintenance program.

24. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$112,625.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (250m) multiplied by the width of the road (5.3m).

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council 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 costs.

25. Engineering Works and Design

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Engineering works can be classified as either "subdivision works" or "building works" as categorised below:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed. A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued

certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction, a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so. 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.

The following engineering works are required:

a) Stormwater Drainage – Overland Flow Path/ Easement

The section part/ completion of the piped stormwater connection/ overland flow path between Hezlett Road and Gum Nut Close shown on the concept engineering plan prepared by Cardno (Revision 5) must be designed and constructed as part of these works.

b) Stormwater Management

Water sensitive urban design elements, consisting of rainwater tanks, storage tanks, proprietary products relating to water quality treatment, gross pollutant traps and pit inserts, are to be located generally in accordance with the plans and information submitted with the application. Specifically, the WSUD masterplan prepared by Cardno Revision 10 dated 03/06/2016 and the associated letter from DFP dated 06/06/2016 (7112H.2ER_RFI).

These works must also comply with DA 653/2011/JP Condition 14(xii) except as specifically amended by the above.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>

- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>

26. Section 94A Contribution

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The North Kellyville Precinct Section 94A Contributions Plan, a contribution of **\$74,140** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of The North Kellyville Precinct Section 94A Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate or Complying Development Certificate.

You are advised that the maximum percentage of the levy for development under section 94A of the Act having a proposed construction cost is within the range specified in the table below;

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

27. Special Infrastructure Contribution – Growth Centres

The applicant is to make special infrastructure contribution in accordance with any determination by the Minister administering the Environmental planning and Assessment Act 1979 under Section 94EE of the Act that is in force on the date of this consent, and must obtain a certificate to that effect from the Growths Centres Commission before a Construction certificate or subdivision certificate is issued in relation to any part of the development to which this consent relates

More information on the Special Infrastructure Contribution can be found at the Growth Centres Commission's website at www.gcc.nsw.gov

To obtain an estimate of the Special Infrastructure Contribution that may be payable for the application please email infrastructurecontribution@gcc.nsw.gov.au

PRIOR TO WORK COMMENCING ON THE SITE

28. Principal Certifying Authority

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

29. Builder and PCA Details Required

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.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

30. 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 after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

31. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

32. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

33. Public Infrastructure Inventory Report

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. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- Planned construction access and delivery routes; and
- Dated photographic evidence of the condition of all public assets.

34. Erosion and Sedimentation Controls

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. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

35. Site Water Management Plan

A Site Water Management Plan is to be prepared. The plan shall be in accordance with *"Managing Urban Stormwater - Soils and Construction"* (Blue Book) produced by the NSW Department of Housing. The plan is to be kept on site at all times and made available upon request.

36. 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 available to Council on request.

37. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree 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.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

DURING CONSTRUCTION

38. 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.

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

Section 109E(3)(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.

40. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

41. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*.

42. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

43. Stockpiles

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

44. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, 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 construction work;
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

45. Overland Flow Path

Before any Occupation Certificate can be issued the existing block wall across the overland flow path/ easement along the site boundary facing Hezlett Road must be removed so that stormwater can enter the overland flow path/ easement from Hezlett Road, in accordance with the previous approval that created the first section of this overland flow path/ easement within the subject site.

46. Public Road Dedication

An Occupation Certificate must not be issued until the sections of Hardcastle Street and Farnsworth Road within the subject site have been dedicated to the public as public road at no cost to Council as required by DA 1407/2009/HC.

47. Works as Executed Plans

Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the subdivision works are completed. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments.

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

48. Confirmation of Pipe Locations

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

49. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

50. Public Asset Creation Summary

A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.

51. Completion of Engineering Works

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

52. Public Infrastructure Inventory Report - Post Construction

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 and the means of rectification for the approval of Council.

53. Consolidation of Allotments

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

54. Legal Agreement – Drainage Easement Encroachment

The completion and registration of a deed of agreement acceptable to, and in favour of, Council preserving Council's right of access to pipelines and overland flow along the existing drainage easement. This deed of agreement must be registered on the title of the property via a positive covenant. Council has standard wording that is available upon request.

The deed of agreement must be submitted to Council for checking along with payment of the applicable fee from Council's Schedule of Fees and Charges. As this process includes the preparation of a report and the execution of the documents by Council, sufficient time should be allowed.

55. OSD System Certification

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:

- Works as executed plans prepared on a copy of the approved plans;
- A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- A certificate of structural adequacy from a suitably qualified 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.

56. Water Sensitive Urban Design Certification

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- WAE drawings and any required engineering certifications;
- Records of inspections;
- An approved operations and maintenance plan; and
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD 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.

57. Creation of Restrictions / Positive Covenants

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used.

a) Restriction/ Positive Covenant – Onsite Stormwater Detention

The subject site must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

b) Restriction/ Positive Covenant – Water Sensitive Urban Design

The subject site must be burdened with a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

58. Registration of Drainage Easement

A variable width drainage easement must be created in favour of the public/ Council over the overland flow path/ easement prior to an Occupation Certificate being issued. A copy of the registered easement plan and associated documents must be submitted to Council.

59. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Project No. S215607 prepared by EMF Griffiths Pty Ltd dated 22 April 2015. Certification is to be provided that the criteria as outlined in the report have been met.

60. Noise Management Plan

A noise management plan is required to be prepared and submitted to Council prior to the issue of an occupation certificate. The noise management plan shall address all activities likely to cause noise from the Church and all proposed actions to be taken to alleviate any offensive noise.

THE USE OF THE SITE

61. Noise to Surrounding Area

There shall be no amplified music or speakers external to the building.

62. 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 Control of Obtrusive Effects of Outdoor Lighting*.

63. Final Acoustic Report

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the NSW EPA's - Industrial Noise Policy and submitted to Council's Manager - Environment and Health for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the activities does not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*.

64. Offensive Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

65. Noise Signage

A sign shall be created at the entrance to the premises and maintained at all times, stating wording to the effect;

- Please consider our neighbours and minimise noise when arriving and leaving our premises.

66. Noise management plan must be kept on site.

A copy of the Noise Management Plan is to be available at the Church at all times and is to be made available to Council Officer on request.

67. Illumination

Illuminated signage is to be turned off between 9pm and 7am to protect residential amenity.

68. Contents to be Displayed on the LED Sign

The contents displayed on the LED section of the signs are to be limited to messages advertising the educational facility and place of worship and relevant activities undertaken on the site.

69. Message Frequency

The LED sign shall operate in accordance with Department of Planning and Infrastructure policy "Transport Corridor Outdoor Advertising and Signage Guidelines" Section 3.2.2 Variable Message Signs and Section 3.2.3 Moving Signs. Under no circumstances are the signs to flash or scroll.

70. Use of Premises

The premise is to be operated generally in accordance with the table below and the following hours of operation:

Hours of Operation

- Monday to Thursday – 8.00am to 9.30pm;
- Friday – 8.00am to 10.00pm;
- Saturday – 9.30am to 10.00pm; and
- Sunday – 9.30am to 9.30pm.

Schedule of Use

Activity	Time	Frequency	Maximum estimated Attendees
Adult study groups	Saturday 9.30am – 11am	Weekly	150
Children's groups	Saturday 9.30am – 11am	Weekly	130
Worship services	Saturday 11am – 12.15pm	Weekly	350
Teen/Youth Programs	Friday Night 7.30pm – 10pm	Weekly	30 - 150
Games/Social nights	Saturday night 6.30pm – 10pm	Bi monthly	150
Playgroup	9.30am – 11am	Up to 3 mornings per week	20 plus coordinator
Mid-Week Study Group	Weekdays 7.40pm – 9.30pm	2 days per week	20
Healthy living/Weight Management Programs	Sunday 6.30pm – 8.30pm	2 courses, 8 weeks per year	20
Exercise classes	Monday 6.30pm – 7.30pm	Weekly	15
Weeks of Worship	Sunday to Friday 7.30pm – 9.30pm	2 weeks per year	120
Pathfinders/Scouts Program	Saturday 5pm – 9pm	Monthly	50
Weddings	Normally Sundays for 1.5 hours	3 times per year	100 - 200
Funerals	Normally weekdays (would be limited to outside peak school hours eg 9.30am – 2pm)	2 times per year	Up to 300

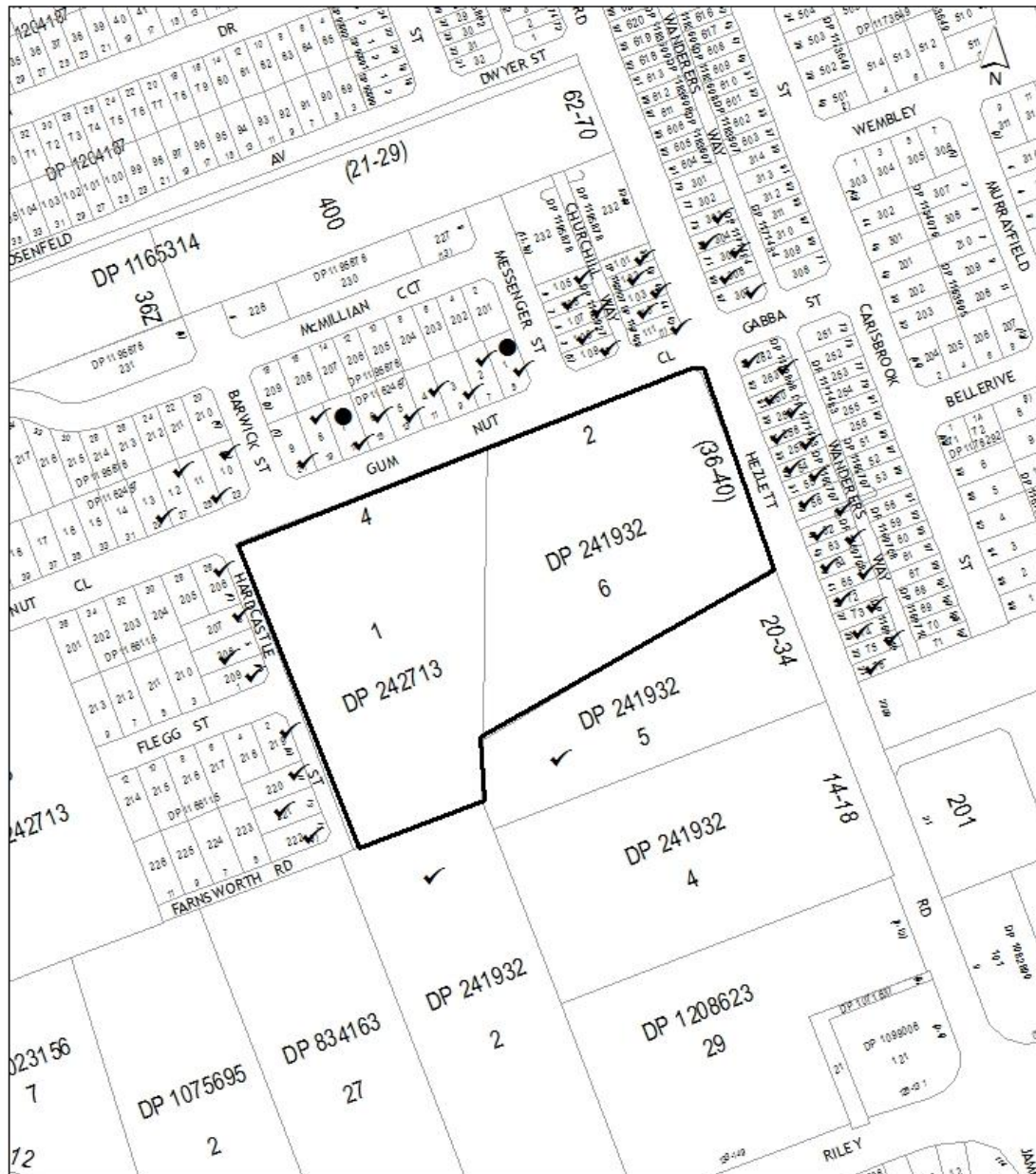
The hours of operation are to include all activities undertaken on the site, including any activity by cleaners or similar activities.

Any alteration to the above hours of operation and usage will require the further approval of Council.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. SEPP Zoning Map
4. SEPP Height Limit Map
5. Approved Masterplan
6. Site Plan
7. Ground Floor Plan
8. Level 1 Floor Plan
9. Elevations
10. Signage Details
11. 3D Images
12. 9 Metre Height Plane Exceedance
13. RFS Bushfire Safety Authority

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

THE HILLS
Sydney's Garden Shire

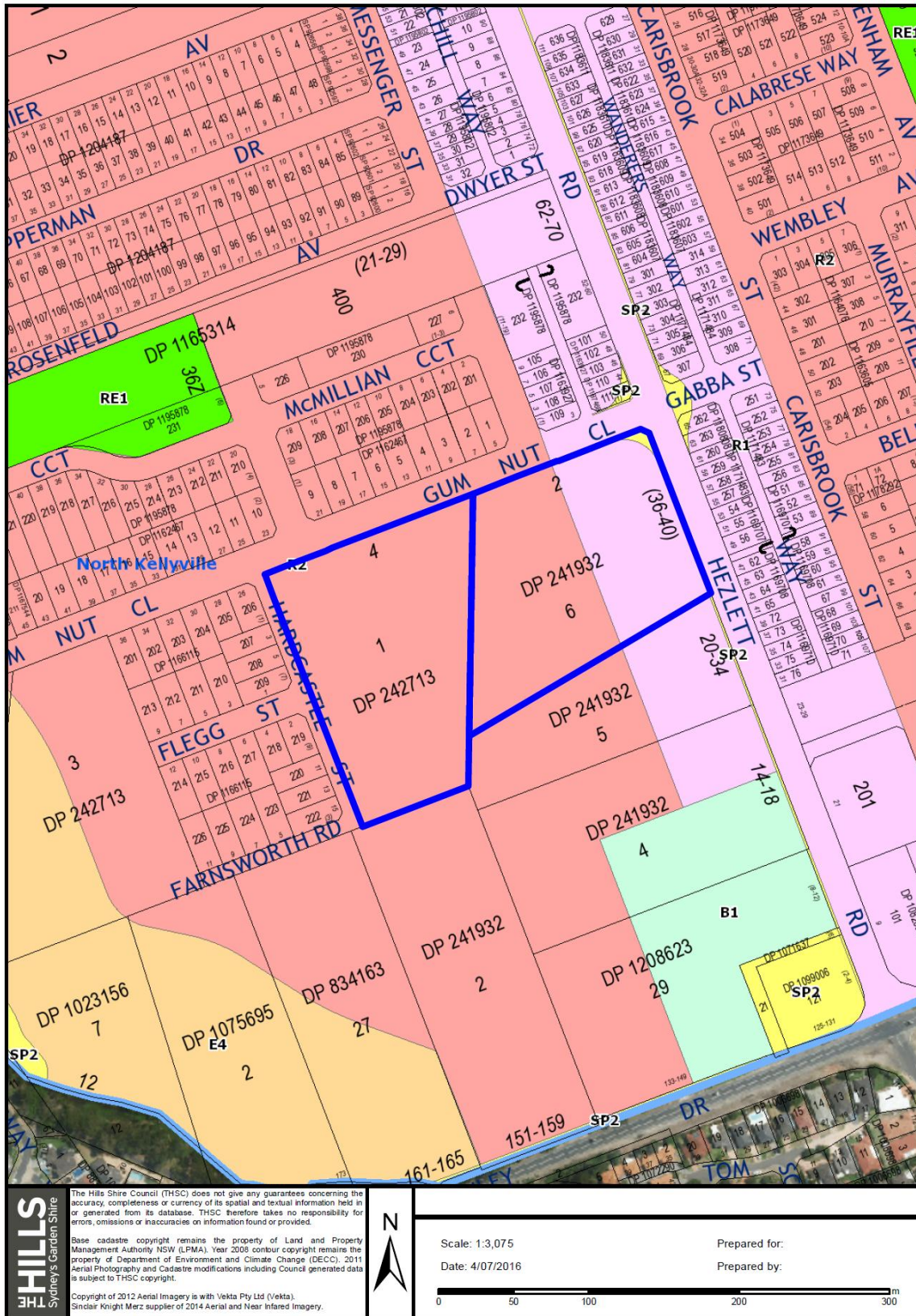
THE HILLS SHIRE COUNCIL

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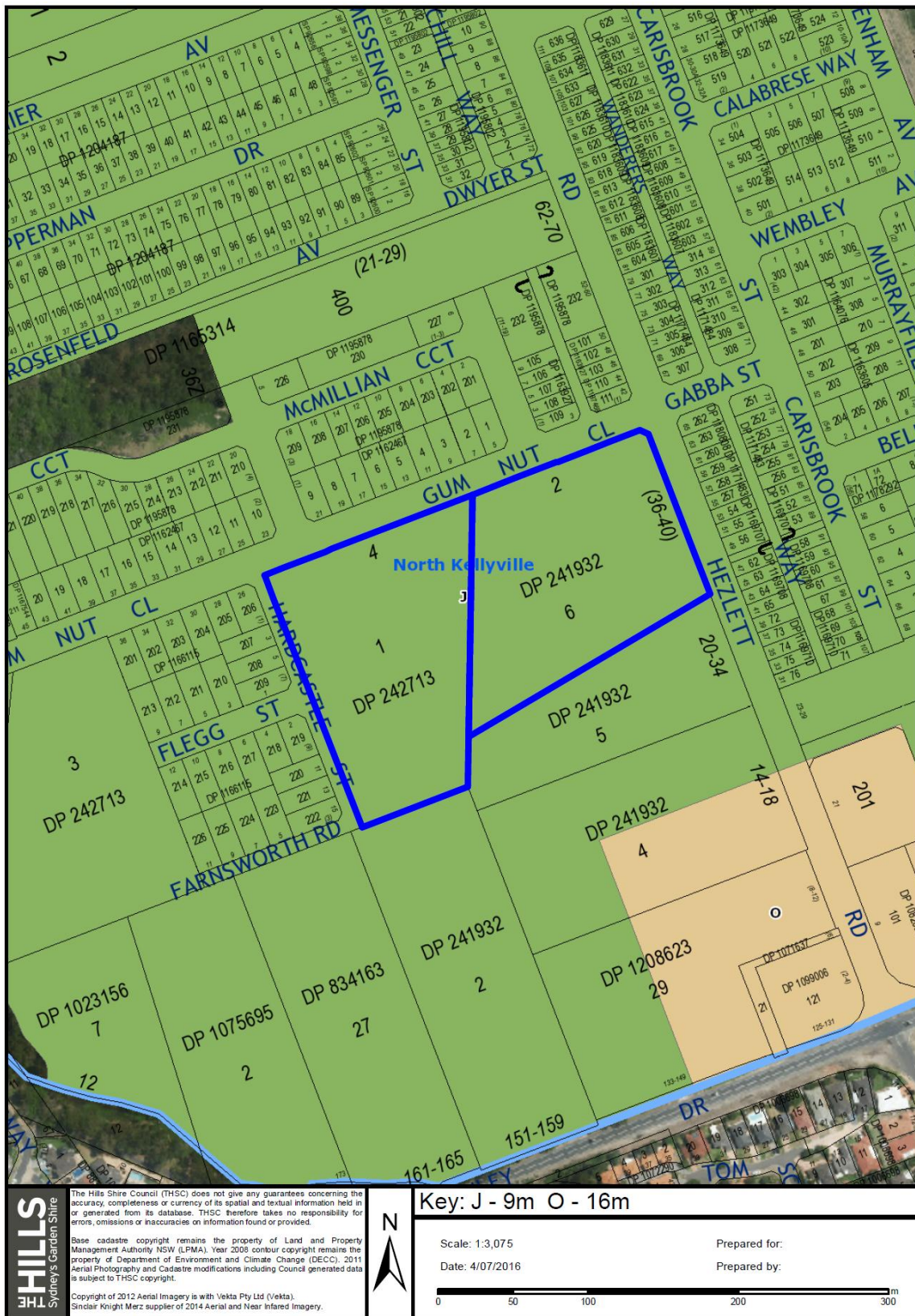
ATTACHMENT 2 – AERIAL PHOTOGRAPH



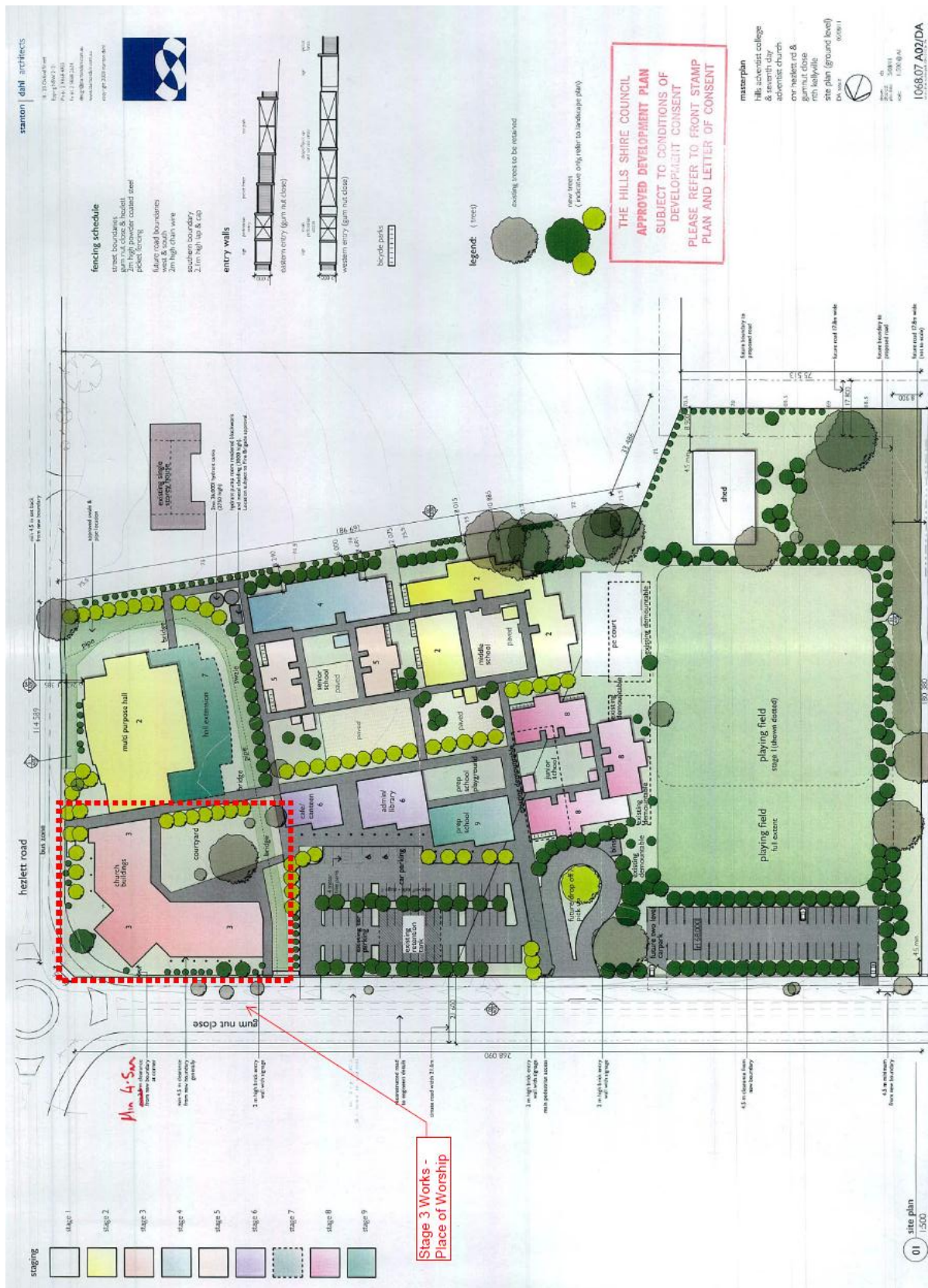
ATTACHMENT 3 – ZONING PLAN



ATTACHMENT 4 – SEPP HEIGHT MAP



ATTACHMENT 5 – APPROVED MASTER PLAN



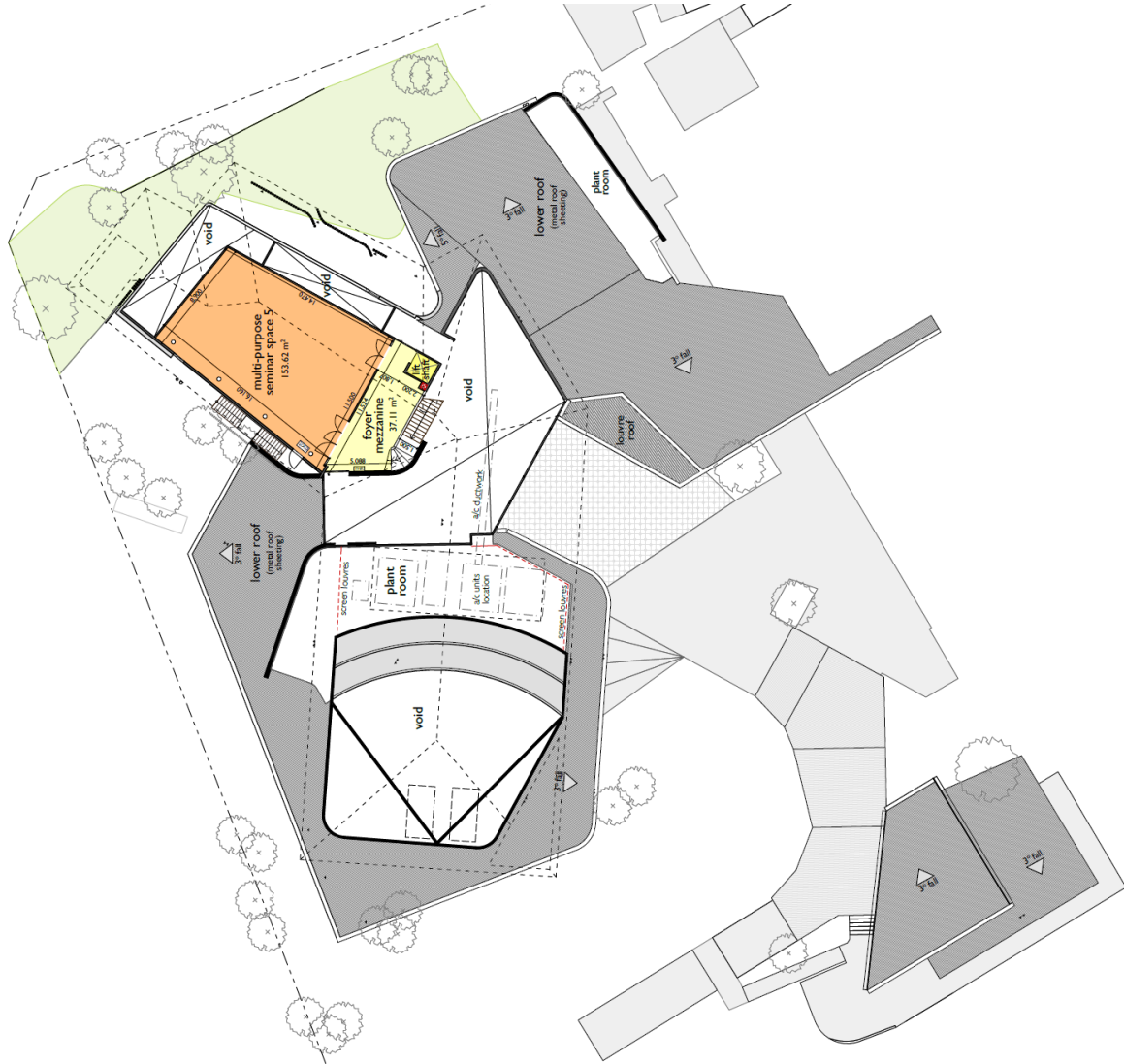
ATTACHMENT 6 – SITE PLAN



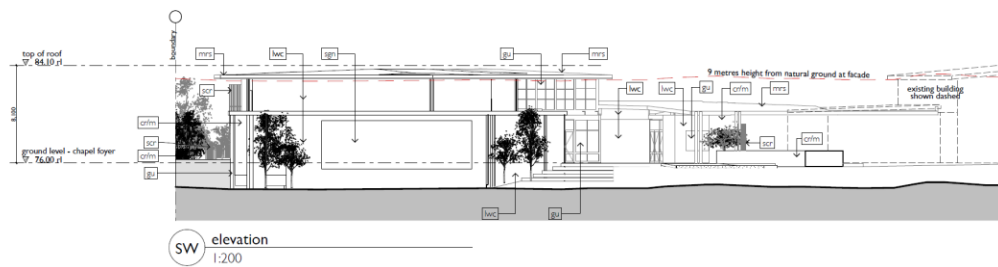
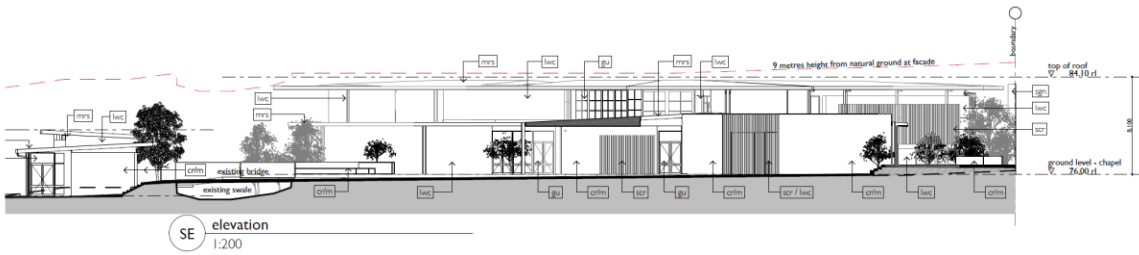
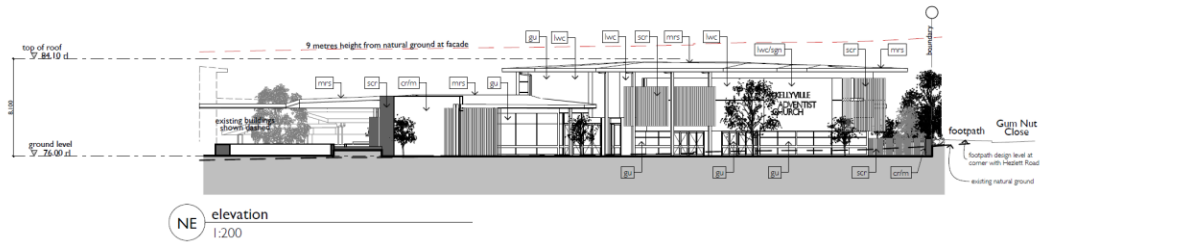
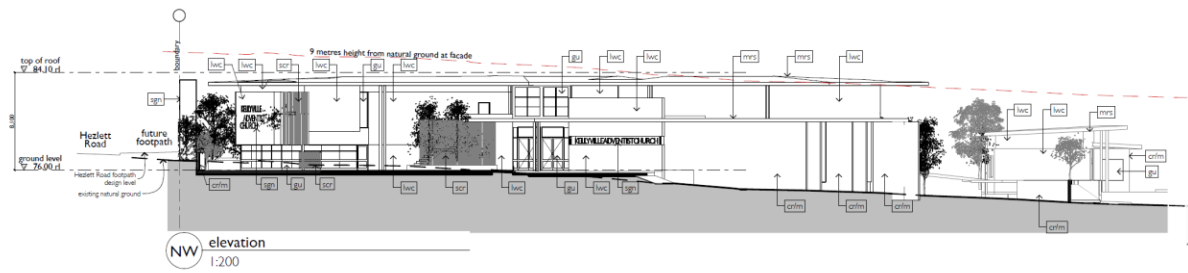
ATTACHMENT 7 – GROUND FLOOR PLAN



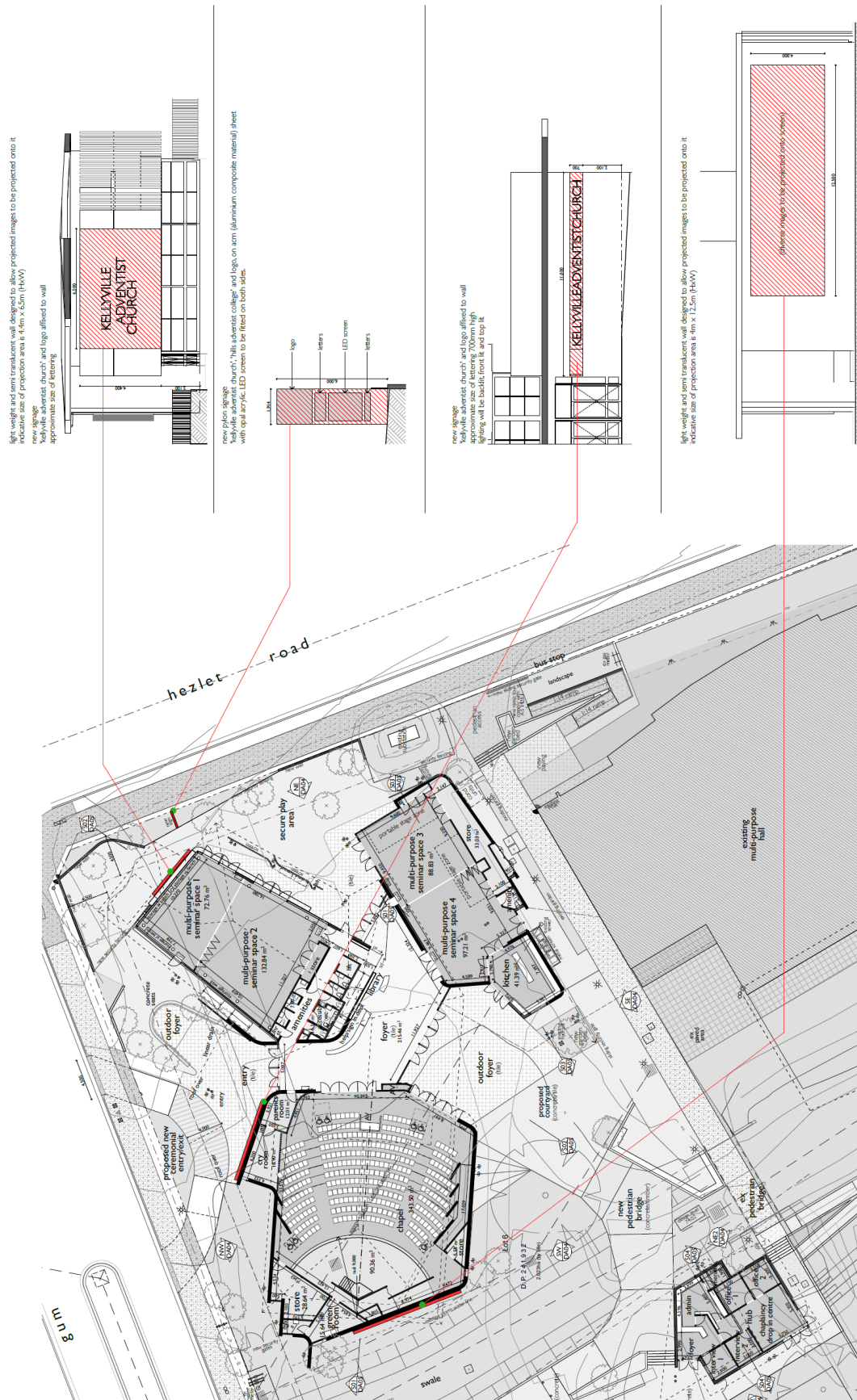
ATTACHMENT 8 – LEVEL 1 FLOOR PLAN



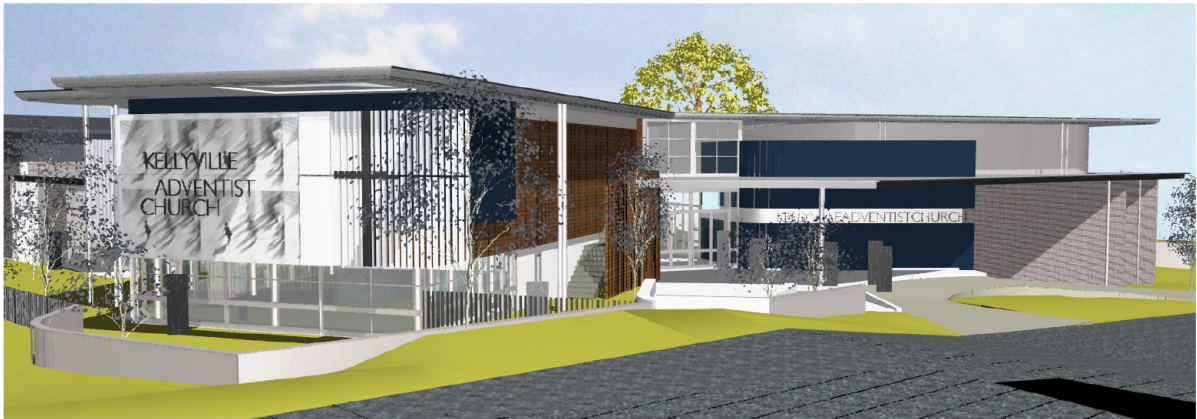
ATTACHMENT 9 – ELEVATIONS



ATTACHMENT 10 – SIGNAGE DETAILS



ATTACHMENT 11 – 3D IMAGES

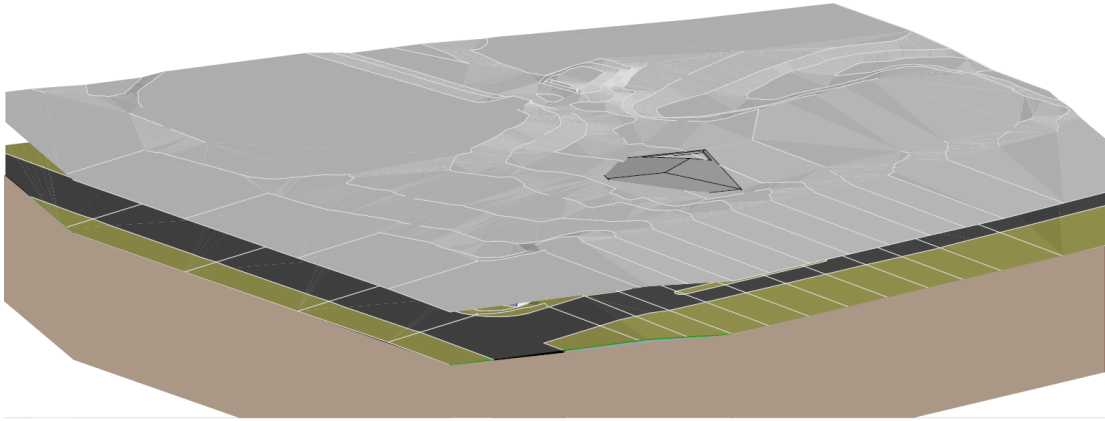


View south west from the corner of Hezlett Road and Gum Nut Close



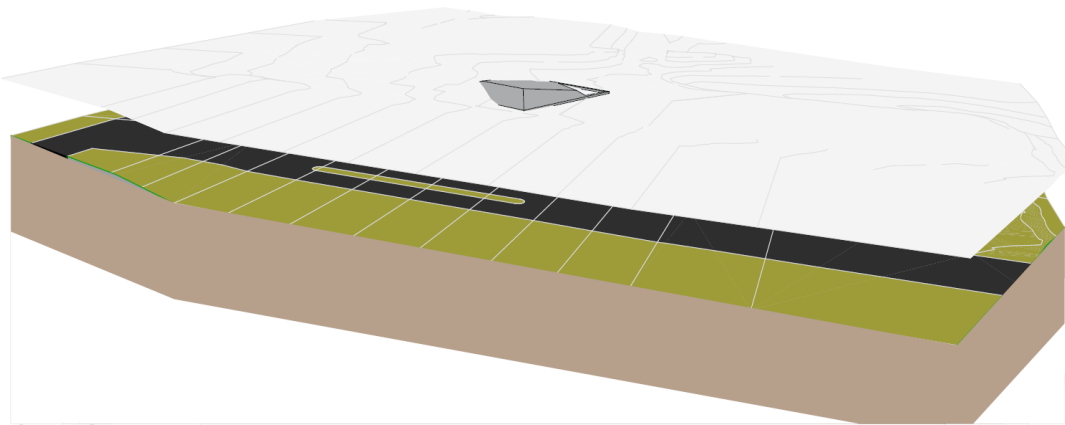
View south east from Gum Nut Close

ATTACHMENT 12 – 9M HEIGHT PLANE



View from corner of Hezlett Road
with Gum Nut Close

01



View from Gum Nut Close

02

ATTACHMENT 13 – RURAL FIRE SERVICE BFSa

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
The Hills Shire Council
PO Box 7064
BAULKHAM HILLS BC NSW 2153

Your Ref: 1368/2015/HC
Our Ref: D15/1269
DA15051396856 SD

ATTENTION: Robert Buckham

5 June 2015

Dear Sir,

Integrated Development for 6//241932 2 Gum Nut Close Kellyville NSW 2155

I refer to your letter dated 8 May 2015 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued without any specific conditions.

For any queries regarding this correspondence please contact Simon Derevnin on 1300 NSW RFS.

Yours sincerely

Iona Cameron
A/Team Leader Development Assessment & Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

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