

SYDNEY WEST CENTRAL PLANNING PANEL

Panel Reference	2017SWC019
DA Number	984/2017/JP
LGA	THE HILLS SHIRE COUNCIL
Proposed Development	PLACE OF WORSHIP
Street Address	Lot 102 DP 847188, NO. 6 EDWARDS ROAD, NELSON
Applicant/Owner	APPLICANT: CONSTRUCTIVE DIALOGUE ARCHITECTS OWNERS: THE SALVATION ARMY (NSW) PROPERTY TRUST
Date of DA lodgement	20 DECEMBER 2016
Number of Submissions	TWO
Recommendation	APPROVAL SUBJECT TO CONDITIONS
Regional Development Criteria (Schedule 4A of the EP&A Act)	CIV EXCEEDING \$5 MILLION – PLACE OF PUBLIC WORSHIP
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • SEPP (STATE AND REGIONAL DEVELOPMENT) 2011 • SEPP NO. 55 – REMEDIATION OF LAND • SREP NO. 20 – HAWKESBURY NEPEAN RIVER • THE HILLS LEP 2012 • THE HILLS DCP PART B SECTION 1 - RURAL • DCP PART C SECTION 1 – PARKING • DCP PART C SECTION 2 – SIGNAGE • DCP PART C SECTION 3 – LANDSCAPING
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	NO
List all documents submitted with this report for the Panel's consideration	SUBMISSIONS
Report prepared by	SENIOR TOWN PLANNER GREG SAMARDZIC
Report date	20 DECEMBER 2016

Summary of S.79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes

<i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report	Yes

EXECUTIVE SUMMARY

The Development Application is for a place of worship. The proposed works include the construction of a worship hall to cater for up to 200 people with ancillary rooms and amenities. A 40 space car park will be provided. The subject site is zoned part RU6 Transition and a place of public worship is permissible in the zone.

Variations are sought to The Hills DCP in relation to site coverage, setbacks, fill and signage requirements. The proposed variations are considered satisfactory as the proposal is a purpose built facility requiring large areas of driveway/parking areas which still provides for sufficient landscaping on the site and will not adversely impact on surrounding properties.

Two submissions have been received raising concerns relating to on-site sewage management, stormwater and noise. The concerns raised in the submissions are addressed in this report and by recommended conditions. Given the relatively low intensity use of the site proposed, the development is likely to have minimal impact on the lifestyle of adjoining residents.

The Development Application is recommended for approval subject to conditions.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	The Salvation Army (NSW) Property Trust.	1.	<u>SEPP State and Regional Development 2011</u> – Complies.
Zoning:	RU6 Transition.	2.	<u>SEPP No. 55 — Remediation of Land</u> – Complies.
Area:	20,660m ² .	3.	<u>SREP No. 20 — Hawkesbury Nepean River</u> – Complies.
Existing Development:	Dwellings and outbuildings.	4.	<u>LEP 2012</u> – Permissible with consent and complies.
		5.	<u>The Hills DCP Part B Section 1 – Rural</u> – Variations proposed, see report.
		6.	<u>DCP Part C Section 1 – Parking</u> – Complies.

		7.	<u>DCP Part C Section 2 – Signage – Complies.</u>
		8.	<u>DCP Part C Section 3 – Landscaping – Complies.</u>
		9.	<u>Section 79C (EP&A Act) – Complies.</u>
		10.	<u>Section 94A Contribution – \$53,688.84</u>
		11.	<u>Capital Investment Value: \$5,000,804.</u>

SUBMISSIONS

REASON FOR REFERRAL TO SWCPP

1. Exhibition:	Not required.	1.	Capital Investment Value in Excess of \$5 million (\$5,000,804).
2. Notice Adj Owners:	1 st notification: 22 days 2nd notification: 21 days		
3. Number Advised:	1 st notification: Eight 2nd notification: Two		
4. Submissions Received:	1 st notification: Two 2nd notification: None		

HISTORY

08/07/2016

Pre-lodgement meeting held

20/12/2016

Subject Development Application lodged.

16/01/2017

Letter sent to the applicant requesting additional information in relation to acoustics, salinity, contamination, wastewater and resource recovery matters.

03/02/2017

Acoustic report submitted.

27/03/2017

Additional information lodged.

12/04/2017

Letter sent to the applicant requesting additional engineering information.

11/05/2017

Additional engineering information lodged.

26/05/2017

Letter sent to the applicant requesting additional acoustic and contamination information.

29/05/2017

Acoustic report and contamination report submitted.

22/06/2017

Letter sent to the applicant requesting additional acoustic information.

12/07/2017

Additional acoustic information lodged.

28/08/2017

Draft conditions forwarded to the applicant for review.

31/08/2017

Response provided by the applicant seeking an exemption to the draft S94 contributions condition.

PROPOSAL

The Development Application is for a place of worship. The proposed works include the construction of a worship hall approximately 400m² in area to cater for up to 200 people with ancillary rooms that will be used by smaller groups for worship, teaching (children's bible studies), community meeting and events. There is also ancillary spaces proposed within the place of worship including toilets, office and counselling rooms that are centred around a landscaped courtyard area. Car parking for 40 vehicles will be provided with access off Edwards Road via two separate driveways.

A plan of management for the church has been prepared and a schedule of activities is proposed as follows:

BUILDING	PURPOSE	HOURS	DAY	ATTENDEES
Worship Hall	Sunday Service	9am – 1pm	Sunday	Up to 200
	Children's and Youth Group	9am – 5pm	Friday	Up to 45
Ancillary Rooms	Small Group Meetings	7pm – 9.30pm	Wednesday	2 – 10
	Music Class	9am – 1pm	Wednesday	2 – 10
	Corps Meeting	7pm – 9.30pm	Monday	2 – 10
Counselling Room	Counselling services as required	9am – 5pm	Monday to Friday	2 – 5
Corps Administration Offices	Office functions	9am – 5pm	Monday to Friday	2 – 5

The children's and youth groups form part of the 200 seat congregation until part way through the Sunday service when the children move into the ancillary rooms. It is proposed that when amplified music is required the music class will take place in the hall.

It is proposed to retain the existing buildings on the site with the building at the front of the site to be continued to be used as a dwelling and the other building to be used for storage purposes. There are no changes proposed to the existing access driveway and it is proposed to demolish three out of the five existing sheds with the remaining sheds to be used for storage.

The subject site is an irregular shaped lot on the northern side of Edwards Road with a frontage of approximately 145m to Edwards Road and a southern site boundary of approximately 130m. The immediate locality is characterised by a variety of rural residential land uses. The land to the south and south west of the site is part of the Box Hill Growth Centre precinct.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

Clause 20 of SEPP (State and Regional Development) 2011 and the Schedule 4A of the Environmental Planning and Assessment Act, 1979 provides the following referral requirements to the SWCPP:-

Development that has a capital investment value of more than \$5 million for any of the following purposes:

- (a) *air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*
- (b) *affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.*

The proposed development is a place of worship with a Capital Investment Value of \$5,000,804 thereby requiring referral to and determination by the SWCPP. The application was referred to and listed with the SWCPP for determination.

2. Compliance with Local Environmental Plan 2012

a. Permissibility

The subject site is zoned part RU6 Transition and the proposal is defined as a 'place of public worship' as follows:

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

The proposal is consistent with the 'place of worship' definition and is permissible in the zone.

b. RU6 Transition Zone Objectives

The objectives of the RU6 zone are:

- *To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage innovative and sustainable tourist development, sustainable agriculture and the provision of farm produce directly to the public.*

The proposal satisfies the relevant objectives as it will maintain the rural character of the locality and will not create significant adverse impacts onto the future Box Hill Growth Centre area across Edwards Road. The proposal is considered satisfactory with regard to LEP 2012.

c. Development Standards

The proposal has been assessed against the relevant LEP 2012 principal development standards and the LEP Height of Buildings Map indicates that the maximum building height within the subject site is 10m. The maximum height of the proposed worship hall is 9.5m and is compliant with this standard. It is noted that there is no maximum floor space ratio (FSR) specified for the development site.

3. Compliance with DCP Part B Section 1 – Rural

On 14 June 2016 Council resolved to place on public exhibition draft amendments to DCP Part B Section 1 – Rural in particular in relation to side setback requirements for certain types of development and the amendments was adopted by Council at its meeting of 13 December 2016. The subject Development Application was lodged on 20 December 2016. The plan came into force on 12 January 2017.

The proposal complies with the requirements of Part B Section 1 – Rural with the exception of the following:

DEVELOPMENT STANDARD	DCP 2012	PROPOSED	COMPLIANCE
Site Coverage	<p>Lots between 2 - 10ha: 15% or 2500m² (<i>whichever is the lesser</i>).</p> <p>Note: Site coverage includes dwellings, outbuildings, ancillary items (i.e. pools, manoeuvring areas, garages and the like).</p> <p>For a places of worship site coverage includes all structures associated with the activity, all storage areas (including all indoor or outdoor storage area for produce, machinery or vehicles) as well as all loading, parking or manoeuvring areas and any associated dwellings, outbuildings, hard-surface areas or ancillary items.</p>	<p>Site area: 20,660m².</p> <p>Maximum site coverage permitted: 2,500m².</p> <p>Proposed: Approx. 2,797m²</p>	No – however the proposed site cover is appropriate for this type of facility on a rural allotment.
Setbacks	<p>Side Setbacks: minimum 5m for parking and manoeuvring areas and 15m for any structure or area (including storage, display or loading areas) for a place of worship.</p>	<p>Minimum setback to the western side boundary. 10m</p>	No - however the proposed setback will not result in unreasonable impacts on amenity.
Fill	<p>Fill shall not exceed 60mm</p>	<p>Maximum 1.8m contained by a drop edge beam.</p>	No - however the proposed amount of fill will not adversely impact on amenity levels to adjoining properties.

a. Site Coverage

The DCP requires that site coverage for sites with an area between 2 and 10 hectares is to be limited to 15% of the site area or 2,500m² whichever the lesser. The site has an area

of 20,660m² and a maximum of 2,500m² of site coverage is permitted. The proposed site coverage is approximately 2,797m² or 13.5% of the site area.

The applicant has provided the following justification:

Given the nature of the use and extent of existing hardstand areas, the proposal meets the objectives of the control in that the vegetation and open space areas are largely retained. Drainage can be adequately dealt with.

The DCP provides the following statement of outcomes:

- *The scale, siting and visual appearance of new development maintains the open rural feel of the landscape and preserves scenic and environmental qualities of the area.*
- *The location of new rural/residential development is to have regard to the potential impacts arising from existing adjacent rural business activities.*

Comment:

The proposed variation to site coverage is satisfactory as the development provides for spatial separation between buildings located on adjoining properties and on the subject development site. The proposed works will not adversely impact on the rural area and the proposed site coverage is typical for a place of worship facility. The proposal is considered satisfactory in regard to the DCP.

b. Setbacks

The DCP requires a minimum 15m side setback for a place of worship development on a rural allotment and the proposed works will have a minimum western (side) setback of 10m.

The applicant has stated that the proposed works comply with the minimum 5m side setback DCP control that was applicable at the time of the lodgement of the subject Development Application.

The DCP provides the following statement of outcomes:

- *The scale, siting and visual appearance of new development maintains the open rural feel of the landscape and preserves scenic and environmental qualities of the area.*
- *The location of new rural/residential development is to have regard to the potential impacts arising from existing adjacent rural business activities.*

Comment:

The proposed variation to the side setback development standard is satisfactory as the reduced setback will not contribute to an adverse visual or acoustic impact to the adjoining property to the west. Adequate opportunity remains for landscaping. The proposal is considered satisfactory in regard to the DCP.

c. Fill

The DCP requires that fill shall not exceed 600mm for any new developments and a maximum of 1.8m fill is proposed along the southern western section of the place of worship hall.

The applicant provided the following justification:

The extent of cut and fill has been minimised where possible on site.

The DCP provides the following statement of outcomes:

- *The scale, siting and visual appearance of new development maintains the open rural feel of the landscape and preserves scenic and environmental qualities of the area.*
- *The location of new rural/residential development is to have regard to the potential impacts arising from existing adjacent rural business activities.*

Comment:

It is proposed to provide a single level platform for the development and the variation to fill is satisfactory as the works involved will not adversely affect any adjoining properties. To require the amount of fill to be reduced to a compliant level of 600m is unnecessary in this instance and the extent of cut involved is minimal. It is considered that the proposed variation to fill can be supported to accommodate this specific built facility.

4. Compliance with DCP Part C Section 2 – Signage

The proposal complies with the requirements of Part C Section 2 – Signage with the exception of the following:

Signs in rural zones	Signage in rural zones restricted to a maximum area of 4m ² .	The sign has an area of 2m x 4m generating 8m ² as the signage is doubled sided.	No – however the proposed sign will adequately identify the proposed place of worship use.
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a) Signage in Rural Zones

The DCP requires signage in rural zones to be restricted to a maximum area of 4m² and the proposed free standing sign has a maximum area of 8m² as it is double sided.

The applicant has provided the following justification:

The variation is due to the sign being double sided.

The relevant DCP objectives are:

- To permit an approved use the opportunity to adequately advertise the activity being undertaken while maintaining the scenic and rural quality of the area.*
- To ensure that any advertising sign is sympathetic to the environment and to the scale and design of development in the vicinity.*

Comment:

The proposed variation to the maximum area of signage permitted in a rural zone is satisfactory as the proposed signage is of a suitable scale which will be able to adequately identify the place of worship use being conducted. It is not considered that the proposed signage will have an adverse impact on the rural character of the area and the signage is consistent with the objectives of the DCP.

5. Compliance with State Environmental Planning Policy No. 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 Stage 2 contamination report has been lodged due to activities that may have arisen from past or present activities and the development site currently being used for rural residential purposes. Activities such as filling of land and the use of various sheds have occurred. The report has been assessed by Council's Health and Environment Section who raised no objection in relation to contamination and no remediation is required. Accordingly, the subject application is consistent with the above clause and no objections are raised in respect to this matter.

6. Potential Impacts on the Rural-Residential Amenity

(a) Visual Impact

The place of worship which will be set back 10m from the western side boundary which will be landscaped and existing trees will be retained to reduce any visual impacts. All other setbacks comply with Council's setback requirements. A 2.1m high solid acoustic fence is recommended in the submitted acoustic report along this side boundary which would normally introduce a new element in a rural area however there is an existing solid fence along the rear boundary of the subject site. This acoustic fence in principle can be supported if it is set back within the property and appropriately landscaped. A condition has been recommended to ensure this occurs.

(b) Noise Management

Council's staff have assessed the potential acoustic impacts arising from the proposed development and raised no objection in relation to any potential noise generation activity including outdoor children's play time subject to conditions. Due to the scale of the usage it is likely that relevant noise criteria will be met and all of the proposed activities can be appropriately managed if all of the recommendations of the submitted acoustic report are adhered to.

The recommendations deal with the provision of adequate construction measures, implementation of noise management plan will be required to restrict outdoor children play times, all windows/doors to be closed closed when amplified music is being used and amplified music not permitted within the ancillary rooms.

(c) Operational Details

The submitted operational details provided by the applicant will not create undue noise disturbances when operated in an appropriate manner. The site provides adequate car parking to adequately cater for all activities on the site. The nominated activities to be undertaken in conjunction with recommended conditions are considered to be satisfactory.

(d) Access and Parking

Council's Parking DCP requires one car parking space per 5 seats and based on a maximum of 200 people at any one time, 40 spaces are required. It is proposed to provide 40 car parking spaces to cater for the use.

The development is considered to have addressed the relevant potential impacts on the current/future rural-residential amenity and is satisfactory subject to conditions.

7. Issues Raised in Submission

The Development Application was notified and two objections were received. The concerns raised in the objections are addressed as follows:

ISSUE/OBJECTION	COMMENT	OUTCOME
There are concerns with the septic system being used to accommodate up to 200 attendees. As the adjoining land to the rear naturally falls away, the effluent run off will enter the adjoining paddocks where livestock are kept. Contamination of the grass is not supported.	The applicant was requested to address this concern and a septic waste water pump out line system is being used until connection to Sydney Water infrastructure is available. At this time Sydney Water are unable to confirm when a reticulated swage system will be installed to or nearby the subject site. A suitably designed system has been proposed that will combine the proposed church septic system and the existing dwelling. The design will incorporate septic waste from the proposed development and the existing dwelling which will allow the septic and onsite refuse collections to happen in one place and centrally within the property's boundaries.	Issue addressed – see Condition No. 32, 36-37, 56 and 66.
Noise is a concern as show horses are kept on adjoining the property. Based on the submitted documentation these concerns are not addressed adequately.	Council's Health & Environment Section has assessed the proposal and raised no objections subject to conditions. The separation between the rear of the place of worship development and the dwellings of the objectors is approximately 105m and 150m. The recommendations of the acoustic report to reduce the level of noise emission to within acceptable limits to all existing noise receptors (i.e. dwellings) include implementation of a noise management plan, sound barriers walls and carrying out a further	Issue addressed – see Condition No. 24, 33-34, 51, 65 and 70-73.

ISSUE/OBJECTION	COMMENT	OUTCOME
	assessment of mechanical plant noise prior to the issue of the construction certificate. It is also recommended that use of appropriate building materials such as lightweight cladding, metal roofing for the Worship/ancillary rooms and glazing be used.	
Storm water detention is a real concern.	Council's Subdivision Section has assessed the proposal and raised no objections subject to conditions. It is proposed to install a 165m ³ on site detention (OSD) storage system and a 90m ² bio retention basin in front of the worship hall along the Edwards Road frontage. It is also proposed to have two 5KL rainwater tanks to include an overflow pipe connection into the basin. The OSD control (orifice plate) must be installed within a Discharge Control Pit with appropriate screening measures etc. designed and constructed in accordance with the OSD Handbook.	Issue addressed – see Condition No. 27 and 62-64.

FORWARD PLANNING COMMENTS

Council's Strategic Planning Coordinator has assessed the request made for an exemption to contributions payable under the S94A Contributions Plan and made the following comments:

The Hills Section 94A Contribution Plan applies to the subject site and the proposed works attracts a contribution of \$53,688.84. It is acknowledged that the proponent requests a full exemption from the applicable 94A levy citing that:

- The application is exempt under Clause 8 of the Plan as it is for a place of public worship; and
- Development is proposed to meet the day-to-day needs of local residents by providing a place of worship and ancillary spaces for welfare, charity, outreach and education services by a registered charity.

Please note that Clause 8 of the Plan as quoted in the letter from The Salvation Army dated 8 July 2016 is no longer current as the Plan was amended in April 2017. The exemptions permitted under Clause 8 of the Plan are now stated as:

"The only exemptions allowed are those the subject of a direction from the Minister for Planning under Section 94E of the EP&A Act."

Section 94E Ministerial Direction (10 November 2006) states that a levy under Section 94A of the Act cannot be imposed on development:

- a) for the purpose of disabled access,
- b) for the purpose of affordable housing,
- c) for the purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building,
- d) for the sole purpose of the adaptive reuse of an item of environmental heritage, or
- e) other than the subdivision of land, where a condition under section 94 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.

The proposed works are not subject to an exemption issued under a Section 94E Direction and are not exempt under Clause 8 of the Plan. While the work of The Salvation Army is recognised, there is no mechanism under the Contribution Plan to provide an exemption on these grounds. Further, it is noted that the use of the site, as proposed, will generate demand for local infrastructure. 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. No exemption can be granted in this instance.

BUILDING COMMENTS

Council's Fire Safety Officer has assessed the proposal and made the following comments:

The new building works associated with the church will need to comply with the BCA. As the premises are to be used for worship purposes, the hall is not considered to be an entertainment venue. With respect to the existing dwellings on site, Council records do not indicate if these have been approved or not. Progressive aerial photos suggest the rear cottage was erected some time before 1970 and the front cottage in the 1980's. As each cottage has been erected for some time, the following strategy is to be utilised:

- As the front cottage is not changing use and is to continue as being used as a single dwelling, then the smoke alarm system is to be upgraded to today's standards.
- As the rear cottage is proposed to be used for storage purposes and will be undergoing a change in use, a structural engineer is to certify the structural capacity of the premises to ensure it will be suitable for its new use.

No objections are raised subject to conditions.

SUBDIVISION ENGINEERING COMMENTS

Council's Senior Subdivision Engineer has assessed the proposal and raised no objections subject to conditions.

TREE MANAGEMENT COMMENTS

Council's Senior Subdivision Engineer has assessed the proposal and raised no objections subject to conditions.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

Council's Senior Environmental Health Officer has assessed the proposal and raised no objections subject to conditions.

WASTE MANAGEMENT COMMENTS

Council's Resource Recovery Coordinator has assessed the proposal and raised no objections subject to conditions.

CONCLUSION

The proposal has been assessed against Section 79C of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy – State and Regional Development 2011, State Environmental Planning Policy No. 55 – Remediation of Land, Sydney Regional Environmental Plan – Hawkesbury Nepean River, Local Environmental Plan 2012 and The Hills Development Control Plan and is considered to be satisfactory. The proposal will benefit the broader community. The issues raised in the submissions have been addressed and do not warrant refusal of the application. Accordingly the Development Application is recommended for approval subject to conditions.

IMPACTS:

Financial

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

The Hills Future Community Strategic Plan

The Hills Future Community Strategic Plan outlines the aspirations of community residents for The Hills Shire region. Desired community outcomes include balanced urban growth, vibrant communities and a protected environment. The social and environmental impacts have been addressed in the report and are consistent with the outcomes of The Hills Future Community Strategic Plan.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

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
DA01	Site Plan	B	20/03/17
DA02	Detailed Site and Roof Plan	C	11/05/17
DA03	Floor Plan	A	19/12/16
DA04	Elevations – North, South and Edwards Road Frontage	B	20/03/17
DA05	East & West Elevations and Section A-A	A	19/12/16
DA06	Signage Plan	B	20/03/17
LS01	Landscape Site Plan	C	21.03.17
LS02	Landscape – Central Courtyard Plan	B	16.12.16
LS03	Landscape Sections & Elevations	B	16.12.16

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. Schedule of Use

Approval is granted for the use in accordance with the following schedule:

BUILDING	PURPOSE	HOURS	DAY	ATTENDEES
Worship Hall	Sunday Service	9am – 1pm	Sunday	Up to 200
	Children's and Youth Group	9am – 5pm	Friday	Up to 45
Ancillary Rooms	Small Group Meetings	7pm – 9.30pm	Wednesday	2 – 10
	Music Class	9am – 1pm	Wednesday	2 – 10
	Corps Meeting	7pm – 9.30pm	Monday	2 – 10
Counselling Room	Counselling services as required	9am – 5pm	Monday to Friday	2 – 5
Corps Administration Offices	Office functions	9am – 5pm	Monday to Friday	2 – 5

The place of worship hall will contain a maximum of 200 congregation seats and any alteration to the above will require further approval of Council.

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.

A pre-lodgement meeting is required for medium density/class 2-9 developments if lodging the Construction Certificate Application with Council. Please contact Council's Building Control Section on 9843-0431.

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. Fencing and Screening Plants

All acoustic fencing is to be set back a minimum of 1m from the adjoining boundary line with No. 4 Edwards Road to allow for Lilly Pilly landscaping.

7. Provision of Parking Spaces

The development shall make provision and maintenance thereafter of a minimum of 40 off-street car parking spaces.

8. Separate Application for Signs

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

9. Tree Removal

Approval is granted for the removal of Trees numbered 3, 6, 14, 15, 27 & 37 in Arboricultural impact assessment prepared by Enviro Ecology dated 19th December 2016.

Trees numbered 4, 26 & 28 marked for removal in the above mentioned report are to be retained and protected during works.

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.

10. 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 are to be planted at 5/m².

It is required that a 2m wide screen planting be installed to eastern boundary of carpark and proposed garage, in accordance with THDCP Part C Section 1- Parking, 2.8 Landscaping.

11. House Numbering

The responsibility for house/unit numbering is vested solely in Council in order to provide a consistent and accurate system of street numbering throughout the Shire.

Approved numbering for this development is:

Existing Dwelling: 6 Edwards Road, Nelson

Proposed Place of Worship: 6A Edwards Road, Nelson

The street numbers as issued are to be displayed at the entrance to each building for mail delivery and service providers including emergency services.

12. Adherence to Construction and Demolition Waste Management Plan

All requirements of the Construction and Demolition Waste Management Plan submitted as part of the Development Application must be implemented during the construction and demolition phases of the development, except where contrary to other conditions of consent, which must take precedence. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. 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. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

13. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

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. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

14. Disposal of Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

15. Waste and Recycling Collection Contract(s)

There must be a contract(s) with a licenced contractor(s) for the removal of all waste generated on site. This excludes the existing dwellings that must maintain a Council domestic waste service. Written evidence of a valid and current collection contract(s) must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it.

16. Construction of Waste Storage Area

All work involving construction of the waste storage area must comply with the requirements of Council's 'Commercial/Industrial Waste Storage Area Specifications'. The document is available on Council's website. Alternatively, contact Council's Resource Recovery Department on (02) 9762 1112.

17. Clause 94 Considerations

All work Under clause 94 of the Environmental Planning & Assessment Regulation, the following fire safety/Building Code of Australia (BCA) works are to be undertaken with the construction certificate works and are to be completed prior to the issue of the occupation certificate:

- i. As the existing dwelling at the rear of the site is undergoing a change in use and will be used for storage purposes, a certificate of structural adequacy is to be submitted to the Principal Certifying Authority (PCA), certifying the structural strength and load bearing capacity of the existing premises will be appropriate for the building's new use.
- ii. The smoke alarm system in the existing two storey dwelling that is to remain is to be upgraded to comply with AS 3786 and part 3.7.2 of the BCA.

18. Street Trees

Street trees must be provided for the section of Edwards Road fronting the development site spaced between 7m and 10m apart and with a minimum of one tree per the site frontage. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

19. Process for Council Endorsement of Legal Documentation

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

20. 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.

21. 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.

22. 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.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

23. 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.

24. Acoustic – General Requirements

The recommendations of the *Environmental Noise Impact Assessment* for proposed place of public worship at 6 Edwards Road, Nelson, prepared by Day Design Pty Ltd, referenced as 6002-1.1R and dated 14 December 2016 and *Addendum to Acoustic Report* for place of public worship at 6 Edwards Road, Nelson, prepared by Day Design Pty Ltd, referenced as 6002-1.2L and dated 11 July 2017 and submitted as part of the Development Application are to be implemented as part of this approval.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

25. Section 94A Contribution

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 94A Contributions Plan, a contribution of **\$53,688.84** 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 Hills 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%

26. 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) Partial Width Road Reconstruction

The partial width reconstruction of the existing Edwards Road is required, including any necessary service adjustments and ancillary work required to make the construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Edwards Road	Road Type: 3.5m / 13m / 3.5m (20m total width) Pavement Design: Enhanced Collector Road (Design Guidelines Section 3.12)

This requirement applies to the portion of the site fronting the new development, from the western site boundary to a point midway between the easternmost new (exit) driveway and the existing driveway servicing the dwellings.

The development is responsible for the formation of the footpath verge, kerb and gutter and the reconstruction of 6.5m of road pavement. This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m, which may require additional pavement reconstruction.

Where the existing road reserve width exceeds that required to be provided, the additional width is to be evenly distributed on either side of the road carriageway to provide for a wider footpath verge.

Roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor.

All roads are to have a two-way cross fall with a crown in the middle of the carriageway.

The works must tie into those already completed to the west of the subject site pursuant to the Development consent DA 533/2015/ZB and associated engineering construction certificate 138/2015/EC.

b) 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.

c) Concrete Footpath

A 1.2m wide concrete footpath, including access ramps at all intersections, must be provided on Edwards Road fronting the site.

d) Concrete Cycleway/ Shared Path

A 2.5m wide concrete cycleway/ shared path, including access ramps at all intersections, must be provided on the INSERT side of INSERT in accordance with the DCP and the above documents.

e) 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.

27. Stormwater Management OSD and WSUD

a) Onsite Stormwater Detention – Hawkesbury River Catchment Area (Rural)

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the rural portion of the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters to ensure the pre-development and post development discharge rates are the same for all storms up to and including the 1 in 100 year design storm event.

The stormwater concept plan prepared by Cardno Engineers Drawing 80816467-CI-140 Revision 3 dated 10/07/2017 is for development application purposes only and is not to be used for construction. The detailed design must reflect this concept plan and the following necessary changes:

- a) Onsite Stormwater Detention storage to achieve a minimum volume of 165Cum.
- b) Orifice control device (140mm diameter) must be installed within a Discharge Control Pit with appropriate screens, be designed and constructed in accordance with the Council adopted Onsite Stormwater Detention Handbook. Placing on a wall as shown on the concept must be deleted.
- c) The outlet pipe draining from the OSD storage must be connected to an underground street pipe drainage system; a kerb inlet pit associated with the street drainage shall be placed at this location.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate:

- Design/ construction plans prepared by an accredited OSD designer.
- 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.

b) Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of 10Cum Rainwater tank and CDS-Nipper unit, are to be located generally in accordance with the plans and information (MUSIC model) submitted with the application.

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/>

28. 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 90,000.00 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 (163m) multiplied by the width of the road (6.5m).

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.

29. Security Bond – External Works

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. The minimum bond amount is \$10,000.00. The bond amount must be confirmed with Council prior to payment.

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 completed to Council's satisfaction.

30. 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.

31. Erosion & Sediment Control Plan

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas

- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

32. Application to Install/Amend a System of Sewage Management

Prior to the issue of any Construction Certificate, an application under Section 68 of the Local Government Act 1993 is to be made to install or alter a system of sewage management. The application shall comply with:

- a) Local Government (General) Regulation 2005; and
- b) Appendix 2 – Installation of a Sewage Management Facility of The Hills Shire Council's Local Approvals Policy (2016).

Please note: Should connection to the Reticulated Sewerage System of Sydney Water be available for connection then the place of worship development and the existing dwelling must be connected and therefore a Section 68 Application to Install/Amend a System of Sewage Management is not required.

33. Acoustic Requirements – General Construction

Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the following recommendations are contained within the final construction plans: *Environmental Noise Impact Assessment* for proposed place of public worship at 6 Edwards Road, Nelson, prepared by Day Design Pty Ltd, referenced as 6002-1.1R and dated 14 December 2016:

- 6.2 Sound Barrier Walls;
- 6.3 Mechanical Plant;
- 6.4 Worship Hall Building Façade; and
- 6.5 Ancillary Rooms Glazing Construction.

Addendum to Acoustic Report for place of public worship at 6 Edwards Road, Nelson, prepared by Day Design Pty Ltd, referenced as 6002-1.2L and dated 11 July 2017:

- Western Boundary Fence;
- Mechanical Plant; and
- PA system within Worship Hall.

34. Acoustic Requirements – Mechanical Ventilation

As per the recommendations of the *Addendum to Acoustic Report* place of public worship at 6 Edwards Road, Nelson prepared by Day Design Pty Ltd referenced as 6002.1-.2L the mechanical plant and associated treatment is to be assessed by a suitably qualified acoustic consultant. The assessment is to be submitted to Council's Manager – Environment and Health for review and written approval if satisfactory.

35. Salinity Assessment

Prior to the issue of a Construction Certificate a salinity assessment is to be prepared and submitted to the Principal Certifying Authority. The salinity assessment is to include recommendations for the management of saline soils during construction, and construction methods for the proposed development. The Principal Certifying Authority shall ensure that any construction methods / recommendations are implemented on the final construction plans.

36. Notice of Requirements

The submission of documentary evidence to the Certifying Authority including a Notice of Requirements from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

37. Sydney Water Building Plan Approval

A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm>- Sydney Water Tap in, or telephone 13 20 92.

PRIOR TO WORK COMMENCING ON THE SITE

38. Principal Certifying Authority

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

39. 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.

40. 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.

41. 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.

42. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials from the site are to have covered loads and are not to track any soil or waste materials on the road. Should 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 hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of

waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

43. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before 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.

44. 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.

45. 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.

46. 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.

47. Notification of Asbestos Removal

Prior to commencement of any demolition works involving asbestos containing materials, all adjoining neighbours and Council must be given a minimum five days written notification of the works.

DURING CONSTRUCTION

48. 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.

49. 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.

50. 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.

51. 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)*.

52. Removal of Septic Tank and Effluent Disposal Area

The existing subsurface effluent disposal area and any associated wastewater infrastructure is to be removed and back filled with Excavated Natural Material (ENM).

Any redundant septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Health "Advisory Note 3- Revised January 2017 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF)" available from the NSW Health website (<http://www.health.nsw.gov.au/>).

Note: Methods 1.1 & 2.1 (Demolition) are not permissible.

53. 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.

54. Asbestos Removal

Asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principle Certifying Authority.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

55. Landscaping Prior to Issue of Occupation Certificate

Landscaping of the site shall be carried out prior to issue of the Final 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 THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

56. Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under “Developing Your Land” or telephone 13 20 92 for assistance.

57. 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.

58. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

59. Public Asset Creation Summary

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

60. 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.

61. 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.

62. 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.

63. 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.

64. 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.

65. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report *Environmental Noise Impact Assessment* for proposed place of public worship at 6 Edwards Road, Nelson, prepared by Day Design Pty Ltd, referenced as 6002-1.1R and dated 14 December 2016 and *Addendum to Acoustic Report* for place of public worship at 6 Edwards Road, Nelson, prepared by Day Design Pty Ltd, referenced as 6002-1.2L and dated 11 July 2017. Prior to the issue of any Occupation Certificate, written certification is to be provided to Council's Manager – Environment and Health.

66. Installation/Amendment of System of Sewage Management

Prior to the issue of any Occupation Certificate, the on-site sewage management system shall be installed or amended in accordance with an approval issued pursuant to an application made under section 68 of the *Local Government Act 1993*. However, if the place of worship and the existing dwelling has been connected to the Reticulated Sewerage System of Sydney Water then written evidence is to be provided to Council's Manager – Environment and Health.

THE USE OF THE SITE

67. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored the designated waste storage area, which includes provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property

or public place. Under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided onsite.

68. Waste and Recycling Collection

All waste generated onsite must be removed at regular intervals. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the previous written approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

69. 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*.

70. Offensive Noise - Acoustic Report

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation measures directed by Council's Manager - Environment and Health must be implemented.

71. Noise to Surrounding Area

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

72. Acoustic – Noise Management

Other than in the event of an emergency the following are to be complied with as part of the ongoing noise management plan:

- Children are only permitted to play in the outdoor areas for a maximum of 2 hours per day.
- All windows and doors of the Worship Hall must be closed during Sunday Church services and special events and when amplified music is being used.
- All windows and doors must be closed in the Worship Hall when 'Mainly Music' uses this area for major amplified events.
- Amplified music is not permitted in the Ancillary Rooms.

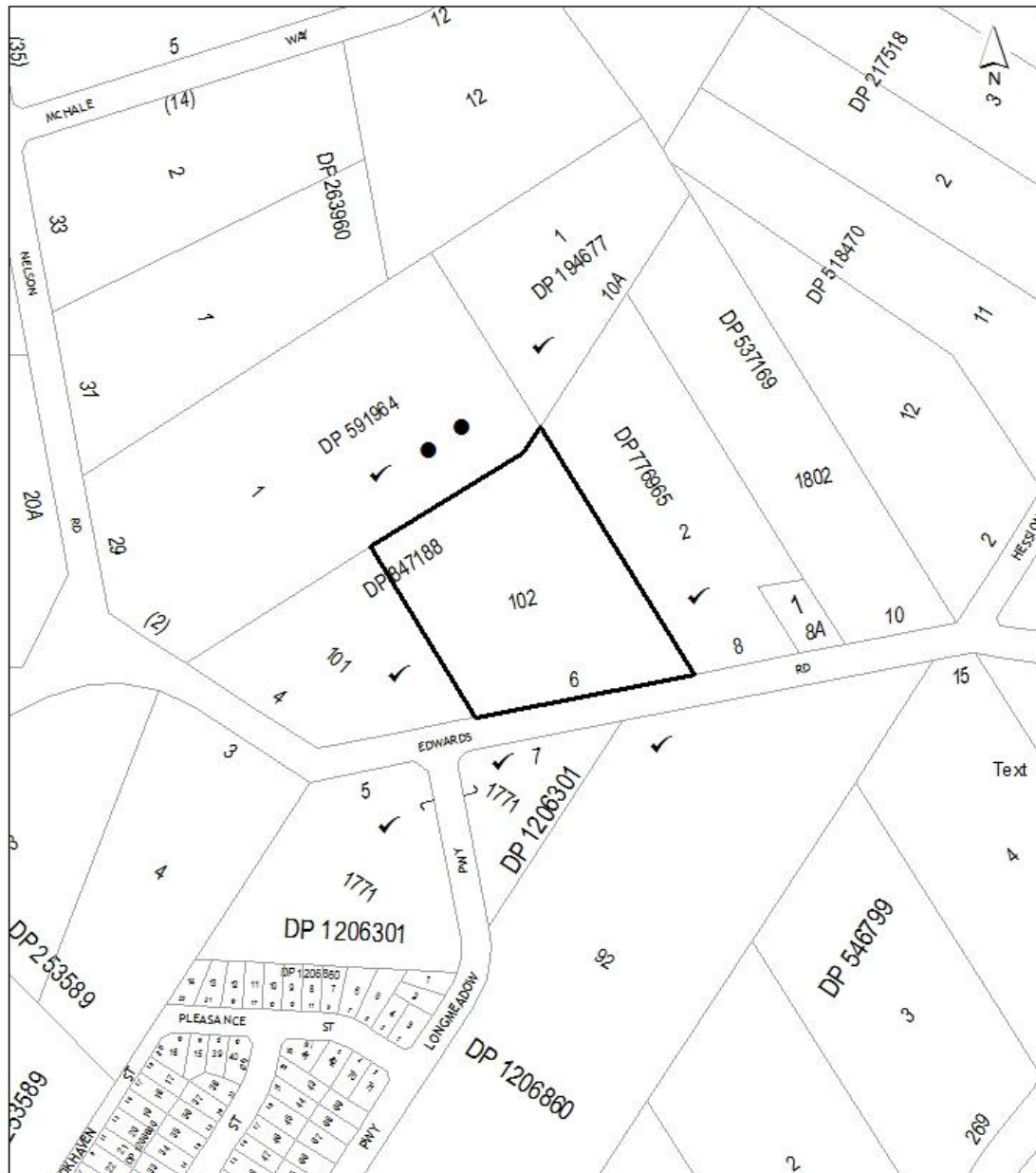
73. Acoustic – Project Specific

As per the Environmental Noise Impact Assessment for proposed place of public worship at 6 Edwards Road, Nelson, prepared by Day Design Pty Ltd, referenced as 6002-1.1R and dated 14 December 2016 the project specific criteria for the operation of the site is 43dBA Leq 15 minutes during the day and evening period (0700-2200 hours) measured at any boundary of the subject site.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Plan
4. Site Plan
5. Floor Plan
6. Elevations
7. Signage Plan
8. Landscape Plan

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

THE HILLS
Sydney's Garden Shire

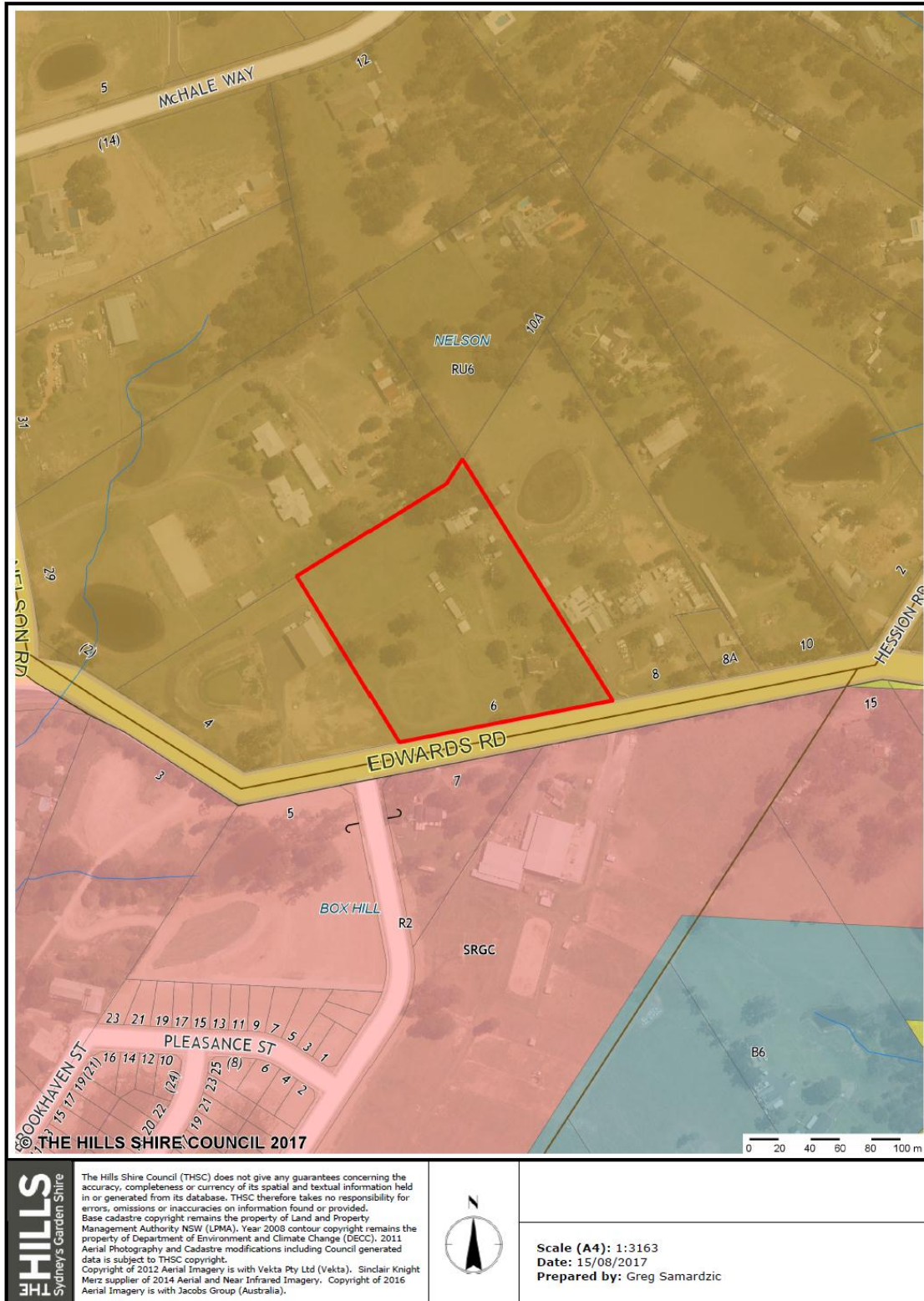
THE HILLS SHIRE COUNCIL

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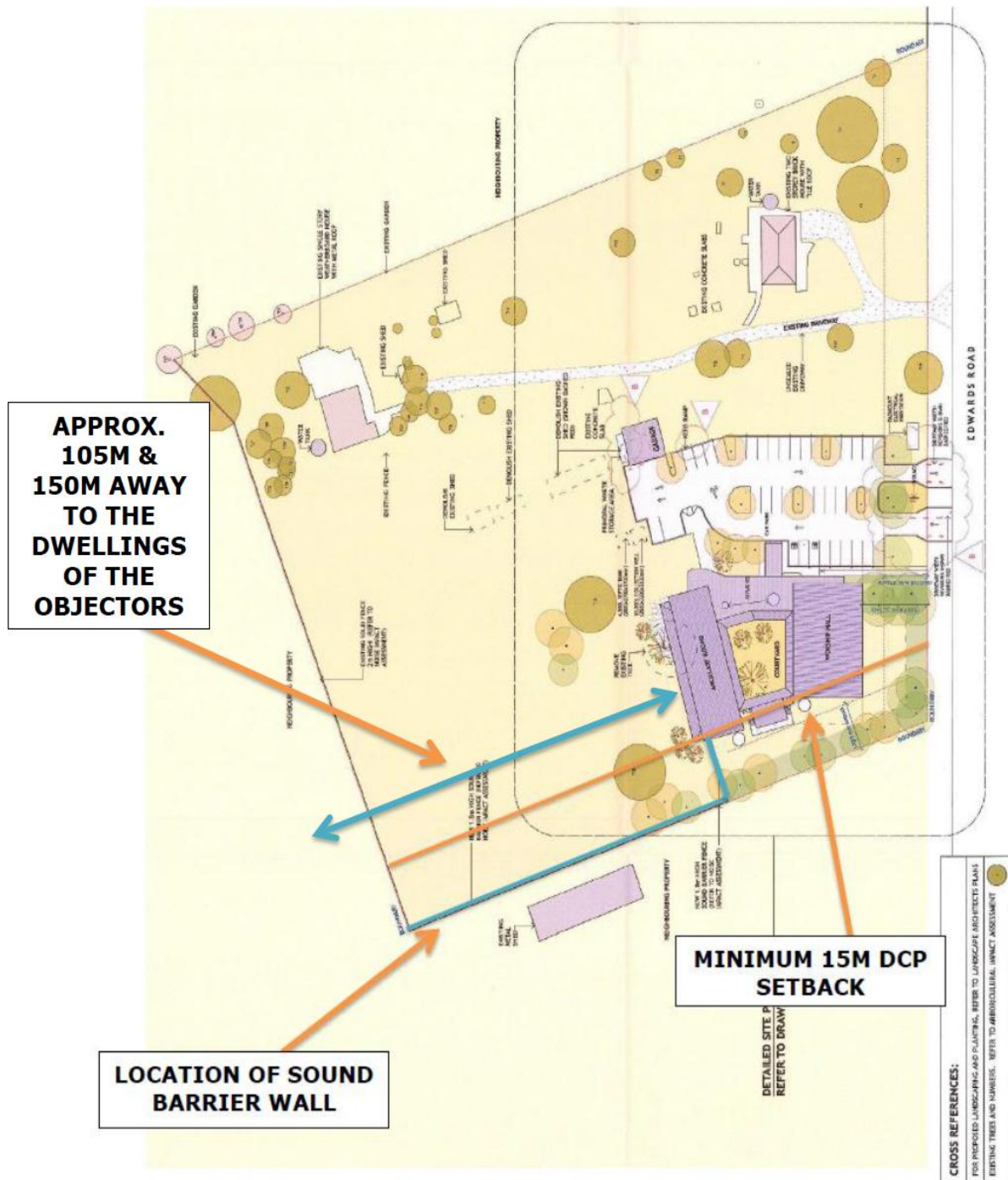
ATTACHMENT 2 –AERIAL PHOTOGRAPH



ATTACHMENT 3 – ZONING PLAN

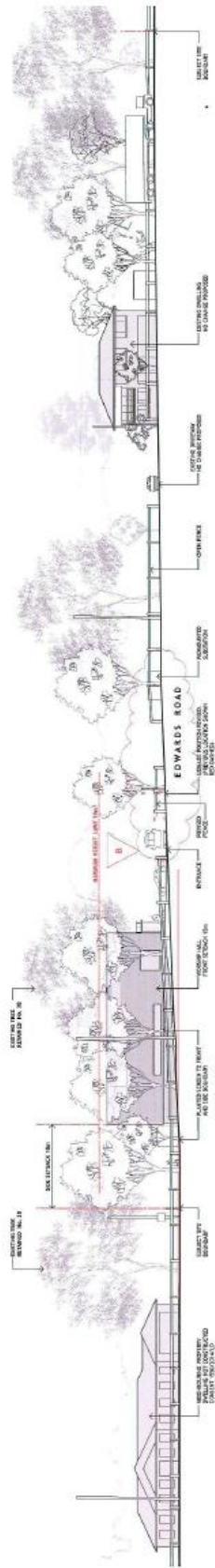


ATTACHMENT 4 – SITE PLAN

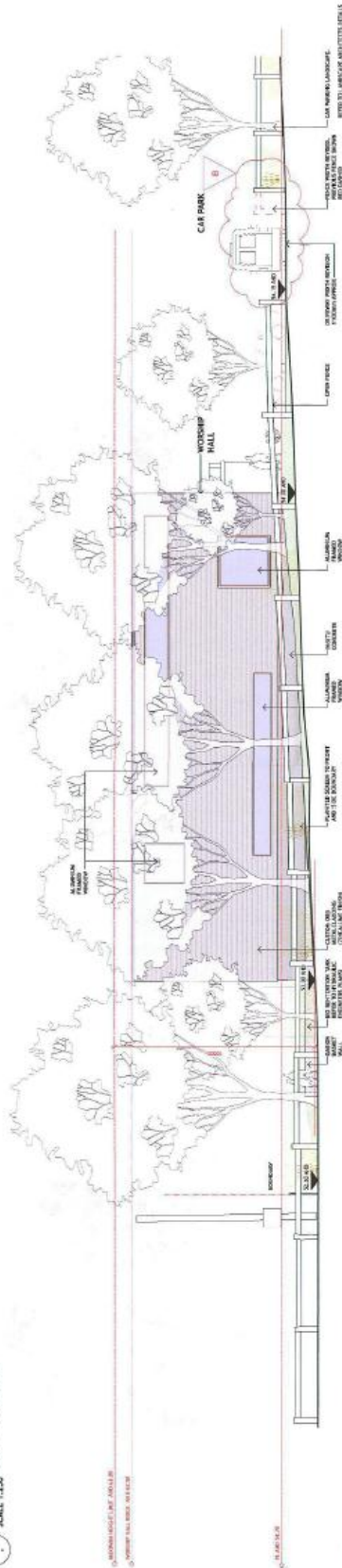


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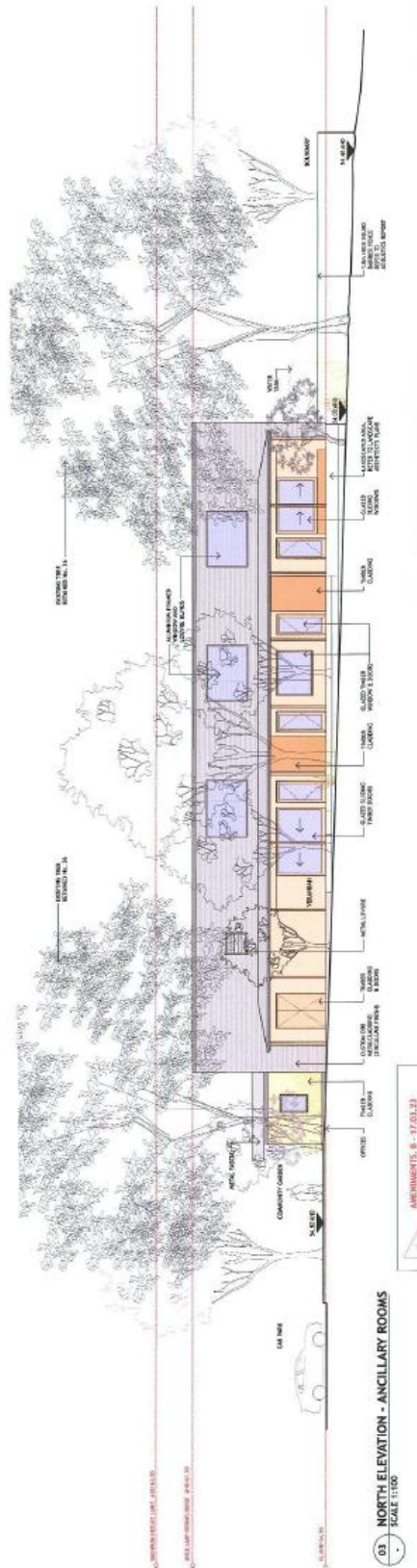
ATTACHMENT 6 – ELEVATIONS



01 EDWARDS ROAD FRONTAGE
SCALE 1/2"



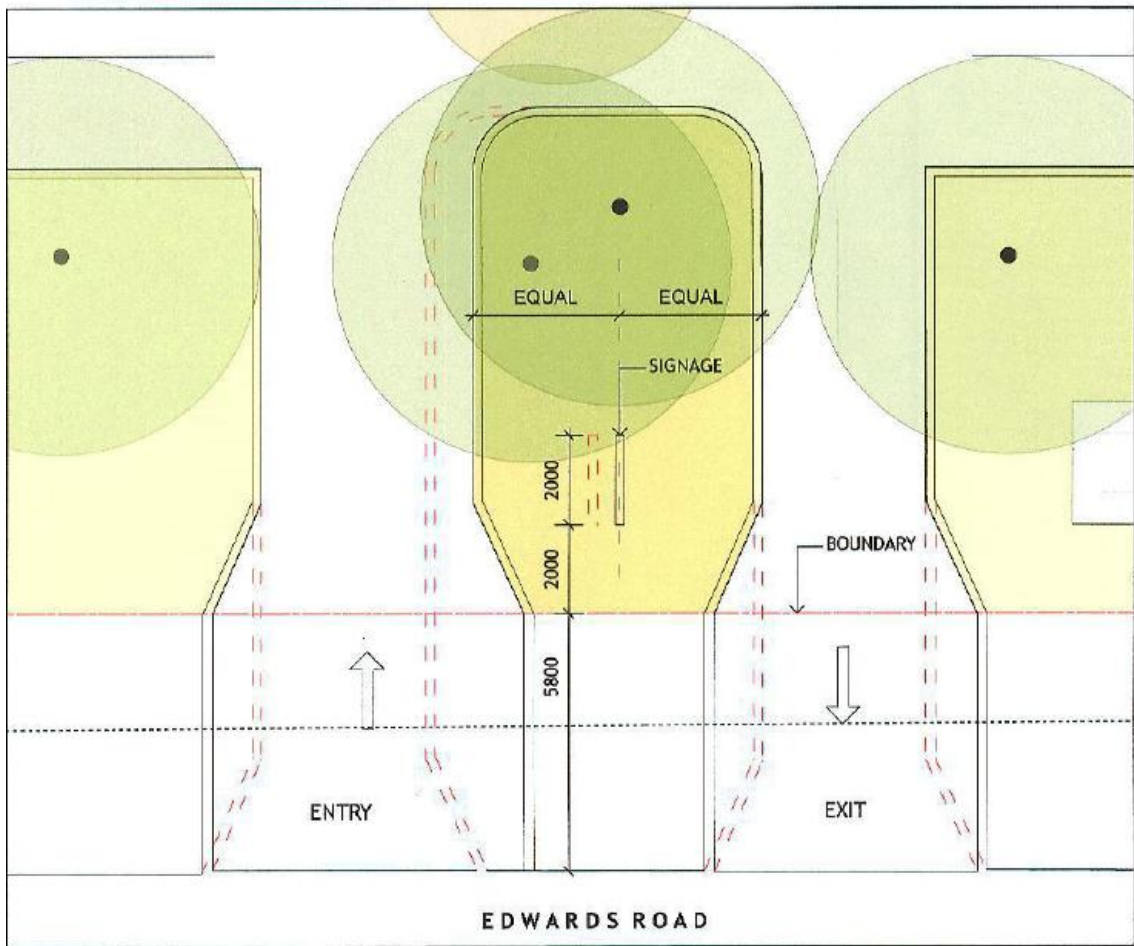
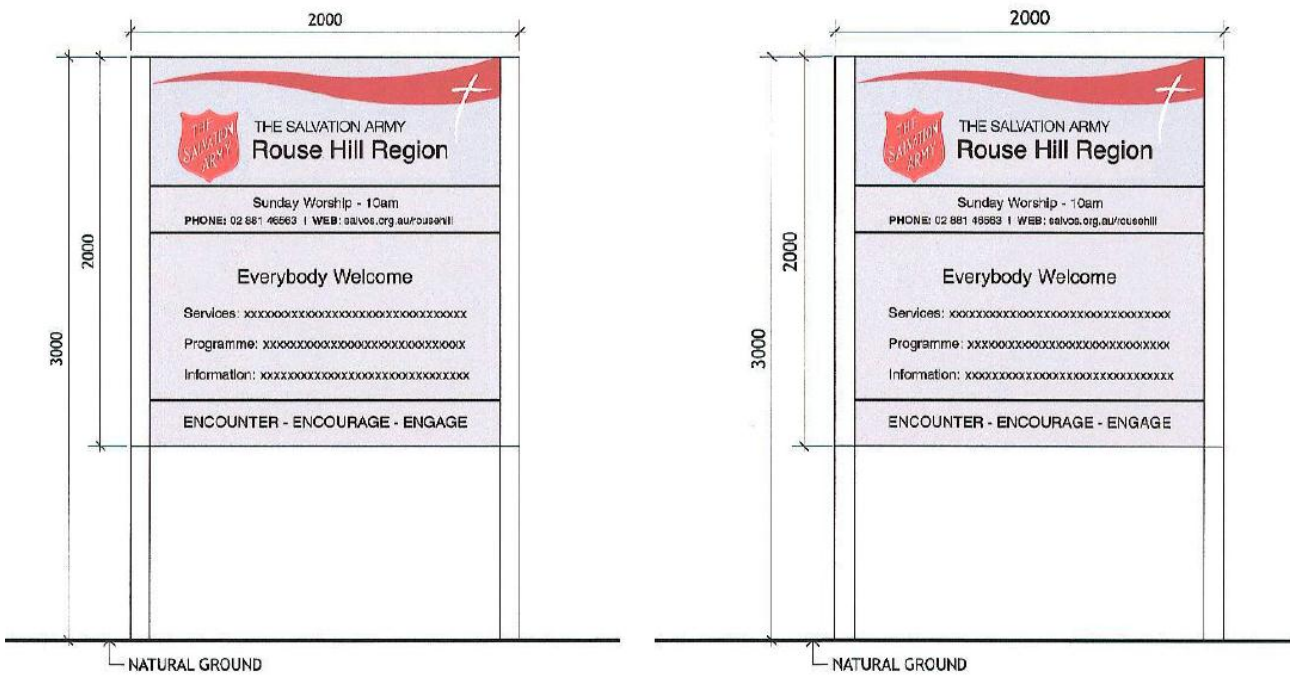
02 SOUTH ELEVATION - WORSHIP HALL
SCALE 1/4"



03 NORTH ELEVATION - ANCILLARY ROOMS
SCALE 1/4"

AMENDMENTS: 8 - 17.03.23

ATTACHMENT 7 – SIGNAGE PLAN



ATTACHMENT 8 – LANDSCAPE PLAN

