



Hawkesbury City Council

hawkesbury  
local  
planning  
panel  
meeting  
minutes

date of meeting: 18 April 2019  
location: council chambers  
time: 11:30 a.m.



**HAWKESBURY LOCAL PLANNING PANEL MEETING**

**Table of Contents**

**Minutes:** 18 April 2019

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
	<b>ATTENDANCE</b>	<b>3</b>
Item: 004	CP - DA0304/18 - Lot 3 in a Crown Subdivision of Lot 7007 DP 1032928, Freemans Reach Reserve, 361 Kurmond Road, Freemans Reach - (95498)	5

**HAWKESBURY LOCAL PLANNING PANEL MEETING**

**Table of Contents**

**Minutes:** 18 April 2019

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

Minutes of the Hawkesbury Local Planning Panel Meeting held in Council Chambers, Council Offices, Windsor, on 18 April 2019, commencing at 11:30am.

### ATTENDANCE

Present: David Ryan, Chair  
John Brunton, Expert Panel Member  
Jane Fielding, Expert Panel Member  
Graham Edds, Community Representative

In Attendance: Ms Linda Perrine, Director City Planning  
Ms Cristie Evenhuis, Manager Development Services  
Ms Ursula Lang, Town Planner (Contractor)  
Ms Amanda Carroll, Council Committee Officer  
Ms Megan Berrell, Council Committee Officer

### DECLARATIONS OF INTEREST

The Chairperson asked the Panel if any member needed to declare a pecuniary interest in any of the items on the agenda. There were no declarations of interest.

All clause 4.10 Code of Conduct declaration forms were submitted by the Panel members.

### ADDRESS BY INVITED SPEAKERS

The Chairperson advised that persons present in the gallery would be invited to speak at the commencement of the consideration of the item.

The following persons addressed the Panel:

<u>SPEAKERS</u>	<u>ITEM NO/SUBJECT</u>
Mr Garry Adams	CP - DA/0304/18 - Lot 3 in a Crown Subdivision of Lot 7007 DP 1032928, Freemans Reach Reserve, 361 Kurmond Road, Freemans Reach - (95498)
Ms Naomi Daley	CP - DA/0304/18 - Lot 3 in a Crown Subdivision of Lot 7007 DP 1032928, Freemans Reach Reserve, 361 Kurmond Road, Freemans Reach - (95498)
Mr Greg Tesoriero	CP - DA/0304/18 - Lot 3 in a Crown Subdivision of Lot 7007 DP 1032928, Freemans Reach Reserve, 361 Kurmond Road, Freemans Reach - (95498)
Ms Robin Woods	CP - DA/0304/18 - Lot 3 in a Crown Subdivision of Lot 7007 DP 1032928, Freemans Reach Reserve, 361 Kurmond Road, Freemans Reach - (95498)
Mr Peter Woods	CP - DA/0304/18 - Lot 3 in a Crown Subdivision of Lot 7007 DP 1032928, Freemans Reach Reserve, 361 Kurmond Road, Freemans Reach - (95498)

**HAWKESBURY LOCAL PLANNING PANEL MEETING**

**Minutes:** 18 April 2019

SPEAKERS

ITEM NO/SUBJECT

Mr Bruce Earle

CP - DA/0304/18 - Lot 3 in a Crown Subdivision of Lot 7007 DP 1032928, Freemans Reach Reserve, 361 Kurmond Road, Freemans Reach - (95498)

Mr Lachlan McClure

CP - DA/0304/18 - Lot 3 in a Crown Subdivision of Lot 7007 DP 1032928, Freemans Reach Reserve, 361 Kurmond Road, Freemans Reach - (95498)

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

**Item: 004** CP - DA0304/18 - Lot 3 in a Crown Subdivision of Lot 7007 DP 1032928, Freemans Reach Reserve, 361 Kurmond Road, Freemans Reach - (95498)

**Division:** City Planning

The Panel visited the site, inspected the context and received a briefing from Council Officers on the application.

Mr Garry Adams, Ms Naomi Daley, Mr Greg Tesoriero, Mr Bruce Earle and Mr Lachlan McClure, speaking for the recommendation, addressed the panel.

Ms Robin Woods and Mr Peter Mobbs, speaking against the recommendation, addressed the panel.

#### 4 RESOLUTION:

The Panel unanimously resolved that:

1. DA0304/18, on proposed Lot 3 in a subdivision of Lot 7007, DP1032928 at 361 Kurmond Road, Freemans Reach, be approved subject to the following conditions below; and
2. Those persons whom made submission to this application be advised of the determination.

##### General Conditions

1. Approved Plans and Supporting Documentation

The development must be carried out generally in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

- a) Plans Reference:

Drawing Number/Name	Prepared by	Date and Revision
180122-01 Site and Landscaping Plan	Barbara Tarnawski Architects	22 January 2018 - Revision B dated 13 November 2018
180122-02 Ground Floor Plan		
180122-03 Roof Plan		
180122-04 Elevations		
180122-05 Elevations and Sections		
180122-06 Sections		

- b) Document Reference:

Flora and Fauna Assessment	Fraser Ecological Consulting	4 July 2018
Bushfire Hazard Assessment Report	Control Line Consulting	23 October 2018
Arboricultural Impact Assessment, Revision A DO64	Creative Planning Solutions	6 September 2018

No works other than those approved (including the raising or lowering of ground levels on the site or the construction of retaining walls on any property boundary) are permitted by this consent.

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

### 2. Appointment of a Principal Certifying Authority

No work shall commence until:

- a) A Building Construction Certificate is issued by:
  - (i) Council; or
  - (ii) An Accredited Certifier;
- b) A Principal Certifying Authority is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
  - (i) name and licence number of the builder undertaking the construction works; or
  - (ii) name and permit number of the owner-builder (if relevant);
- c) The Principal Certifying Authority has:
  - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
  - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
  - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- d) The person having benefit of the consent (if not carrying out work as an owner-builder) has:
  - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
  - (ii) notified the Principal Certifying Authority of the appointment of the principal contractor;
  - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work;
- e) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

### 3. Section 6.4 Certificates Required

The accredited certifier shall provide copies of all Section 6.4 Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

### 4. Occupation Certificate Required Prior to the Use Of The Building

The building/structure shall not be occupied or used prior to the issuing of an Interim or Final Occupation Certificate by the Principal Certifying Authority.



## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of its issue.

5. Sewer Authority - Hawkesbury City Council

This development falls within the Sewerage Scheme controlled by Council. Therefore Council is the approving authority for all sewer works.

6. Prescribed Conditions - Compliance with National Construction Code

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

7. Excavation - Archaeology

If any object having heritage significance is uncovered during the course of the work:

- a) all work must stop immediately in that area; and
- b) the NSW Office of Environment and Heritage and Council must be advised of the discovery.

Note: Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further work can continue.

8. Excavation - Aboriginal Relics

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) the Office of Environment and Heritage and Council must be advised of the discovery.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

9. Flora and Fauna

All recommendations in Chapter 6 of the Flora and Fauna Assessment by Fraser Ecological Consulting shall be carried out during all phases of the development.

10. Tree Removal

This consent covers the removal of Tree No's 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 58, 59, 60 (51 trees) to facilitate the development.

All tree pruning and removal work is to be carried out by an experienced Arborist with minimum AQF Level 3 qualifications in accordance with AS4373:2007 'Pruning of

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

Amenity Trees', Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal Work (2016) and other applicable legislation.

### 11. Tree Retention Protection

Tree No's 7, 8, 51, 52, 53, 54, 55, 56, 57 (nine trees) are to be retained and protected in accordance with the Tree Location Plan & Tree Protection Specification detailed in Appendix 2 & 5 of the Arboricultural Impact Assessment, Revision A (Reference No. DO64) prepared by Creative Planning Solutions and dated 6 September 2018, as well as AS497:2009 'Protection of trees on development sites'.

### 12. Bush Fire Requirements

Bushfire protection measures, as outlined in the stamped Bushfire Hazard Assessment Report and Certification by Control Line Consulting dated 15 September 2018 ref no. 18.10.346 listed in Condition 1, shall be carried out prior to the issue of the **Construction Certificate**. The principal certifying authority shall be satisfied that the construction certificate is in accordance with the recommendations of the approved bushfire hazard assessment report.

The following recommendations within the Bushfire Hazard Assessment Report by Control Line Consulting dated 15 September 2018 ref no. 18.10.346 are as follows:

- i. That the entire site where not built upon shall have the vegetation reduced where or if necessary to satisfy the requirements of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service document "Standards for Asset Protection Zones" for an inner protection area of an asset protection zone and this area shall be maintained at this vegetation level for the lifetime of the development.
- ii. That no future landscaping features, planting of shrubs, trees or other vegetation shall occur in such a manner as to compromise the integrity of the asset protection zone.
- iii. That the external elevations of the building shall be constructed using noncombustible materials and AS 3959- 2009 is not applicable.
- iv. That ember protection is provided for vents and weep in accordance with section 8.4.3 (AS 3959- 2009), screens for windows and doors in accordance with section 8.5.1A (AS 3959-2009) and vehicle access doors section 8.5.5 (AS 3959-2009).
- v. All guttering and roof valley areas shall be fitted with a material or device that will stop leaves collecting in roof valleys, gutters or down pipes and it shall have a flammability index of not greater than 5 when tested in accordance with AS 1530.2-1993 Methods for fire tests on building materials, components and structures. Part 2: Test for flammability of materials.
- vi. That the supply of electricity and telephone to the building shall be under ground where at all possible.
- vii. That if the supply of gas to the subject building shall be installed, it must be undertaken and maintained in accordance with AS 1596-2002 and requirements of relevant authorities.
- viii. Bushfire evacuation procedures for the proposed building should be included within any existing emergency management plan for the station or, if no such plan exists, a bushfire evacuation plan should be prepared in accordance with the NSW RFS Guide to Develop a: Bushfire Evacuation Plan.

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

### 13. Civic Works Specification Compliance

All civic construction works requirement by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E 'Civic Works Specification'. Inspections shall be carried out and compliance certificates issued by Council or an Accredited Certifier.

### Prior to the Issue of Construction Certificate

### 14. Long Service Levy Payment

The payment of a long service levy as required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Note: All building works valued at \$25,000 or above are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Payments Corporation offices or most councils.

### 15. Car Parking and Allocation of Spaces

Car parking shall be provided in accordance with the approved plans and Hawkesbury DCP 2002 and National Construction Code (Building Code of Australia) AS2890.6 'Parking facilities: Off-street parking for people with disabilities'. The minimum number of spaces provided shall be as follows:

- 3 Staff/Visitor Spaces
- 1 Accessible

All car parking spaces are to be identified by line-marking and appropriate signposting.

Details demonstrating compliance with the above requirements must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

### 16. Driveway Construction – Commercial in Council Road Reserve

An 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Construction Certificate. Evidence of lodgement and payment for this application shall be provided to the Certifying Authority.

The vehicular crossing must:

- a) Have a minimum width of six metres within the road reserve;
- b) Not interfere with existing public infrastructure;
- c) Have a sealed finish;
- d) Be constructed in accordance with Hawkesbury Council's Driveway Specification' and Hawkesbury DCP 2002 – Appendix E – Civil Works Specification, and
- e) Reconstruct the road shoulder to an acceptable cross fall in the vicinity of the new driveway.

Note: The Agreement Form for Driveways and the Driveway Specification are available from Council's Website.

### 17. Erosion and Sediment Control Plan

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Certifying Authority approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades,

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication "Managing Urban Stormwater – soils and Construction" (2004). The plan should show the following:

- a) Timing of works
- b) Nature and extent of earthworks, including the amount of any cut and fill;
- c) Where applicable, the diversion of runoff from upslope lands around the disturbed areas;
- d) Location of all soil and other material stockpiles including topsoil storage;
- e) Location and type of proposed erosion and sediment control measures;
- f) Site rehabilitation proposals, and
- g) Frequency and nature of maintenance program.

### 18. Discharge Location of Stormwater

Drainage is to be discharged to either a level spreader or infiltration trench which runs parallel to the site contours and is a minimum 5 metres from the lower property boundary. The design ensures water from the development is not concentrated and is lawfully discharged. Details to the above affect must be incorporated on to stormwater plans and approved by the Certifying Authority prior to the release of the Construction Certificate

### 19. Detailed Drainage Design

A detailed drainage design of the site must be submitted to and approved by the Certifying Authority prior to the release of the Construction Certificate. The detailed plan must:

- a) drain to a infiltration trench or level spreader;
- b) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines;
- c) be to the satisfaction of the Certifying Authority;
- d) be designed to cater for a 1 in 5 year Average Recurrence Interval storm event;
- e) show details of any overflow drainage paths and that they be designed to cater for 1 in 100 year Average Recurrence Interval storm event; and
- f) comply with Council's Hawkesbury Development Control Plan 2002 - Appendix E and Australian Standard AS 3500 - 'Plumbing and Drainage' unless a variation is specifically noted and approved by the Development Application concept drainage plan.
- g) The method of disposal of stormwater drainage shall minimise impacts on the adjoining bushland.

### 20. Overland Flow

The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots shall not be impeded or diverted; and
- c) water flow shall follow the natural flow directions without increasing velocity.

Details demonstrating compliance with the above shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

### 21. Stormwater On-Site Detention

On-Site Detention (OSD) for stormwater is required to be provided for this development. Details including calculations are to be included on plans submitted for the Construction Certificate to the satisfaction of the Certifying Authority. OSD must comply with the following:

- a) OSD shall be provided to maintain all stormwater discharges for storms up to the 1 in 100 Average Recurrence Interval storm event at pre-development levels; and
- b) the OSD system is to be designed in accordance with the Hawkesbury Development Control Plan - Appendix E, Civil Works Specification (Part 1 - Design Specifications and Part 2 - Construction Specifications).

### 22. Amendment to Landscape Plan

The Landscape Plan shall be amended to provide a 1.5m wide landscape strip and new fencing along the common boundary with the church as to improve the relationship of the new Rural Fire Service facility with the adjoining potential heritage item. The type of fencing shall be approved by Council's Heritage Advisor prior to the release of the Construction Certificate'.

### 22A. Amendment to Architectural Plans

The external materials of the building including the exposed concrete walls shall be finished so as to minimize the visual impact on the building as viewed from Gorricks Lane.

### 23. Access for Persons with a Disability

Details demonstrating compliance with Australian Standard AS 1428.1 - 'Design for Access and Mobility and Disability (Access to Premises - Buildings) Standards 2010' in relation to the development are to be submitted to the Certifying Authority prior to issue of a Construction Certificate.

### 24. Structural Engineer's Design - Concrete and Structural Steel

A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Certifying Authority prior to issue of Construction Certificate.

### 25. Structural Engineer's Design - Retaining Walls

Any retaining walls having a height exceeding 600mm proposed in conjunction with the development are required to be designed by a practicing structural engineer.

Details demonstrating compliance with this requirement must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

### 26. Requirements of Sewer Management Authority

A Sewer Management Facility System application shall be submitted to Hawkesbury City Council. The treatment system and disposal method is to comply with Australian/New Zealand Standard 1547:2012 'On-site domestic wastewater management'. Evidence of the approval of the application must be submitted to the Principle Certifying Authority prior to the issue of a construction certificate.

### 27. Council Sewer Authority - Inspection Fees

Council is the sewer authority for this development. As this development involves connection to the existing sewer system or works in connection to an on-site waste

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

management facility, payment of the prescribed inspection fee is required to be made prior to the issue of a construction certificate. Evidence of this payment must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

### 28. On-site Sewage Management - Approval Required

Prior to the issue of the Construction Certificate, approval shall be obtained for the installation of an on-site sewage management system. The application shall be submitted to Council together with the design details, site assessment report and payment of the prescribed fee.

Following installation and prior to use of the approved on-site sewage management system an Application to Operate the system shall be submitted to and approved by Council.

### 28A Operational Management Plan

Preparation and submission of an operational plan for approval by council which:

1. Addresses the means of implementing all relevant conditions of this consent relating to environmental, drainage and other operational management issues,
2. Provides for arrangements to utilise the adjoining car park area associated with the tennis courts for any events for which additional car parking is required, and
3. Provides for measures to avoid impacts associated with the use of any hazardous materials on adjoining bushland and endangered species.

### **Prior to Any Works Commencing on Site**

### 29. Notice of Commencement

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) Details of the appointment of a Principal Certifying Authority (PCA) providing name, address and telephone number; and
- b) Details of the name, address and licence details of the Builder.

### 30. Principal Certifying Authority - Details

The applicant shall advise Council of the name, address and contact number of the Principal certifier, in accordance with Section 6.6(2) of the Environmental Planning and Assessment Act 1979.

### 31. Road Opening Permit Required

A separate Road Opening Permit under Section 138 of the Roads Act 1993 must be obtained from Council, in the case of local or regional roads, or from Roads and Maritime Services, in the case of State Roads, prior to the commencement of any:

- a) Excavation or disturbance of a road reserve (including footpath), nature strip or road pavement) to access services including sewer, stormwater drains, water mains, gas mains, telecommunications or for any other purpose; or
- b) Erection of a structure or carry out a work in, on or over a public road; or
- c) Removal of interference with any structure, work or tree on a public road; or
- d) Pumping of water into a public road from any land adjoining the road, or
- e) Connection of a road (whether public or private) to a public road.

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous.

All precautions must be taken to protect the public while work is in progress. Traffic control shall be undertaken in accordance with Australian Standard AS1742 'Manual Uniform Traffic Control Services – Parts 1, 2 and 3'.

Upon completion of the work, the road reserve shall be restored to its original state and ensure that there are no hazards that may impact on the public.

### 32. Toilet Facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

### 33. Notice of Commencement

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifying Authority (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

### 34. Prescribed Conditions - Shoring and Adequacy of Adjoining Property

Development that involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

### 35. Principal Certifying Authority (PCA) Site Sign

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work;
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

### 36. Safety Fencing

The site is to be secured by a fence, in accordance with NSW WorkCover requirements, to prevent unauthorised access during the period of all works.

### 37. Erosion and Sediment Control for Minor Development

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)'.

### 38. Sydney Water - Endorsement of Approved Plans

The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to Sydney Water's website.

Evidence of the building plan approval must be forwarded to the Principal Certifying Authority prior to the commencement of works.

## **During Construction**

### 39. Construction Hours

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials shall be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
  - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
  - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
  - (iii) a variation is approved in advance in writing by Council.



## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

### 40. Site Management During Construction

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the principal certifying authority:
  - (i) the place to which waste materials were transported;
  - (ii) the name of the contractor transporting the materials; and
  - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
  - (i) all vehicles entering or leaving the site must have their loads covered;
  - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
  - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

### 41. Loading and Unloading During Construction

The following requirements apply.

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

### 42. Critical Stage Inspections

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours' notice is required to be provided to allow the Principal Certifying Authority to ensure that the critical stage inspections are undertaken.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the Environmental Planning & Assessment Regulation 2000.

### 43. Inspection and Compliance certificates for Sewer Works

Inspection and Compliance Certificates for sewer works can only be conducted and issued by Council.

In the case of:

- a) internal and external (house service connection) drainage, the inspection must be conducted by Council's Development Services Branch, please phone (02) 4560 4444 to arrange inspections and payment of required fees;
- b) sewer work constructed under a Major/Minor Sewer Works application, the inspection must be conducted by Council's Waste Management Branch. A compliance certificate will not be issued under Works as Executed information has been received, assessed and approved by the Waste Management Branch, please phone (02) 4560 4444 to arrange inspections; and
- c) major sewer works where the contractor is allowed to use third party quality control, the third party must be approved by the branch manager of Council's Waste Management Branch.

In all cases inspections must be conducted on the exposed pipes prior to any backfilling including poured concrete or concrete encasement.

### 44. Management of Overland Flows

The works associated with the development shall ensure that:

- a) all natural water flow from adjoining properties is not impeded or diverted; and
- b) surface and subsurface water flows are not redirected or concentrated onto adjoining properties.

### 45. Earthworks - General Requirements

All earthworks on site must comply with the following:

- a) topsoil shall be stripped only from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
- b) once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- c) filling shall comprise either uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site;

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

- d) a ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination;
- e) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed;
- f) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and
- g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

Note: ENM is defined by the Excavated Natural Material Exemption - NSW Environment Protection Authority.

### 46. Earthworks - Removal, Management and Transportation of Fill

All excavated fill material that is to be removed from the site shall only be sent to:

- a) a NSW Office of Environment and Heritage licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer of Council upon request; or
- b) a site which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer upon request.

All removed excavated material shall be transported and disposed of in accordance with the NSW Office of Environment and Heritage guidelines applicable at the time of removal.

### 47. Placing of Fill

All fill shall be placed in accordance with the standards specified in Table 5.1 of Australian Standard AS 3798 - 'Guidelines on Earthworks for Commercial and Residential Developments'.

### 48. Compaction - Landfill

All fill; including existing fill must be compacted in accordance with a compaction ratio of 98% as specified in Table 5.1 of Australian Standard AS 3798 - 'Guidelines on Earthworks for Commercial and Residential Developments'.

### 49. Requirements of Sewer Management Authority

Inspections for sanitary drainage works must be conducted by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to covering. In the case of internal and external drainage, the inspection must be conducted by Hawkesbury City Council's Regulatory Services Branch. Please phone (02) 4560-4444 to arrange inspections.

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

### Prior to Issue of Occupation Certificate

#### 50. Infrastructure Repair and Completion of Works

Prior to the issue of any Occupation Certificate:

- a) All works in the road reserve must be fully completed;
- b) Any public infrastructure damaged as a result of the development must be repaired to the satisfaction of Council.

#### 51. On-site Stormwater Detention - Positive Covenant Required

A positive covenant shall be created on the title of the land providing the following:

- a) the registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities;
- b) the liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings; and
- c) council only will be entitled to release or modify the Covenant.

The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with Land and Property Information.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate.

#### 52. Survey Certificate at Completion

A Survey Certificate, prepared by a Registered Surveyor, is to certify the location of the building in relation to the boundaries of the allotment.

The certificate is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

#### 53. Bushfire assessment report and certificate. All recommendations in the approved bush fire hazard assessment are to have been complied with to the satisfaction of the principal certifying authority.

#### 54. Suitability of Glazing - Windows and Doors

Glazing materials (e.g. windows, doors, footlights, balustrades and shower screens) are to be installed within the building in accordance with Australian Standards AS1288 'Glass in Buildings - Selection and Installation' and AS2047 'Windows and external glazed doors in buildings'.

A Certificate of Compliance is required to be provided to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.

Note: The certificate is required to be signed by the manufacturer and the installer.

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

55. On-site Sewage Management - Approval to Operate

An Approval to Operate the on-site sewage management system shall be obtained prior to the issue of any Occupation Certificate.

56. Telecommunications Provider Certificate

Documentary evidence from a telecommunications carrier confirming that services are available for the development shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

57. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate. For details refer to Sydney Water's website.

58. Energy Provider Certificate

Documentary evidence from an Energy Provider confirming that satisfactory arrangements have been made to serve the proposed development shall be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

59. Compliance Certificate - Connection to On-Site Waste Facility

A written clearance from Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.

All landscaping works approved under this consent are to be completed prior to the issue of a Final Occupation Certificate.

### Operational Conditions

60. Annual Fire Safety Statement

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- (a) Forwarded to the Commissioner of Fire and Rescue New South Wales by email to [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au); and
- (b) Prominently displayed in the building.

61. Lighting

Any lighting shall be managed to minimise glare and light spill onto adjoining properties or roadways. Lighting installations shall comply with Australian Standard AS 4282 – 'Control of the obtrusive effects of outdoor lighting.'

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

Operational

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

### 62. Operational Management Plan

Ongoing implementation of the approved Operational Management Plan.

#### Advisory Notes

##### (i) Approval Authority

This development falls within the Sewerage Scheme controlled by Council, therefore Council is the approval authority for all sewer works.

The applicant must consult with the Waste Management Branch regarding any possible new work or upgrades to existing Council sewer mains related to this application.

##### (ii) Equitable Access

The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.

##### (iii) Acid Sulfate Soils - Monitoring of Excavation During Works

All excavations are to be monitored to ensure that acid sulphur soils are not encountered during works. Signs that may indicate the presence of acid sulphur soils include:

- a) change in colour of the soil into grey and green tones;
- b) effervescence;
- c) the release of sulphur smelling gases such as sulphur dioxide or hydrogen sulphide; and
- d) lowering of the soil Ph by at least one unit.

Should any of the above indicators be present excavation work on the site is to stop and Council is to be notified to determine what action is required to be taken before work may commence.

##### (iv) Site Contamination Discovered During Demolition or Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, then the applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with Council.

##### (v) Dial Before You Dig

Prior to commencement of work, the free national community service 'Dial Before You Dig' shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

##### (vi) Requirements of 88B Instrument

The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

## HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 18 April 2019

(vii) Works on Public Land - Public Liability Insurance

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

The policy is to note, and provide protection/full indemnification for Council, as an interested party. A copy of the policy must be submitted to Council prior to commencement of any works. The policy must be valid for the entire period that the works are being undertaken.

(viii) Utilities and Services

Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the proposed development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the developer.

### Reasons for Decision

The Local Planning Panel considers the proposal is acceptable and the proposed development is approved for the following reasons:

- The proposal is acceptable having regard to the statutory requirements applying to the development.
- The proposal is in the public interest.
- The proposed development adequately satisfies the objectives and provisions of the Hawkesbury Local Environmental Plan 2012 (LEP 2012).
- The Panel has included additional conditions to address issues raised by the Public in relation to ongoing operational management of the site, particularly addressing protection of adjoining bushland.

The meeting closed at 1.40pm.

