



Hawkesbury City Council

hawkesbury
local
planning
panel
meeting
business
paper

date of meeting: 18 April 2019

location: council chambers

time: 11:30 a.m.

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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

DEVELOPMENT INFORMATION:

Application Number: DA0304/18
Date Received: 9/07/2018
Proposal Details: Emergency Services Facility - Fire Brigade Station
Estimated Cost: \$1.1M
Legal Description: Proposed Lot 3 in a Crown Subdivision of Lot 7007 DP 1032928
Property Address: Freemans Reach Reserve, 361 Kurmond Road, FREEMANS REACH NSW 2756
Area: 1.417ha (relating to proposed Lot 3)
Zoning: RU2 Rural Landscape under Hawkesbury Local Environmental Plan 2012
Applicant: Hawkesbury City Council
Owner: Hawkesbury City Council
Exhibition Dates: 23/07/2018 - 6/08/2018
Submissions: 3 (2 objections, 1 submission in support)

Key Issues:

- ◆ Minimisation of environmental impact, especially to adjoining area of bushland
- ◆ Whether or not there is any impact on threatened species
- ◆ Loss of 51 trees
- ◆ Consultation with Aboriginal community regarding the DA and impacts on Aboriginal cultural heritage
- ◆ Construction of Class10 Non-habitable building
- ◆ Bushfire protection to the new facility
- ◆ Improved amenity
- ◆ Impact on adjoining property, potential heritage item St Marks Anglican Church

Recommendation: Approval

EXECUTIVE SUMMARY:

Development Application DA0304/18 proposes to construct a new Rural Fire Station (Category 3C) comprising of 3 bays for tanker parking, training room, office area, kitchen and toilet facilities.

The application was notified in accordance with Part A Chapter 3 of the Hawkesbury Development Control Plan 2002 from 23 July to 6 August 2018 with three unique submissions received identifying the following issues:

- Drainage
- Impact on vegetation
- One submission was in support of the proposal

The application is made by Hawkesbury Council on behalf of the Rural Fire Service. The land was originally owned by the Crown, and is the subject of an Aboriginal Land Claim. This matter has since been resolved with the Deerubbin Aboriginal Land Council. The land required for the RFS facility is exempt from

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land to be returned to the Aboriginal community following the determination of the land claim application. The Department of Crown Lands has confirmed that a subdivision of the land to separate the land required for RFS purposes from the land being returned to the Aboriginal community, is currently underway.

The proposed facility is to replace an existing facility in the area and is an essential community facility required to service the area. It is a modest building which has been designed to blend into the rural landscape.

Although the subject site is in an area affected by bush fire risk, with bushland adjoining, the matter has been fully taken into consideration in the design of the development, with adequate measures specified by a bushfire consultant to reduce the level of risk. The building complies with the relevant Australian Standards.

The proposal involves the removal of a significant number of trees (51) but the loss of these trees must be balanced against the need for the facility and the public interest in having the facility built in this location.

The arboricultural assessment has assessed the impact on site trees, identifying those to be removed and how many are to be protected during the construction works. These matters will be fully addressed within conditions of development consent.

All concerns regarding impacts on the bushland, and in particular on threatened species, have been addressed through the additional assessments carried out during the processing of this application.

The application is recommended for approval.

Reason for Referral to Local Planning Panel

Development Application DA0304/18 is referred to the Hawkesbury Planning Panel for consideration and determination as:

- The proposal has a conflict of interest under S9.1 Local Planning Direction Schedule 1 Item 1 – Development to which the applicant or land owner is: the council.

Proposal

The application seeks to construct a new two storey fire station comprising of the following:

- Ground floor:
 - New truck parking bay with 3 fire tanker parking spaces;
 - Storage area;
 - Male and female bathroom facilities;
 - Accessible toilet;
 - Multi-function area with kitchenette; and
 - Main office;
 - Decking off multi-function area/office;
- First floor Mezzanine Level:
 - Storage area;
- External concrete slab to provide 4 parking spaces and turning circle for tanker trucks;
- New 110,000L in-ground water tank;
- New Septic system;
- Tree Removal; and
- Landscaping

Permissibility

The site is zoned RU2 Rural Landscape and under Hawkesbury LEP 2012 a bushfire facility is permissible within the RU2 zone as a “community facility” and meets the zone objective “To enable other land uses that provide facilities or services to meet the day to day needs of residents”

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Under Division 6 of State Environmental Planning Policy (Infrastructure) 2007 the RU2 Rural Landscape zone is classified as a prescribed zone and the development can be undertaken, with development consent, as the use is for the Rural Fire Services.

The specific purpose of a “bush fire brigade station” is gazetted as a suitable purpose in the relevant Plan of Management for Freemans Reserve.

Key Issues

The key issues of the development application are:

- the removal of a significant number of trees (51);
- ensuring that the building has adequate bushfire protection.
- impact on threatened species
- Minimisation of environmental impact, especially to adjoining area of bushland
- Whether or not there is any impact on threatened species
- Loss of 51 trees
- Consultation with Aboriginal community regarding the DA and impacts on Aboriginal cultural heritage
- Construction of Class10 Non-habitable building
- Bushfire protection to the new facility
- Improved amenity
- Impact on adjoining property, potential heritage item St Marks Anglican Church

Recommendation

Approval: It is recommended that development application DA0304/18 is approved subject to conditions.

REPORT:

Description of Proposal

The proposed development is for a new Rural Fire Station (Category 3C) which will comprise 3 bays for tanker parking, a training room, an office area, a kitchen and toilet facilities.

In detail, the proposed development comprises:

- Erection of a large two-storey, colorbond shed for the use of the RFS to be mainly used to house RFS vehicles and provide a building/structure for use by RFS personnel in the event of a bushfire, house fire or other emergencies. The shed has an internal area of 380.9m². Its roof pitch is 10 degrees.
- The frequency of use is as follows:
 - The shed will be used for training one night a week plus a separate two nights per month brigade general monthly meeting;
 - Incident calls on an as need basis, which can amount to 3 to 4 calls per month average;
- Staff numbers of the core group are around 15, however additional volunteers are available from time to time.
- There will be some local flood lighting to the area directly in front of the shed to ensure safety of the site.
- Parking including:
 - 3 bays for tanker parking;
 - 4 car spaces including 1 accessible space;
- Landscaping works including:

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Figure 2 – Extract from Hawkesbury LEP 2012 showing the land zoned RU2 Rural Landscape

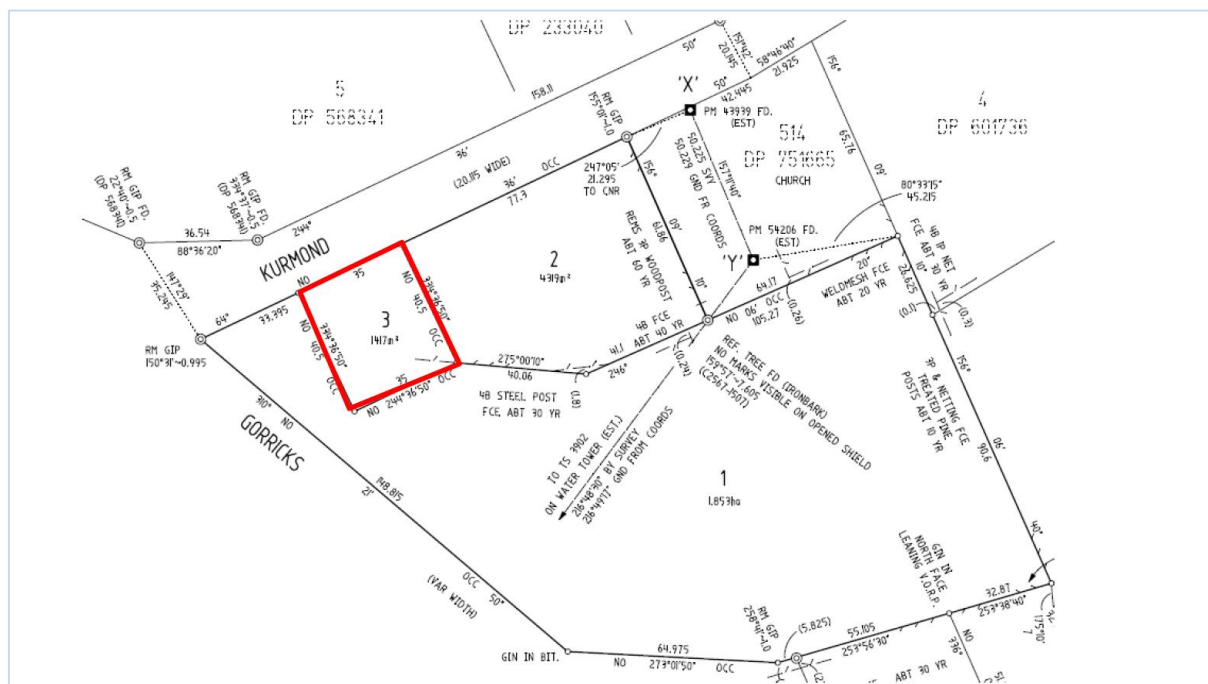


Figure 3 shows the subject site, proposed Lot 3 in a subdivision of Lot 7007, shown in red
Source: Survey Plan by Andrew J Edwards



Figure 4 - Aerial View of the Site showing Lot 7007 Source: Six Maps

Background and/or History

The need for a new RFS facility has been under consideration for a number of years, arising from the fact that the existing RFS facility in the area is inadequate and the site has problems with access. The land known as Freemans Reach Reserve was identified as a suitable site for a new facility.

The proposed lot, the subject of this DA, is party to a new draft land subdivision which will see the broader lot (Lot 7007) subdivided into three smaller lots; one for the community/tennis courts, one for RFS site and the remainder is the greatest portion at the south which is vegetated.

The new site is Community Land, owned by the Crown with Council having care, control and management. Under the Plan of Management relating to the bushland reserve, the specified purpose is "Recreation".

A report was considered by Council at its meeting of 13 August 2013 at which it was resolved to ask Crown Lands to amend the "purpose" of the Reserve to include a "bush fire brigade station". This request was agreed to, and gazetted on 28 April 2017.

Council notified Crown Lands of its intention to lodge a Development Application (DA) on 25 May 2018, and Council's General Manager signed the DA form in the capacity of landowner. The DA was lodged on 9 July 2018 and publicly notified from 23 July to 6 August 2018. Three submissions were received, two objections and one submission in support.

An Aboriginal Land Claim was lodged on the 16 November 2009, however the subject site is not a part of this claim.

Submissions

The application was notified between 23 July 2018 and 6 August 2018, in accordance with Chapter 3 of the Hawkesbury Development Control Plan 2002 (HDCP), Notification of Development Applications.

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Referrals

Three submissions (two objections and one submission in support) were received and the issues identified are outlined in the matters for consideration under Section 4.15.

Internal Referrals	
Engineering	<p>1) Concerns raised by a resident in Blacktown Road (south of the subject site) in relation to stormwater runoff that comes off Kurmond Road and goes into a drain on the corner of Gorricks Lane and adversely affects her property.</p> <p>2) Currently it is proposed to pipe through private property being Lot 1 DP 1249183. There is no evidence of an easement and this solution would therefore be unlawful.</p> <p>Water flow can be limited to pre-development quantities through on-site detention and water spread to reduce concentration of water with a level spreader which will ensure that the current flows are not increased. Engineering conditions are provided to control the discharge of stormwater.</p> <p>These will ensure that stormwater is dealt with in a manner that complies with Councils DCP and ensures no adverse impacts on neighbouring properties.</p>
Parks Officer	Has raised no objections to the development subject to conditions of consent.
Building Surveyor	No objections subject to conditions of consent.
Council's Heritage Consultant	Recommendations have been provided to improve the relationship of the proposed development to the adjoining heritage church, which is a potential heritage item. Additional details are provided in the Section 4.15 assessment below.

External Referrals	
Deerubbin Aboriginal Land Council	No response was received.

Council Policies, Procedures and Codes to which the matter relates

Greater Sydney Regional Plan and Western City District Plan
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) (SREP No. 20)
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy No 44—Koala Habitat Protection (SEPP No. 44)
Hawkesbury Local Environmental Plan 2012 (LEP2012)

Matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

a) The provisions of:

i. Any Environmental Planning Instrument:

State Environmental Planning Policy (Infrastructure) 2007

47 Development permitted with consent

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1. Development for the purpose of an emergency services facility may be carried out with consent in a prescribed zone by or on behalf of the NSW Rural Fire Service or an emergency services organisation that is not a public authority.

Under Division 6, the RU2 Rural Landscape zone is classified as a prescribed zone and the development can be undertaken with development consent as the use is for the RFS.

State Environmental Planning Policy No 44—Koala Habitat Protection (SEPP No. 44)

This policy applies to all development applications within identified LGAs including Hawkesbury City Council with an area of more than 1 hectare. Before Council may grant consent to an application to carry out development on land to which this policy applies, it must satisfy itself whether or not the land is a potential koala habitat.

A Flora and Fauna Targeted Flora Survey prepared by Eco Logical Australia did not identify any Koala feed tree species identified in Schedule 2 of the SEPP.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) (SREP No. 20)

The objective of this Policy is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Under Clause 2 of the Policy, the environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.

In this regard, the proposed development has considered the environmental impacts and potential bushfire mitigation techniques in relevant reports including a Bushfire Hazard Assessment Report, Arboricultural Impact Assessment Report and Targeted Flora Survey.

Under Clause 6 of the Policy, Flora and Fauna communities are required to be managed so that the diversity of species and genetics within the catchment is conserved and enhanced. In this regard, recommendations have been identified in both the Arboricultural Impact Assessment and Targeted Flora Survey to manage existing flora and fauna.

Hawkesbury LEP 2012

Under Hawkesbury LEP 2012, the property is zoned RU2 Rural Landscape, and the proposed development is permissible with Council's consent.

The following is a summary of the development standards under HLEP 2012 applicable to the development.

Clause 2.2 - Zoning

The proposed development is defined as a community facility and is therefore a permissible use in the RU2 Rural Landscape zone.

Community facility is defined in the LEP dictionary as a building or place:

- (a) *owned or controlled by a public authority or non-profit community organisation, and*
- (b) *used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The facility is considered compatible with the RU2 Rural Landscape objectives, namely:

- *To maintain the rural landscape character of the land, and*
- *To provide for a range of compatible land uses, including extensive agriculture.*

The locality is endowed by large areas of bushland and there is a resulting increased risk that assets may be destroyed and the rural landscape devastated by a major bush fire event. Major bush fires can take a community many years to recover, particularly if there is loss of human life. Planning for bush fire protection is the best strategy.

The provision of a new bushfire brigade facility is considered a compatible as well as essential land use for the locality.

Clause 4.3 Building Height

The height limit is 10m. The proposed building has a height of 6.425m, and therefore complies.

The Statement of Environmental Effects dated 4 February 2019 by Urbis, in Table 2 on Pages 8-10, specifies detailed clauses within the LEP all of which are satisfactorily complied with. The proposal development is considered to comply with the LEP.

Clause 5.10 Heritage

(4) Effect of proposed development on heritage significance

The consent authority must before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage Assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
 - (b) on land that is within a heritage conservation area, or*
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item...*



Figure 5 - Extract from LEP Heritage Map

The site is not a heritage item or within a conservation area.

Local Item I344 'War Memorial in public reserve' is located along the southern boundary of the Freemans Reserve (proposed Lot 1).

The proposed facility is considered in keeping with the landscape setting and is suitably setback from the roadway and heritage item.

To the east of the subject site, is a quaint 70-year old church which is a potential heritage item.

The application was referred to Council's Heritage Advisor who did not object to the development and has recommended some low level landscaping on the eastern boundary shared with the church. The bushfire consultant however has advised that:

"It is highly probable that in the future landscaping and garden establishment may occur on the site. However no future planting of trees or shrubs, or combustible landscaping features should be undertaken or constructed in a manner which creates a path for bushfire progression towards the building or allows for a potential compromise to the integrity of the asset protection zone...."

The landscape plan will need to take into account the concerns of the bushfire consultant. Further discussion with the bushfire consultant was undertaken who advised that as long as a path for bushfire progression towards the building is not created, limited landscaping can be provided.

Clause 6.4 Terrestrial biodiversity

The site is mapped as containing significant vegetation and connectivity between significant vegetation on the terrestrial biodiversity map. The flora and fauna assessment report submitted confirms that there is little indigenous vegetation onsite and that:

“All locally indigenous trees on the site have been growing in an environment modified by agriculture and the species on the site typically grow on more fertile soils, namely clay soils, rather than sandstone derived soils which are typically nutrient poor. Thus if small traces of fertilizers reach the roots the fertilizers are unlikely to impact the health of the existing trees. These trees survive reasonably well in modified agricultural landscapes.”

Consequently the proposal would not have any impacts on any existing native vegetation corridors and the land is considered suitable for the proposed development.

- ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:

There are no draft EPI's applying to the land.

- iii. Development Control Plan applying to the land:

Hawkesbury DCP 2002

There are no specific requirements in the DCP relating to a public facility such as a fire station, but the DCP does have requirements generally relating to preservation of trees and vegetation, and landscaping, i.e.,

- Hawkesbury Development Control Plan 2002 – Part C, Chapter 9: Preservation of trees & vegetation
- Hawkesbury Development Control Plan 2002 – Part C, Chapter 1: Landscaping

An Arboricultural Assessment dated 6 September 2018 was prepared by Creative Planning Solutions which examines the number and significance of all trees proposed to be affected by the proposed development and provides recommendations on tree protection and replacement planting. There are currently 60 trees on the subject site.

The Arboricultural Assessment confirms that the proposal will necessitate the removal of a total of fifty-one (51) trees and groups of trees due to unsustainable impacts associated with the new building works and ancillary development.

The loss of 51 trees is a significant number, and it must be weighed up against the need for the facility on this particular site.

Tree protection measures have been specified for those trees outside of the building envelopes which are to be retained to ensure no inadvertent impacts are sustained from construction related activities.

Replacement planting is recommended, however is not considered practical due to the high risk of bushfire. The needs for safety surpasses the need to replace trees and these issues have been considered on balance and replenishment planting is not recommended in this instance.

Generally it is considered that the objectives of the DCP have been fully addressed by the detailed examination of the proposal in terms of its impact on vegetation, including threatened species, with appropriate assessments and detailed recommendations made in the Arboricultural Assessment Report by Creative Planning Solutions.

A Landscape Plan will form part of the conditions of the development consent, if the proposal is approved. The Landscape Plan will need to address the matters outlined in the Bushfire Consultant's report.

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- iv. Planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:

No planning agreements apply to the proposed development

- v. Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

Not applicable to this site.

- vi. Matters prescribed by the Regulations:

The DA has been notified in accordance with Council's notifications policy, including a site sign.

Bushfire Protection – S79BA of the Act

The site is identified as being bushfire prone land and therefore legislative requirements apply. The proposed development is an infill development as defined within Planning for Bush Fire Protection 2006.

Bush Fire Planning and Design was engaged to prepare a Bush Fire Hazard Assessment Report to support the development application. The report, dated 15 September 2018, was prepared in accordance with the requirements of Section 79BA of the Environmental Planning and Assessment Act 1979.

The report determined the vegetation type, the expected fire behaviour and the threat to the proposal. It assessed the proposal with detailed reference to Planning for Bush Fire Protection 2006; assessed the proposed construction with reference to the Building Code of Australia Volume 2; determined the level of construction with reference to AS 3959-2009 Construction of buildings in bushfire prone areas; and identified additional measures to improve the chances of building survival during a bushfire event, in order to achieve the best possible outcome in terms of the proposed development on the subject site.

The report made 8 recommendations in relation to the proposed development:

1. *That the entire site [proposed Lot 3 only] 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.*
2. *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.*
3. *That the external elevations of the building shall be constructed using non combustible materials and AS 3959- 2009 is not applicable.*
4. *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).*
5. *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.*
6. *That the supply of electricity and telephone to the building shall be under ground where at all possible.*
7. *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.*

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8. *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.*

All of the above requirements are included in the draft conditions of development consent, provided at the end of this report.

It is considered that the proposed development, subject to conditions, is capable of meeting the objectives and performance requirements required by the Building Code of Australia Volume 2 and the document *Planning for Bush Fire Protection 2006*, thus providing a reasonable level of bushfire protection in the subject location.

- b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:
- i. External lighting
This has been appropriately conditioned.
 - ii. Impact on adjoining potential heritage church
Requirements for additional landscaping treatment on land adjoining the boundary with the heritage church will be added as a condition to the consent.
 - iii. Noise
This matter has been appropriately conditioned;
 - iv. Stormwater flowing into Reserve and impacting downstream properties
This matter has been appropriately conditioned by Council's Engineer.
 - v. Impacts on vegetation in the Reserve

Concerns raised in submissions about the potential impacts on vegetation in the Reserve, resulted in a peer review being requested of the Flora and Fauna Assessment prepared by Fraser Ecological Consultancy. This peer review was undertaken by Eco Logical Australia (ELA) involving a targeted flora survey, taking into consideration any threatened species.

Following a further site inspection and targeted survey for threatened flora ELA agreed with the conclusion in the Flora and Fauna Assessment prepared by Fraser Ecological Consultancy that the proposed development is unlikely to result in a significant impact on any listed flora species.

Council's Parks Officer considered both reports and raised no further concerns in respect of the concern on impacts to any threatened species, or to the adjoining bushland.

- c) Suitability of the site for the development:

The site is considered suitable for the proposed development. It is in a locality where there are a number of other facilities of a community nature, including the adjoining Church.

- d) Any submissions made in accordance with the Act or the Regulations:

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In accordance with Section 3.2 of Part A of HDCP 2002, owners of surrounding properties were given notice of the application. In response, three submissions were received with the following issues raised:

Matters Raised	Comment
Drainage impacts onto downstream properties	Council's Engineer has further examined the concerns raised, and has provided specific drainage conditions involving on-site detention, devised to delay the rate of stormwater runoff from the site. This is anticipated to address the current drainage problem outlined by the objector
Adequacy of assessment of impact on threatened species	Concerns were raised about the inadequate assessment of impacts on threatened species in the Fauna and Flora Assessment undertaken by Fraser Ecological and submitted with the original application. Particular concern was raised about a plant referred to as Pimela Spicata. This resulted in a request for a Peer Review of the Fraser Report to the applicant. A review was undertaken by Eco Logical Australia, with the findings that the original assessment by Fraser Ecological was agreed with, concurring with the assessment that there was no impact on threatened species.
Submission in support	This submission draws on the experience of the submitter as a member of the RFS for over 40 years. The submission points out the suitability of the site for a bushfire brigade facility in relation to access, and how much the facility is needed to ensure protection of the community

e) The Public Interest:

The facility is needed by the community to effectively co-ordinate responses to bush fires and to control fire risks in an area with significant bushfire prone land. It is in the public interest that the development be approved.

Development Contributions

Development contributions do not apply to this form of development.

Conclusion

The matters in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 have been satisfied.

RECOMMENDATION:

1. That Hawkesbury Local Planning Panel, as the consent authority, grant development consent DA0304/18, on proposed Lot 3 in a subdivision of Lot 7007, DP1032928 at 361 Kurmond Road, Freemans Reach subject to the following recommended conditions below; and
2. That 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:

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Drawing Number/Name	Prepared by	Issue No.	Date
180122-05 Elevations and Sections	Barbara Tarnawski Architects (BTA)	A	11/5/18
180122-04 Elevations	BTA	A	22/01/18
180122-02 Ground Floor Plan	BTA	A	22/01/18
180122-03 Roof Plan	BTA	A	22/01/18
180122-06 Sections	BTA	A	22/01/18
180122-01 Site and Landscaping Plan	BTA	B	22/01/18
180122-07 Survey	BTA	A	22/01/18

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.

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

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- 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. 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.

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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 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 non-combustible 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.

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- 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.

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.

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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, 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.

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.

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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.

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 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

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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.

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.

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;

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- 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:

- 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.

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.

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- 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.

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;
- 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

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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.

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

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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.

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

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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; 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.

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.

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(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.

(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 it is recommended that the proposed development be approved based on the following grounds:

- The proposal is acceptable having regard to the statutory requirements applying to the development.
- The proposal is in the community interest.
- The proposed development adequately satisfies the objectives and provisions of the Hawkesbury Local Environmental Plan 2012 (LEP 2012).

ATTACHMENTS:

There are no supporting documents for this report.

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local
planning
panel
meeting

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