



Hawkesbury City Council

hawkesbury  
local  
planning  
panel  
meeting  
minutes

date of meeting: 15 August 2019  
location: council chambers  
time: 11:00 a.m.



## HAWKESBURY LOCAL PLANNING PANEL MEETING

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## HAWKESBURY LOCAL PLANNING PANEL MEETING

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Minutes of the Hawkesbury Local Planning Panel Meeting held in Council Chambers, Council Offices, Windsor, on 15 August 2019, commencing at 10:40am.

### ATTENDANCE

Present: Steve Kennedy, Expert Representative, Alternate Chair  
Juliet Grant, Expert Representative  
Deborah Sutherland, Expert Representative  
Paul Rogers, Community Representative

In Attendance: Ms Linda Perrine, Director City Planning  
Ms Cristie Evenhuis, Development Services Manager  
Ms Judy Clark, Executive Planning Consultant  
Mr William Pillon, Senior Town Planner  
Ms Amanda Carroll, Committee Officer  
Ms Megan Berrell, 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>
Ms Rebecca Zerk	CP - DA 0281/18 - Lot 21 DP 1106184 - Dwelling House - Alterations, Additions and Swimming Pool - 20 North Street, Windsor - (95498)

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**SECTION 2 – Reports for Determination**

**Item: 001**

**CP - Pecuniary Interest Returns - (95498, 144940)**

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**RECOMMENDATION:**

That:

- a) Section 4.17(b) Pecuniary Interest Returns be received and noted.
- b) Section 4.17(b) Pecuniary Interest Returns be made available on Council's website.

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**Item: 002** CP - DA0281/18 - Lot 21 DP 1106184 - Dwelling House - Alterations, Additions and Swimming Pool - 20 North Street, Windsor - (95498)

**Directorate:** City Planning

This application: DA0281/18 – Lot 21 DP 1106184, 20 North Street, Windsor is for alterations and additions and a swimming pool for a dwelling house.

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

The Panel was addressed by Ms Rebecca Zerk, speaking for the recommendation.

### PANEL DETERMINATION:

That development application No. DA0281/18 is approved subject to conditions.

### 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 Name	Drawing Number	Prepared by	Date
Site Plan	DA1 1187	Graham Zerk	29 April 2019
Ground Floor Plan	DA2 1187	Graham Zerk	29 April 2019
First Floor Plan	DA3 1187	Graham Zerk	29 April 2019
Elevation Plans	DA4 1187	Graham Zerk	29 April 2019
Section and Elevation Plans	DA5 1187	Graham Zerk	29 April 2019
Demolition plan for existing dwelling	DA7 1187	Graham Zerk	29 April 2019
Landscape Plan	DA8 1187c	Graham Zerk	29 April 2019
Fill Source Plan	DA9 1187	Graham Zerk	29 April 2019
Colour selection plan	COL 1187c	Graham Zerk	29 April 2019
BASIX Certificate	A318971_02	Rebecca Zerk	29 April 2019

No works, other than those approved (including raising or lowering of ground levels on the site, or 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. Design Amendments Required**

The design of the proposed dwelling must be modified in the following manner in order to ensure that the bedrooms located on the ground floor are not capable of being occupied or used as a separate domicile:

- a) the door proposed along the south western façade must be removed or permanently shut so that it does not provide separate entry to the building and that the occupants access the rooms from the dwellings main entrance.

Details are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate demonstrating compliance with this condition.

**3. 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.

**4. 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).



**5. 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.

**6. Construction Certificate - Civil Works**

No works shall commence until a construction certificate has been issued for the approved civil works. The construction certificate for the civil works must cover the approved earthworks associated with the building pad, parking area accessing North Street and drainage works for the site.

All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification. Inspections shall be carried out and compliance certificates issued by Council or an Accredited Certifier.

**7. Excavated Soil - Classification**

Any soils excavated from the subject site are to be classified under the NSW DECC Waste Classification Guidelines. Testing is required to be undertaken by a suitably qualified consultant prior to offsite disposal.

All waste materials must be removed to appropriately licensed waste facilities by a suitably qualified contractor in accordance with NSW DECC Waste Classification Guidelines.

Details of soil excavation, transportation and disposal works must be provided to the Principal Certifying Authority as part of the validation reporting for the development.

**8. Section 6.16(1) Certificates Required**

The accredited certifier shall provide copies of all Section 6.16(1) 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.

**9. 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.

**10. Asbestos Removal**

If asbestos is encountered during construction or demolition work; measures must be in place in accordance with SafeWork NSW guidelines and the *Occupational Health & Safety Regulation 2001*. Work shall not commence or continue until all the necessary safeguards required by SafeWork NSW are fully in place.

Only contractors who are appropriately licensed for asbestos disposal by SafeWork NSW may carry out the removal and disposal of asbestos from demolition and construction sites.

Prior to commencing demolition of buildings containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm x 300mm shall be erected in a prominent visible position on the site in accordance with Australian Standard AS 1319 - 'Safety Signs for the Occupational Environment'.

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The person entitled to act on this consent shall notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste. All receipts and supporting documentation must be retained in order to verify lawful disposal and are to be made available to Council on request.

### 11. Potential Archaeology

Prior to any ground disturbance works occurring on the site, the Applicant shall engage a suitably qualified historical archaeologist to undertake a baseline historical archaeological assessment of the site.

The assessment shall comply with Heritage Council of NSW guidelines including *Assessing Significance for Historical Archaeological sites and Relics 2009* and *Archaeological Assessments 1996*. This assessment identify what relics if any are likely to be present, assess their significance and consider what impacts may occur from the proposal on this potential resource.

In the event the historical archaeological assessment identifies the proposal will impact archaeological relics, the Applicant will:

- a) need to obtain an approval under s139 of the Heritage Act 1977 prior to any ground disturbance activities commencing. This application will need to outline what mitigation measures are proposed to avoid harm to any significant deposits; and
- b) Prior to the issue of the Occupation Certificate by Council and or the Principal Certifying Authority, the applicant shall supply a copy of written correspondence from the Heritage Council of NSW or its delegate confirming that their requirements under any Heritage Act 1977 approval have been satisfied.

### 12. 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.

### 13. 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*.

**14. Works on Public Land - Not Permitted Without Approval**

No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of damaged areas and council compliance inspection fees.

**Prior to the Issue of Construction Certificate**

**15. 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.

**16. Potential Archaeology**

A copy of the baseline historical archaeological assessment required to be prepared as part of this consent must be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

**17. Existing Building works - Preservation of Existing Fabric**

The works proposed to be undertaken to the existing dwelling are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the original fabric of the building including the roof, walls and chimney.

Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works to the original dwelling.

Details demonstrating compliance with this condition are to be provided to the Certifying Authority prior to issue of a Construction Certificate.

**18. Section 94A (Monetary) Contributions**

A contribution under Section 94A(7.12) of the *Environmental Planning and Assessment Act 1979* must be paid in accordance with the following:

a) Contribution Required

In accordance with Council's Section 94A Contributions Plan 2015, a monetary contribution (indexed at the time of payment) must be paid to Council for the amount specified below.

b) Amount of Contribution

The amount of the contribution is \$7,197.00

This fee is based on the supplied value-of-works of \$719,700.00

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The contribution amount detailed in (b) will be indexed at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics (Table 6401.0).

Contributions must be receipted by Council and evidence of payment submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Please present a copy of this condition when paying the contribution at Council's Customer Service Centre so that it can be recalculated.

Note: In the event that the estimated value of works increases in association with the Construction Certificate the Section 7.12 contribution payable is to be based on the revised value of works.

### 19. Earthworks

**Construction Certificate plans for earthworks must be supported by detailed engineering plans drawn by a suitably qualified and experienced person showing:**

- a) that finished ground levels can be achieved in accordance with the approved plans and not involve the importation of any fill material to the site;
- b) that the first 100millimetres of topsoil covering the area where fill is to be sourced must be stripped, stockpiled and placed back over the area where fill will be sourced; and
- c) that the area where fill will be sourced on site will be seeded once the topsoil has been reinstated.

Details demonstrating compliance with this condition are to be provided to the Certifying Authority prior to issue of a Construction Certificate.

### 20. 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.

**21. Residential Driveway Construction 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 for the existing driveway along North Street and the proposed driveway along Pitt Street must:

- a) have a minimum width of 3.0 metres within the road reserve;
- b) not interfere with existing public infrastructure;
- c) have a sealed finish; and
- d) be constructed in accordance with Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

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

**22. Driveway Construction - Residential Within Property**

A standard residential vehicular driveway must be constructed within the property. The driveway must:

- a) have a minimum width of 3.0 metres within the property;
- b) allow for a vehicle to enter and exit the approved garage and parking areas in a single turning movement;
- c) have a sealed finish; and
- d) be constructed in accordance with Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

Details of the driveway are to be included on plans submitted to the Principal Certifying Authority prior to issue of a Construction Certificate.

**23. Verification of Driveway Grades with Council Standards**

To verify that vehicular access will comply with *AS2890.1:2004 Parking Facilities Part 1 Off Street Parking* requirements, a scaled long section of the proposed driveway from the boundary to the garage must be submitted prior to issue of a Construction Certificate and shall include:

- a) existing natural surface levels,
- b) proposed grades and finished surface levels of the driveway,
- c) details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway.

**24. 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.

## **25. Building Sustainability Index (BASIX) Certificate**

The BASIX Certificate approved in conjunction with this development shall be submitted to the Certifying Authority with the Construction Certificate application. All commitments in the BASIX Certificate must be shown on the plans accompanying the application for the Construction Certificate prior to the issue of any Construction Certificate.

The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled.

Where changes are proposed to the BASIX commitments, the applicant must submit a new BASIX Certificate to the Certifying Authority.

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, certification of compliance with the BASIX Certificate shall be provided to the Principal Certifying Authority.

Note: If any proposed changes in the BASIX commitments are inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the *Environmental Planning and Assessment Act 1979*.

## **26. Flood Prone Land - Engineers Certification**

The 100 year Average Recurrence Interval (ARI) flood level for this site is RL 17.30 metres AHD (Australian Height Datum).

An engineer's certificate must be provided deeming compliance with the following requirements during a 100 year ARI flood event:

- a) Habitable Floor Levels

Habitable floor levels shall be equal to or greater than the 100 year ARI Flood Level.

- b) Debris

Damage to the proposed structure/s sustained in a flood will not generate debris capable of causing damage to downstream buildings or property. This includes securing of utilities and equipment including tanks, A/C units and similar.

- c) Structural Soundness

Any part of the structure will be able to withstand the force of floodwaters (including lateral forces, buoyancy forces, unbalanced hydrostatic forces) and the impact of debris.

d) Foundations

The footing system must be structurally stable during flooding and must consider the soil properties when wet, possible erosion and scouring or liquefaction, subsidence or collapse due to saturation.

The Engineers Certificate must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

**27. Flood Compatible Construction**

All buildings must have flood compatible structural components up to and including the 100 year Average Recurrence Interval (ARI) flood level. The materials used in the construction must be consistent with any structural engineering certificate regarding the ability of the building/structure to withstand the forces of floodwater.

A written specification of the proposed materials to be used shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Note: Advice on suitability of materials for use on flood liable land can be found in the publication 'Reducing Vulnerability of Buildings to Flood Damage' (Chapter 4.3 - Construction Materials).

**28. Structural Engineers 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.

**29. Structural Engineers 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.

**30. 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.

**31. Swimming Pool - Safety Barrier Fencing Required**

To provide for the safety of small children, the owner of the premises must ensure that the swimming pool is at all times surrounded by a child-resistant barrier that:

- a) separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and
- b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the regulations.

The fence must comply with the standards set out in Australian Standard AS 1926.1 - 'Swimming pool safety - Safety barriers for swimming pools'.

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All fencing and gates must be completed prior to filling the pool with water. Gates shall be fitted with a self-closing and self-locking device and hung so that they only swing outwards (away from the pool area).

Details satisfying the above requirements are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

### 32. Swimming Pool - Wastewater Disposal

The swimming pool filter backwash wastewater shall:

- a) be disposed of to the reticulated sewer system; or
- b) to an absorption trench a minimum of 600mm wide by 600mm deep located a minimum distance of six metres from the property boundary. The trench shall be a minimum length of three metres.

Details satisfying this condition are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

### 33. Swimming Pools - Design of Plant and Equipment

All swimming pool plant (including pumps and filters) shall be sited and/or sound insulated so as to not exceed 5dB(A) above background noise levels at any property boundary to minimise emission of noise to adjoining properties.

Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

### Prior to Any Works Commencing on Site

### 34. 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*.

### 35. 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.

### 36. Survey Certificate - Building to be Verified by a Registered Surveyor

In order to ensure compliance with approved plans, a Survey Certificate, prepared by a Registered Surveyor, including locating any easements affecting the subject land, is to be undertaken:

- a) following the installation of formwork at ground floor level prior to placement of concrete showing the level of the form work and its relationship to boundaries.



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Progress certificates shall be submitted to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the works as constructed.

### 37. 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.

### 38. Prescribed Conditions - Residential Building Work

- a) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- b) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information.
  - (i) In the case of work for which a principal contractor is required to be appointed:
    - the name and licence number of the principal contractor; and
    - the name of the insurer by which the work is insured under Part 6 of that Act.
  - (ii) In the case of work to be done by an owner-builder:
    - the name of the owner-builder; and
    - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under (b) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

### 39. 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.

**40. 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.

**41. Safety Fencing**

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

**42. Demolition - General**

All demolition works must be carried out in accordance with the following:

- a) all demolition work shall be carried out strictly in accordance with Australian Standard AS 2601 - 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current SafeWork NSW 'Demolition License' and SafeWork NSW 'Class 2' (Restricted) Asbestos License and comply with SafeWork NSW 'Guide to Working with Asbestos';
- c) site safety/security fencing shall be provided prior to commencement of any work on-site and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
  - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
  - (ii)
  - (iii) Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
  - (iv)
  - (v) Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';
- d) demolition work shall be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) no trees shall be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;
- f) erosion and sediment control measures shall be installed prior to any demolition works commencing and maintained in accordance with the requirements contained in the Hawkesbury Development Control Plan 2002;

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- g) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- h) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- i) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- j) demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings;
- k) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- l) no material is to be burnt on site;
- m) details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal and recycling; and
- n) the site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

### 43. Demolition - Notice

- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice shall:
  - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
  - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work;
  - (iii) provide the relevant SafeWork NSW license details of the demolisher/contractor; and
  - (iv) details of the demolisher/contractors current Public Liability/Risk Insurance Policy providing for a minimum cover of \$10 million.
- b) Notice is to be given to adjoining property owners of the date on which it is proposed to commence demolition. This notice shall:
  - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
  - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work; and
  - (iii) provide the telephone number of SafeWork NSW Asbestos/Demolition Hotline - 1800 672 718.

### 44. Asbestos Material Handling

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 458 of the *Work Health and Safety Regulation 2011*.

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In addition to the above, the following shall be satisfied:

- a) the person having the benefit of this consent must provide the Principal Certifying Authority with a copy of a signed contract with such a person before any development or works commence;
- b) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered;
- c) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the Principal Certifying Authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

### 45. Demolition - Work Plans

The demolition work shall comply with the provisions of Australian Standard AS 2601 - 'The Demolition of Structures'. The work plans required by Australian Standard AS 2601 - 'The Demolition of Structures' shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of works.

### 46. 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

#### 47. 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.

**48. 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.

**49. 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.

**50. 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*.

**51. Termite Treatment**

The development shall be treated for termites in accordance with the National Construction Code and Australian Standard AS 3660.1 - 2014 - 'Termite Management - New Building Work' by a suitably qualified, licenced person.

A Certificate of Compliance is to be provided to the Principal Certifying Authority and a Notice of Treatment is to be provided to the metre box.

**52. Smoke Detection and Alarm System**

An automatic fire detection and alarm system shall be installed in the building in accordance with the National Construction Code (Building Code of Australia) for Class 1a structures. Alarms and detectors shall be installed by a licenced electrician and multiple alarms shall be interconnected.

A Certificate of Compliance shall be provided to the Principal Certifying Authority prior to the occupation of the development.

**53. 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.

**54. 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.

**55. Stormwater Drainage Management**

Roofwater shall be directed into the proposed water storage vessel/s with any overflow being dispersed over the site via a level spreader/absorption trench or similar. The trench shall be located a minimum of six metres from any structure or boundary and shall be of adequate size and be fitted centrally with vertical overflow pipes and be located so as not to interfere with any other property or sewer drainage system.

**56. Earthworks - General Requirements**

All earthworks on site must comply with the following:

- a) no fill material must be imported to the site;
- b) topsoil shall be stripped only from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
- c) 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;
- d) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed;
- e) 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
- f) 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.

**57. Erosion and Sediment Control for Minor Development**

Erosion and sediment control devices are to be installed and maintained in accordance with the approved Erosion and Sediment Control Plan.

**58. Flood Prone Land - Survey Certification**

A Survey Certificate signed by a Registered Surveyor certifying that all habitable floors will be constructed at or above the 100 year Average Recurrence Interval flood level of 17.3 metres AHD shall be undertaken:

- a) following the installation of formwork for the lowest habitable floor, and prior to the placement of concrete, showing the level of the form work and its relationship to boundaries; or
- b) following the installation of floor joists for the lowest habitable floor and prior to laying of the floor or construction of the wall framework.

The Survey Certificate in response to points a) or b) shall be produced to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the works as constructed.

**Prior to Issue of Occupation Certificate**

**59. 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 AS 1288 - 'Glass in Buildings - Selection and Installation' and AS 2047 - '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.

**60. Suitability of Glazing - Balustrades**

Glass balustrades must be designed and installed in accordance with Australian/New Zealand Standard AS/NZS 1170.1 - 'Structural design action s- Permanent, imposed and other actions'.

Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development prior to the issue of an Interim Occupation Certificate.

**61. Suitability of External Use of Timber**

Evidence of the type of timber installed indicating both species and durability as required by Australian Standard AS 1684 - 'Residential Timber-Framed Construction' is required to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Note: This is required for bushfire construction purposes as well as use of timber in decks and balustrades in particular.

**62. Certification of Smoke Detection and Alarm System**

An automatic smoke detection and alarm system shall be installed in residential development by a licensed electrician. Smoke alarms must comply with Australian Standard AS 3786 - 'Smoke Alarms' and be connected to the consumer mains power where supplied to the building.

A Certificate from a licenced electrician shall be provided to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.

**63. BASIX Commitments**

Suitable evidence that the commitments identified in the BASIX Certificate and on the plans or specifications have been fulfilled shall be provided to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.

**64. Termite Protection - Certificate of Treatment**

The type and method of termite treatment (complying with Australian Standard AS 3660.1 - 2014 - 'Termite Management - New Building Work') provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.



**65. Termite Protection - Notice**

A Termite Protection Notice, in accordance with Australian Standard AS 3660.1 - 'Termite Management - New building work', printed on durable material, shall be affixed at the entrance to a crawl space or in the case of slab on ground construction, in the meter box prior to a Final Inspection being carried out. The notice shall include information on the form of termite protection employed and the expected service life of the barrier before maintenance is required.

**66. Swimming Pools - Pool Warning Notice (Resuscitation Chart) and External Cardiac Compression Chart (move to Prior to the Issue Of Occupation Certificate)**

A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool/spa prior to the issue of an Occupation Certificate.

**Notes:**

- a) The warning notice (i.e. sign) must contain all of the following words:
  - (i) YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL; and
  - (ii) POOL GATES MUST BE KEPT CLOSED AT ALL TIMES; and
  - (iii) KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES.
- b) In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
  - (i) That are set out in accordance with the relevant provisions of that Guideline;
  - (ii) That comply with the other relevant guidelines of the Australian Resuscitation Council; and
  - (iii) That are illustrated by drawings with key words only in bold print.
- c) A statement to the effect that formal instruction in resuscitation is essential.
- d) The name of the teaching organisation or other body that published the sign and the date of its publication.

**67. Compliance Certificate - Connection to Council Sewer**

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

**68. Compliance Certificate for Civil Works Required**

A Part 4A Compliance Certificate for civil works approved under the relevant Construction Certificate is required prior to the Issue of an Occupation Certificate.

**69. Engineers Certification**

All retaining walls over 600mm high and structurally designed pits are to be certified on completion by a suitably qualified and experienced Structural Engineer. Details are to be provided to the Principal Certifying Authority.

**Use**

**70. Limitation of Use**

The rooms on the ground floor must not be occupied or used as a separate dwelling.

**71. Landscaping - Maintenance**

All trees and plants forming part of the approved landscape design must be maintained on an ongoing basis. Maintenance includes watering, weeding, fertilising, pest and disease control and any other activity required to maintain healthy trees, plants and turfed areas.

**Advisory Notes (if applicable)**

**(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) 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.

**(iii) 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.

**(iv) 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.

**(v) 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.

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### (vi) **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.

### (vii) **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 Panel considers the proposal is acceptable and the proposed development is approved for the following reasons:

- The work is permissible and the panel accepts that the works provide a higher level of safety for the residents in the event of a flood.

### **Voting**

<b>For the Decision</b>	<b>Against the Decision</b>
Steve Kennedy	NIL
Juliet Grant	
Deborah Sutherland	
Paul Rogers	

The meeting terminated at 11:10am.