



Hawkesbury City Council

hawkesbury
local
planning
panel
minutes

date of meeting: 30 April 2020

location: by audio-visual link

time: 11:00 a.m.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Table of Contents

Meeting Date: 30 April 2020

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
	ATTENDANCE	2
	SECTION 3 – Reports for Determination	3
Item: 001	CP - DA0204/19 - Group Home - Use of Existing Dwelling as Group Home - Lot 82 DP 1204807, 41 Branders Lane NORTH RICHMOND NSW 2754 - (145903, 133853, 95498, 144940)	3
Item: 002	CP - DA0147/19 - Intensive Plant Agriculture - Turf Farm - Lot 3 DP 548570 Vol 11597 Fol 80, 54 Derrig Road TENNYSON NSW 2754 - (20355, 95498, 144940)	15

HAWKESBURY LOCAL PLANNING PANEL MEETING

Table of Contents

Meeting Date: 30 April 2020

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

Minutes of the Hawkesbury Local Planning Panel Meeting held via Audio-Visual link, on Thursday, 30 April 2020, commencing at 11:05am.

ATTENDANCE

Present: Mr David Ryan, Expert Representative, Alternate Chair
Mr Michael Harrison, Expert Representative
Ms Helen Mulcahy, Expert Representative
Mr Graham Edds, Community Representative

In Attendance: Ms Linda Perrine, Director City Planning
Ms Cristie Evenhuis, Manager Development Services
Ms Natalie Piggott, Senior Town Planner
Mr Simon Heung, Development Engineer
Ms Megan Berrell, Minute Secretary

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 waiting room would be invited to speak at the commencement of the consideration of the item.

The following persons addressed the Panel:

<u>SPEAKERS</u>	<u>ITEM NO/SUBJECT</u>
Mr Bill Kourelakos	Item 001 - CP - DA020419 - Group Home - Use of Existing Dwelling as Group Home - Lot 82 DP 1204807, 41 Branders Lane NORTH RICHMOND NSW 2754 - (145903, 133853, 95498, 144940)
Ms Schandel Fortu	Item 001 - CP - DA020419 - Group Home - Use of Existing Dwelling as Group Home - Lot 82 DP 1204807, 41 Branders Lane NORTH RICHMOND NSW 2754 - (145903, 133853, 95498, 144940)
Mr Mitch Sanderson	Item 001 - CP - DA020419 - Group Home - Use of Existing Dwelling as Group Home - Lot 82 DP 1204807, 41 Branders Lane NORTH RICHMOND NSW 2754 - (145903, 133853, 95498, 144940)
Mr Warren Weir	Item 001 - CP - DA020419 - Group Home - Use of Existing Dwelling as Group Home - Lot 82 DP 1204807, 41 Branders Lane NORTH RICHMOND NSW 2754 - (145903, 133853, 95498, 144940)
Mr Paul Chandler	Item 002 - CP - DA014719 - Intensive Plant Agriculture - Turf Farm - Lot 3 DP 548570 Vol 11597 Fol 80, 54 Derrig Road TENNYSON NSW 2754 - (20355, 95498, 144940)

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

Mr Graham Starkey	Item 002 - CP - DA014719 - Intensive Plant Agriculture - Turf Farm - Lot 3 DP 548570 Vol 11597 Fol 80, 54 Derrig Road TENNYSON NSW 2754 - (20355, 95498, 144940)
Mr Benjamin Muscat	Item 002 - CP - DA014719 - Intensive Plant Agriculture - Turf Farm - Lot 3 DP 548570 Vol 11597 Fol 80, 54 Derrig Road TENNYSON NSW 2754 - (20355, 95498, 144940)
Mr Greg Monaghan	Item 002 - CP - DA014719 - Intensive Plant Agriculture - Turf Farm - Lot 3 DP 548570 Vol 11597 Fol 80, 54 Derrig Road TENNYSON NSW 2754 - (20355, 95498, 144940)
Mr Matthew Fraser	Item 002 - CP - DA014719 - Intensive Plant Agriculture - Turf Farm - Lot 3 DP 548570 Vol 11597 Fol 80, 54 Derrig Road TENNYSON NSW 2754 - (20355, 95498, 144940)

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

SECTION 3 – Reports for Determination

Item: 001 **CP - DA0204/19 - Group Home - Use of Existing Dwelling as Group Home - Lot 82 DP 1204807, 41 Branders Lane NORTH RICHMOND NSW 2754 - (145903, 133853, 95498, 144940)**

Directorate: **City Planning**

This application: DA0204/19 – Lot 82 DP 1204807, 41 Branders Lane, North Richmond is for the use of existing dwelling as a Group Home.

The Panel received a briefing from Council Officers on this application.

The Panel was address by Mr Bill Kourelakos, speaking against the recommendation.

The Panel was addressed by Ms Schandel Fortu, Mr Mitch Sanderson and Mr Warren Weir, speaking for the recommendation.

PANEL DETERMINATION:

1. Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979, the following is determined:
 - a) That the Hawkesbury Local Planning Panel approve development consent to development application DA0204/19 at 41 Branders Lane North Richmond NSW 2753, Lot 82 DP 1204807 for the Change of Use of the existing dwelling to a Group home subject to the recommended conditions listed below; and
2. That those who made submissions to this application be advised of the determination.

General Conditions

1. Integrated Development - General Terms of Approval

The general terms of approval from the following Authorities, as referred to in Section 4.46 of the *Environmental Planning and Assessment Act 1979*, and referenced below, are attached and form part of the consent conditions for this approval:

- a) NSW Rural Fire Service - The General Terms of Approval as detailed below:

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

- (i) At the commencement of the operation of the facility and for the life of the development, the area surrounding the dwelling shall be managed as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' as an Inner Protection Area (IPA) for a distance of 50 metres or to the property boundary.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

Grasslands shall be managed in a minimal fuel condition so there is insufficient fuel available to significantly increase the severity of the bush fire attack. Grass shall be kept cropped short to a nominal height of 100 mm.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- (ii) A minimum 20,000 litre water supply shall be provided for bush fire-fighting purposes in accordance with 'Planning for Bush Fire Protection 2006' and:
- Above ground tanks shall be constructed of non-combustible material.
 - A 65mm metal Storz fitting and ball or gate valve shall be installed in the tank.
 - The gate or ball valve, pipes and tank penetration shall be adequate for full 50mm inner diameter water flow through the Storz fitting and shall be metal.
 - An in ground swimming pool can be considered as a suitable SWS.
 - There is suitable access for a Category 1 fire appliance to within 4m of the static water supply.
 - A standard Static Water Supply (SWS) marker shall be obtained from the District NSW Rural Fire Service as part of the Static Water Supply Program once the tank water supply has been installed. The marker shall be fixed in a suitable location so as to be highly visible and positioned adjacent to most appropriate access for the static water supply.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- (iii) A Bush Fire Emergency Management and Evacuation Plan shall be prepared for the facility, consistent with 'Development Planning - A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

Landscaping

- (iv) The landscaping surrounding the dwelling shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

N/B In the event of any inconsistency between the above condition and the approved Bushfire Assessment Report, the provisions of the above condition prevail.

2. Approved Plans and Supporting Documentation

The development must be carried out 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 Reference No.	Prepared by	Date
Location and Site Plan No. 1831 A01	ATJ Architects	14.11.18 Iss B July 19
Ground and First Floor Plan No. 1831 A02		
Elevation and Sections		

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

b) Document Reference:

Document Title	Prepared By	Date
Bushfire Assessment Report Ref Number 190358	Building Code & Bushfire Hazard Solutions Pty Ltd	31 October 2019
Plan of Management	Think Planners	23 May 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.

3. Works Must Not Commence Until a Construction Certificate is Issued

Construction or preparatory work (including earthworks or tree and/or vegetation removal) must not commence until:

- a) A Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) A Principal Certifier is appointed; and
- c) A Notice of Commencement is lodged with Council.

Note: If the Construction Certificate is issued by an Accredited Certifier that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgement).

4. Appointment of a Principal Certifier

No work shall commence until:

- a) A Principal Certifier 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/contractor undertaking the construction works; or
 - (ii) name and permit number of the owner-builder (if relevant);
- b) The Principal Certifier 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);
- c) 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;

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

- (ii) notified the Principal Certifier 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; and
- d) 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.

5. Part 6 Certificates Required

The accredited certifier must provide copies of all Part 6 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.

6. Occupation Certificate Required Prior to The Use Of The Building

The building must not be occupied or used prior to the issuing of an Occupation Certificate by the Principal Certifier. Where a partial Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of any Occupation Certificate must be submitted to Council within two days of its issue.

7. 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.

8. 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).

9. Swimming Pool Register

The *Swimming Pool Act 1992* requires that a pool or spa is to be registered on the NSW Swimming Pool Register upon completion. The register can be found at www.swimmingpoolregister.nsw.gov.au.

10. Bushfire Protection.

Bushfire protection measures, as outlined in the stamped bush fire assessment report and certification by Building Code & Bushfire Hazard Solutions Pty Ltd dated 31 October 2018 listed in Condition 1, shall be carried out. The Accredited Certifier shall be satisfied that the premises is in accordance with the recommendations of the approved bushfire assessment report.

Prior to the Issue of Construction Certificate

11. 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 Certifier prior to the issue of any Construction Certificate.

Note: All building and construction work costing \$25,000 and 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.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

12. 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 Accredited Certifier prior to issue of a Construction Certificate.

13. Compliance with the Building Code of Australia - Fire Services and Equipment

Detailed plans showing the existing and proposed fire services and equipment suitable for the intended class of building and proposed use, is to be supplied.

The design and installation of these services and equipment are to be compliant with the Building Code of Australia and relevant Australian Standards.

Details are to be provided to the Accredited Certifier prior to issue of the Construction Certificate.

14. Bush Fire Safety Authority requirements

The requirements of the NSW Rural Fire Service in the Bush Fire Safety Authority Ref. No. D19/1976 DA19061319116 GB, dated 3 July 2019 shall be incorporated into the construction certificate documentation for approval.

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

Prior to Any Works Commencing on Site

15. Principal Certifier - Details

The applicant must 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*.

16. 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.

17. 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 Certifier (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

18. Principal Certifier 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 Certifier 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.

19. 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 2017*.

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

- a) the person having the benefit of this consent must provide the Principal Certifier 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 consent must give the Principal Certifier 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.

20. 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 Hawkesbury Council's publication *Guidelines for Erosion and Sediment control on a building site (2017)*.

During Construction

21. Construction Hours

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials must 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;

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

- (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.

22. Site Management During Construction

The following requirements relating to site management apply during and immediately following 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 Certifier:
 - (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 must be obtained prior to any closing of the road reserve or footpath area. The closure must take place in accordance with Council's written approval. The area must be signposted and such signposting be maintained in a way that ensures public safety at all times.

23. 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 Certifier 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*.

24. Termite Treatment

The development must 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 Certifier and a Notice of Treatment is to be provided to the metre box.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

Prior to Issue of Occupation Certificate

25. Fire Safety Certificate

A Final Fire Safety Certificate for all new (or altered) fire safety measures is required to be provided to Council prior to the issue of an Occupation Certificate.

Prior to Commencement of Use

A Compliance Certificate may be required to be obtained to satisfy particular conditions below.

26. Sewer Management Facility System

Prior to the commencement of use of the building as a Group Home and prior to any residents occupying the site, 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*.

27. Sanitary Drainage Works

Prior to the commencement of use of the building as a Group Home and prior to any residents occupying the site, 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.

28. Onsite Sewer Connection

Prior to the commencement of use of the building as a Group Home and prior to any residents occupying the site, a written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be issued.

Operational Conditions

29. Car Parking and Vehicle Access

The existing dwelling's garage shall accommodate the parking provisions for the Group Home. The garage shall accommodate the mini-bus and one staff car park. Any additional parking for visitors or the like shall be accommodated fully on the site on the paved driveway areas located at the front of the garage or along the front of the dwelling.

However the site must be maintained to enable the forward entry and exit of vehicles and the driveway is to remain accessible at all times to comply with this requirement.

30. Maintenance of Landscaping

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

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

31. Swimming Pools - Operation of Plant and Equipment

All swimming pool plant must be operated so as to not cause a nuisance to adjoining properties.

Note: In accordance with the Protection of the Environment Operations Act (1997) and Regulations, all swimming pool pumps should not be audible within a neighbouring premises.

- a) before 8am or after 8pm on any Sunday or public holiday; and
- b) before 7am or after 8pm on any other day.

32. Plan of Management and Incident Register

- a) The approved use of the premises must always be operated in accordance with the Plan of Management stamped and listed in condition 1 of this consent.
- b) A copy of the approved Plan of Management and this development consent must be kept on site and made available to any Council or Police officer upon request.
- c) Access to the Incident Register and register of complaints must be made available for viewing on the request of Council officers and/or the Police.
- d) The Group Home provider must sign the Plan of Management and must ensure compliance with all operational strategies identified in the plan at all times.

33. Public Complaints Management

During the operation of the development, the proprietor must ensure that the following contact details are available for community complaints:

- a) a telephone number on which complaints about operations on the site may be registered
- b) a postal address to which written complaints may be sent
- c) an email address to which electronic complaints may be transmitted.

The proprietor must ensure that the required details are publicly available including, but not limited to, displaying the information on a sign near the entrance to the site, in a position that is clearly visible to the public. If the proprietor has an internet site these details must also be provided on this site.

34. Use of Premises

The approval is restricted to a Group Home only. The Group Home is to provide accommodation for a maximum of ten (10) persons (men only) and two (2) on-site managers, with a maximum of six (6) bedrooms. The Group Home is not to be used as a drug and/or alcohol rehabilitation centre and any of these activities shall not be carried out onsite. Where the need for such services is required, the resident of the Group Home shall be referred on to a suitable service provider.

The use of the premises shall be in accordance with the approved Plan of Management stamped and listed in Condition 1 of this consent. The Plan of Management shall be amended to reflect the above restrictions as to numbers permitted onsite at any given time.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

35. Annual Fire Safety Statement

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement must 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 must 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.

36. Plan of Management

The approved use of the building as Group Home must always be operated / managed in accordance with the Plan of Management approved and listed in condition 1 of this consent.

The Plan of Management is to be reviewed and updated by the operator every two years.

37. Public Complaints Management

During the operation of the Group Home, the Site Manager shall ensure that the following contact details are available for community complaints:

- a) a telephone number on which complaints about operations on the site may be registered
- b) a postal address to which written complaints may be sent
- c) an email address to which electronic complaints may be transmitted.

The Site Manager shall ensure that the required details are publicly available including, but not limited to, displaying the information on a sign near the entrance to the site, in a position that is clearly visible to the public. If the proprietor has an internet site these details shall also be provided on this site.

38. Annual Fire Safety Statement

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

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

- a) forwarded to the Commissioner of Fire and Rescue New South Wales by email to afss@fire.nsw.gov.au; and
- b) prominently displayed in the building.

39. Owner or On-site Manager

Prior to commencement of operation of the group home, notification in writing and evidence must be submitted to the Consent Authority to ensure that the owner of the property or on-site manager has undergone training to obtain certification or be qualified and knowledgeable in:

- a) fire evacuation procedures;
- b) management protocol;
- c) Council requirements and conditions of consent; and
- d) first aid.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

Training, including fire safety procedures, management protocol, Council requirements and conditions of consent, is to be provided for each site manager or the owner of the property every 12 months. In addition, a First Aid Certificate is to be kept up to date. Evidence in the form of a Training Register and First Aid Certificate, is to be kept on site and made available to Council Officers on request.

40. Noise Control - Offensive Noise.

The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise. The provisions of noise management within the Plan of Management listed in condition 1 shall be adhered to at all times.

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) Equitable Access

The applicant must 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) Requirements of 88B Instrument

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

(iv) Utilities and Services

Utilities, services and other infrastructure potentially affected by construction and operation must 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 must 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 must be borne by the developer.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

Reasons for Decision

The Panel considers that the proposed development should be approved for the following reasons:

- The proposal is acceptable having regard to the statutory requirements applying to the development.
- The proposed Group Home is permissible on the site pursuant to the SEPP (Affordable Rental Housing) and consistent with the objectives of that Policy and the objectives of the RU1 Zone.
- The Panel notes that there are no proposed external changes to the existing building or the site and that no environmental impacts arise.
- The Panel reviewed written submissions from a number of neighbouring residents and heard a representation from one neighbour expressing concerns in relation to risks to community safety associated with the proposed Group Home. The Panel considers that these issues are adequately dealt with as outlined in the Council Assessment Report and recommended Conditions of Consent.
- On balance, the Panel considers that the public benefits provided by a facility of this type outweigh any concerns relating to the proposal and therefore its approval is in the public interest.

Voting

For the Decision	Against the Decision
Mr David Ryan	NIL
Ms Helen Mulcahy	
Mr Michael Harrison	
Mr Graham Edds	

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

Item: 002 **CP - DA0147/19 - Intensive Plant Agriculture - Turf Farm - Lot 3 DP 548570 Vol 11597 Fol 80, 54 Derrig Road TENNYSON NSW 2754 - (20355, 95498, 144940)**

Directorate: **City Planning**

This application: DA 0147/19 – Lot 3 DP 548570 Vol 11597 Fol 80, 54 Derrig Road, Tennyson is for Intensive Plant Agriculture - Turf Farm.

The Panel received a briefing from Council Officers on the application.

The Panel was addressed by Mr Paul Chandler and Mr Graham Starkey, speaking for the recommendation.

The Panel was addressed by Mr Benjamin Muscat, Mr Greg Monaghan and Mr Matthew Fraser, speaking against the recommendation.

PANEL DETERMINATION:

The Panel accepts that the RU1 Zoning of the site permits turf farm development and that subject to appropriate mitigation, the site may have potential for such a use.

However, the Panel considers that the application has not, based on the information before it, adequately demonstrated that the site is suitable and impacts can be appropriately mitigated. In this regard, the Panel accepts the reasonable concerns expressed by neighbouring residents.

Whilst the applicant requested the Panel to defer the application to allow for the submission of additional information to address these issues and to potentially modify the current proposal, the Panel considered that it would be more appropriate for a new application to be lodged.

Therefore, development application DA0147/19 at Lot 3 DP 548570 Vol 11597 Fol 80, 54 Derrig Road TENNYSON NSW 2754 for Intensive Plant Agriculture - Demolition of Some Existing Structures, Clearing of Native Vegetation, Decommissioning of Existing Water Storage Facility, Construction of Sediment Control Dams and Regrading of the Site for Use as Turf Farm is refused for the following reasons:

Designated Development

1. The development application has failed to adequately demonstrate that the proposal is not designated development in accordance with Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

Particulars:

- (a) Under Schedule 3 Clause 31 of the Environmental Planning and Assessment Regulation 2000 Turf farms are identified as designated development if they meet the following criteria:

Turf farms-

- (a) *that are located—*
 - (i) **within 100 metres of a natural waterbody or wetland, or**
 - (ii) *in an area of high watertable or acid sulphate, sodic or saline soils, or*
 - (iii) *within a drinking water catchment, or*
 - (iv) **within 250 metres of another turf farm, and**

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

- (b) *that, because of their location, are likely to significantly affect the environment.*
- (b) The proposed development is within 100 metres of a natural waterbody and is within 250 metres of another turf farm.
- (c) The proposal, due to its location, will potentially have a detrimental impact on the environment due to significant removal of vegetation and stormwater discharge into a natural watercourse and onto adjoining properties. The application has not adequately demonstrated that the vegetation removal and stormwater discharge will not have a significant effect on the environment due to the location of the turf farm proposed on the site.

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

2. The development application should be refused because it has not been demonstrated that the proposal complies with the “general planning considerations” in clause 5 and the “specific planning policies and recommended strategies” in clause 6 of SREP Hawkesbury Nepean River.

Particulars:

- (a) The Statement of Environmental Effects has failed to address all the relevant requirements under Clause 6 of SREP Hawkesbury Nepean River.

Insufficient Information

3. The proposed development should be refused as the application has not provided adequate information to allow for a proper assessment of the application.

Particulars:

- (a) The Flora and Fauna Assessment report dated 4 March 2020 by Fraser Ecology concludes that the current proposal ‘will not have a significant impact upon communities listed under the *NSW Threatened Species Conservation Act 1995* (or the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999* is inconsistent and contradicts the information presented in, and the conclusions drawn from, the submitted documentation. Therefore insufficient information has been provided to verify the requirements under Clause 6.4 Terrestrial Biodiversity. Therefore in accordance with the provisions of Clause 6.4(4) of the LEP 2012, the consent authority must not grant development consent as it cannot be satisfied that:
- *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - *the development has been designed, sited and will be managed to minimise that impact, or*
 - *the development will be managed to mitigate that impact.*
- (b) The Flora and Fauna Assessment report has failed to provide a Vegetation Management Plan (VMP). A VMP is required and must indicate appropriate species that are representative of the EECs identified on the site. The VMP must describe each task necessary for the implementation of the plan, the duration and priority, maps, diagrams and plant species lists. The VMP must describe the existing vegetation and natural features to be retained, vegetation management objectives, proposed vegetation and regeneration methodologies, weed removal methodologies, sediment and erosion control and stabilisation works.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

- (c) The application has not adequately demonstrated the efficacy of the proposed buffer zones both in terms of their extent and the nature of the proposed vegetation.
- (d) The application has not adequately demonstrated that the proposal, due to its location, will not significantly affect the environment in terms of vegetation removal.
- (e) The nutrient sediment dams have not been designed to withhold a 1 in 100 year flood event.
- (f) The run-off across boundaries is to be as existing in terms of quality and average annual water flow.

Unsuitability of the site

- 4. The application should be refused as the topography and location of the turf farm are inappropriate.

Particulars:

- (a) The proposed turf farm is within close proximity to three neighbouring dwellings. The proximity has the potential of creating amenity conflicts between the residents of these dwellings and the turf farm.
- (b) The site for the turf farm has a gradient of 11.7% over a distance of 17m for a length of 145m. This is greater than the recommended 10% the Department of Primary Industries Guideline: Planning for Turf Farms recommends due to soil erosion issues.

Inadequate Farm Management Plan

- 5. The application should be refused as the proposal has not provide an adequate Farm Management Plan (FMP) which fully details how the turf farm will operate or what strategies have been put into place to manage the operation of the turf farm or mitigate impacts to the surrounding locality.

Particulars:

- (a) The FMP has stated that the turf farm will be managed in accordance with best practice farming however no details of what this best practice is.
- (b) The FMP has not provided the details of the strategies it will adopt for chemical and fertilizer management.
- (c) The FMP has not provided a schedule or methodologies for soil sample testing to be carried out.
- (d) The FMP has not provided the details as to how or when the nutrient dams will be tested for contamination and what remediation works will be required should contamination be present.
- (e) The FMP needs to provide details of use of insecticides and fertilisers, particularly in respect to neighbours amenity.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 30 April 2020

Voting

For the Decision	Against the Decision
Mr David Ryan	NIL
Ms Helen Mulcahy	
Mr Michael Harrison	
Mr Graham Edds	

The meeting terminated at 12:35pm.