



Hawkesbury City Council

hawkesbury  
local  
planning  
panel  
meeting  
minutes

date of meeting: 15 November 2018  
location: council chambers  
time: 2:00 p.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 November 2018, commencing at 2:02pm.

### ATTENDANCE

Present: David Ryan, Expert Representative, Alternate Chair  
John Brunton, Expert Representative  
Cassandra Holtom, Community Representative

In Attendance: Ms Linda Perrine, Director City Planning  
Ms Judy Clark, Executive Planning Consultant  
Ms Cristie Evenhuis, Manager Development Services  
Mr Andrew Johnston, Senior Town Planner  
Miss Ammie Herrington, Governance 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 enquired to those present in the Gallery as to whether there were any persons who would like to address the Panel.

The following persons addressed the Panel:

<u>SPEAKERS</u>	<u>ITEM NO./SUBJECT</u>
Mr Chris Stephenson	012 – S82A007/18 - Lot 1 DP 605179, 1029 St Albans Road, Lower Macdonald NSW 2775
Mr Brian McCabe	012 – S82A007/18 - Lot 1 DP 605179, 1029 St Albans Road, Lower Macdonald NSW 2775
Ms Gillian Jessup (on behalf of Mark Hopping)	012 – S82A007/18 - Lot 1 DP 605179, 1029 St Albans Road, Lower Macdonald NSW 2775
Ms Joan Opbroek	012 – S82A007/18 - Lot 1 DP 605179, 1029 St Albans Road, Lower Macdonald NSW 2775
Mr Steve Kavanagh	012 – S82A007/18 - Lot 1 DP 605179, 1029 St Albans Road, Lower Macdonald NSW 2775

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**SECTION 1 – Reports for Determination**

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### SECTION 1 – Reports for Determination

**Item: 012** CP - S82A007/18 Lot 1 DP 605179 1029 St Albans Road, Lower MacDonald - Function Centre - Construction of a car park and use of the former St Joseph Church as function centre - (95498, 91795, 115319)

**Previous Item:** 006 (21 June 2018)

**Directorate:** City Planning

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The Panel inspected the subject site and context prior to the public meeting.

Mr Chris Stephenson, Mr Brian McCabe, Ms Gillian Jessup (on behalf of Mr Mark Hopping), speaking against the recommendation, addressed the Panel. Ms Joan Opbroek, and Mr Steve Kavanagh, speaking for the recommendation, addressed the Panel.

The public part of the Hawkesbury Local Planning Panel meeting closed at 3:03pm.

The Hawkesbury Local Planning Panel was adjourned at 3:03pm for the Panel's deliberation on the matters listed on the Business Paper.

The meeting was resumed at 3:52pm and the Panel made its determinations as follows:

### 012 RESOLUTION

The Panel unanimously resolved that:

- (A) The Hawkesbury Local Planning Panel as the consent authority pursuant to Clause 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), approve the Application for Review of the decision to refuse Development Application No. DA0703/17 for a function centre on Lot 1 in DP 605179, known as 1029 St Albans Road, Lower Macdonald, and
- (B) As a consequence of Part (A), a deferred commencement consent be issued for Reviewed Development Application No. S82A0007/18 for a function centre on Lot 1 in DP 605179, known as 1029 St Albans Road, Lower Macdonald, subject to the following conditions:

### CONDITIONS

**Development Description:** Function Centre – Construction of a car park and the use of the former St Josephs Church as a function centre

### Deferred Commencement

#### 1. Deferred Commencement Consent

This is a Deferred Commencement Consent and does not operate until the matters listed in 'Schedule 1' of this consent have been addressed.

All matters listed in 'Schedule 1' are required to be satisfactorily addressed within 12 months from the Determination Date that is shown on this consent. Failure to satisfy these matters by the specified date will result in the lapsing of this consent.

Upon receipt of satisfactory evidence in relation to the matters listed in 'Schedule 1', Council will give written notice to the person having benefit of the consent advising of the date from

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which this consent is to operate. The requirements of the consent will then be subject to the conditions listed in 'Schedule 2' and any additional conditions imposed by Council associated with the satisfaction of 'Schedule 1'.

### Schedule 1 Matters

#### a) Bushfire Safety

Evidence to be presented to Council, by way of a comprehensive report prepared by a qualified bushfire consultant, to the effect that the requirements of the General Terms of Approval dated 24 May 2016, issued by the Rural Fire Service in relation to Development Application DA0642/15, have been satisfied.

#### b) Effluent Disposal

In accordance with Section 68 and 68A of the *Local Government Act 1993*, the applicant must lodge with Hawkesbury City Council the required Sewer Management Facility System Application for the proposed use of an Aerated Waste Water Treatment System (AWTS) suitable for the site, with this system being capable of accommodating the effluent loads associated with the proposed development having regard to the potential use of on site portable toilets for the peak demands associated with functions.

#### c) Conservation Works

The applicant is to provide a revised Conservation Management Plan, for Council's approval, incorporating the scope of works, quality of works, cost of works and timing of works to be undertaken in accordance with the recommendations of Section 11.2 of the 'Revised Heritage Impact Statement – St Josephs Catholic Church (Former) – 1029 St Albans Road' prepared by Edwards Planning and dated September 2018 including the Cost Summary and Maintenance and Repair Schedule, dated 8 September 2018, prepared by KUE-S-Services and other works as may be necessary to ensure the structural safety of the building.

### Schedule 2 Matters

#### General Conditions

##### 1. Approved Plans and Supporting Documentation

The development shall take place generally in accordance with the following stamped approved plans and documentation:

- Addendum to Statement of Environmental Effects, dated 7 September 2018, prepared by REConcepts
- Assessment of Vehicular Access to a Proposed Function Centre, dated 5 September 2018, prepared by TSA
- Cost Summary and Maintenance and Repair Schedule, dated 8 September 2018, prepared by KUE-S-Services
- Detail Survey Plan, showing driveway cross sections and car parking area dated 18 July 2018, prepared by R.W. Martin & Associates
- Vehicle swept paths, signposting and traffic management plan, dated 4 September 2018, prepared by TSA

Drawing or Document	Prepared By	Dated
Drawing No. DA-01 '1029 St Albans Road'	John Potts Architect	October 2015
Drawing No. 0925 Sheet 1 'Survey Plan'	RW Martin and Associates	12 April 2018
Plan of Management – St Josephs	Edwards Planning	June 2018



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Catholic Church (Former) – 1029 St Albans Road'		
'Revised Heritage Impact Statement – St Josephs Catholic Church (Former) – 1029 St Albans Road' and covering letter	Edwards Planning	September 2018 and 21 September 2018
Drawing No. DA-01 'Figure 1'	Blue Mountains Geological and Environmental Services Pty Ltd	13 November 2015
'Structural Engineer's Report'	Pratt Engineers Pty Ltd	26 February 2018

Drawing or Document	Prepared By	Dated
'Revised Noise Impact Assessment – Revision 3 Function Room – 1029 St Albans Road, Lower Macdonald' (Reference No. R160399R1 Rev '2')	Rodney Stevens Acoustics	30 August 2018
'Investigation and Assessment for On-site Effluent Management at St Josephs Guesthouse – Lot 1, DP 605179, No. 1029 St Albans Road, Central MacDonald' Report (Reference No. 151201) and addendum letter	Blue Mountains Geological and Environmental Services Pty Ltd	December 2015 and 29 August 2018

except as modified by the conditions of this consent.

- This consent is limited to a period of two years from the date of commencement of the consent.

**Note:** A new development application must be submitted and determined prior to the expiration of the time period if it is intended to continue the use. If an application is not submitted and determined within the specified time period the development subject to this consent must cease.

- Conservation Management Plan – Conservation Works

The conservation works must be undertaken in accordance with the approved Conservation Management Plan.

Any works undertaken in accordance with this development must be specified, supervised and carried out by people with knowledge, skills and experience appropriate to the work.

The conservation works shall be undertaken under the supervision of a suitably qualified heritage specialist to provide on-site conservation/technical/management advice as necessary.

The general methodology for undertaking the conservation works to the stone blocks shall be as follows:

- Repainting of the building internally and externally shall be undertaken with high quality shell lime mortar similar in its compressive strength to the original mortar compound. As a general conservation approach, the 5mm mortar joints should be raked out to at least 1cm and repointed. Loose mortar should be raked out and missing mortar should be packed and filled.
- Pinning of failed stone blocks from lateral or vertical cracking as the preferred conservation approach to removal and replacement with like-for-like stone.
- New stone cut and dressed to be a like-for-like replacement for stone blocks which are beyond a salvageable/repairable condition.

- Works Shall Not Commence Until A Construction Certificate Is Issued

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No work shall commence until:

- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Principal Certifying Authority 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).

5. Obtainment of a Construction Certificate

A Construction Certificate must be submitted to the Certifying Authority within three months from the determination date of this consent.

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

The building shall not be occupied or used as a function centre 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.

7. 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.

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. Civil Works Specification Compliance

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

10. Roads Act 1993 – Approval Required

A separate approval is required from Council (for local roads) under Section 138 of the Roads Act 1993 to undertake any of the following:

- a) carry out a work within a public road; or
- b) dig up or disturb the surface of a public road; or
- c) remove or interfere with a structure, work or tree on a public road; or
- d) pump water into a public road from any land adjoining the road; or
- e) connect a road (whether public or private) to a public road.

11. Works on Public Land – Not Permitted Without Approval

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No work can be undertaken within adjoining public lands (i.e. roads, parks or reserves 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.

### **Prior to the issue of a Construction Certificate**

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate (Civil) relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained for the construction of a car park and the sight distance improvement works within the road reserve:

#### **12. Construction Certificate Required**

A Construction Certificate shall be obtained for this development covering:

- a) Construction of the car park;
- b) Civil works for sight distance improvement within the road reserve;
- c) Construction of any retaining walls; and
- d) Civil drainage.

Prior to the issue of a Construction Certificate, plans showing finished levels, any associated drainage, any structural details, batter grades and finished surfaces must be submitted to the Certifying Authority.

The applicant shall pay a Design Compliance Certificate Fee in accordance with Council's adopted fees and charges when submitting Civil Engineering Plans for approval.

#### **13. Long Service Levy**

The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Design Compliance Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.

#### **14. Car Parking and Allocation of Spaces**

An all-weather car park, constructed of permeable material shall be provided, with a minimum of 20 spaces (including one accessible space) shall be constructed to service the development consistent with the Detail Survey Plan, showing driveway cross sections and car parking area dated 18 July 2018, prepared by R.W. Martin & Associates. The car parking spaces shall be provided in accordance with AS2890.1 'Parking facilities: Off-street parking' and AS2890.6 'Parking facilities: Off-street parking for people with disabilities. The car parking spaces are to be identified onsite by line-marking.

Details of compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

#### **15. Sight Distance Works**

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Earthworks, vegetation removal and traffic measures are to be undertaken within the road reserve of St Albans Road to ensure that sight distances for vehicles leaving the site are a minimum of 56m (in accordance with AUSTROAD Absolute Minimum for 60km/hr) in both directions. Work is to be consistent with the details provided by TSA approved in Condition 1.

### **16. Earthworks – Cut, Fill and Grading**

All earthworks on the site must comply with the following:

- a) Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping
- b) All disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of the filling works
- c) Once the topsoil has been removed the natural batter shall be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the top of the fill batter in place
- d) Where batters exceed a ratio of three horizontal to one vertical, retaining walls, stone flagging 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 95% when tested in accordance with Australian Standard AS1289 'Methods of testing soils for engineering purposes' unless otherwise specified
- f) Filling shall comprise only uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.

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

### **17. Retaining Wall Requirements**

Any retaining walls having a height exceeding 600mm are required to be designed by a practicing structural engineer. The design must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

### **18. Overland Flow**

The development shall not create adverse impacts to neighbouring properties in relation to overland flow of stormwater 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
- c) water flow shall follow the natural flow directions without increasing velocity.

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

## **Prior to the Commencement of Works**

### **19. Principal Certifying Authority – Details**

The applicant shall advise Council of the name, address and contact number of the Principal certifier, in accordance with Section 66(2)(a) of the Environmental Planning and Assessment Act 1979.

### **20. Notice of Commencement**

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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 contractor.

### **21. 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.

### **22. 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.

### **23. Erosion and Sediment Controls**

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

### **24. Traffic Management Plan**

A Traffic Management Plan prepared in accordance with the Roads and Maritime Services' (formerly the Roads and Traffic Authority) publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council for approval prior to commencement of any works.

### **25. Survey Certificates**

The works shall be set out by a Registered Surveyor to ensure that no work is undertaken on adjoining properties as part of this consent. A Survey Certificate for the site showing the location of the car park, fencing and other structures under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority during an early stage of construction. Any easements must be shown on the Survey Certificate.

## **During Construction**

### **26. Construction Hours**

Clearing of land, running of machinery, excavation, and/or earthworks, civil 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

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- 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.

### 27. 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.

### 28. Implementation of Traffic Management Plan

A Traffic Management Plan must be implemented and all devices maintained for the duration of the proposed works in compliance with the approved Traffic Management Plan.

The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:

- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
- b) building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
- c) builders waste must not be burnt or buried on site
- d) all waste (including felled trees) must be contained and removed to a Waste Disposal Depot.

### 29. Disposal of Cleared Vegetation

Vegetation waste resulting from the approved clearing of the site shall be salvaged for re-use either in log form or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of to an appropriate waste facility.

No vegetative material is to be disposed of by burning onsite other than in an approved heating or cooking device.

### 30. Food Premises – Design and Fitout

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All works associated with the storage, preparation and cooking of food shall be undertaken in accordance with the requirements of:

- Food Act 2003 and Regulations thereunder
- Australian Standard AS4674:2004 'Design, construction and fit-out of food premises'
- Australian Standard AS1668.2:2002 'The use of ventilation and air conditioning in buildings –Ventilation design for indoor air contaminant control'
- Hawkesbury Council's 'Food Premises Fit Out Code'.

Any food premises must comply with the following requirements:

- a) finishes, fittings and appliances must be fit for purpose, and should generally be smooth and impervious to moisture
- b) all gaps inside and outside the premises that may allow the entrance of vermin and insects to the kitchen shall be eliminated
- c) hand washing facilities, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in the kitchen. A constant supply of soap and paper towel delivered through a dispenser must be located next to the hand washing facilities
- d) where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings. The following requirements apply to clearances and supports of equipment:
  - (i) all refrigerators, freestanding cupboards and similar fittings must have metal legs made of non-corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high
  - (ii) where the above fittings do not comply with these clearances, the fittings shall be provided with wheels to enable easy cleaning, and eliminate inaccessible cavity.

### **31. Construction and Compliance Certificates – Sewer Works**

Inspections and Compliance Certificates for sewer works can only be conducted and issued by Council. In the case of internal and external drainage, the inspection must be conducted by Council's Environment and Regulatory Services/Environmental Health Department. Please phone (02) 4560 4444 to arrange inspections and make payment of the required fees.

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

### **32. Civil Construction Requirements**

All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. Inspections shall be carried out and Compliance Certificates issued by Council or an accredited certifier.

### **Prior to the Issue of an Occupation Certificate**

#### **33. Compliance Certificate – Connection to Onsite Waste Facility**

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

#### **34. Structural Rectification to Sandstone Elements**

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The temporary securing recommendations for the sandstone walls as identified in the 'Structural Engineer's Report' prepared by Pratt Engineers Pty Ltd and dated 26 February 2018 are to be carried out and completed prior to the issue of an Occupation Certificate.

### 35. Structural Certification of Mezzanine Level and External Deck

A structural engineer shall inspect and certify the mezzanine level and the external deck as being capable of withstanding the loads likely to be imposed upon them by a large gathering of people.

In the event the structural engineer wishes to restrict the load imposed upon either structure, a maximum load limit (expressed as a maximum number of people) shall be specified. A sign or plate shall be affixed to the building in a prominent location indicating the maximum number persons the mezzanine or deck can accommodate.

The Structural Engineer's Certificate (and where required the load limit sign) shall be provided prior to the issue of an Occupation Certificate.

### 36. Fire Safety Upgrading

The function centre shall be provided with fire extinguishers, illuminated exit signage and emergency lighting in accordance with the attached Fire Safety Schedule. Certificates of Compliance and a Final Fire Safety Certificate are required to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

### 37. Upgrading to Exit Doors

Compliant door hardware (such as lever type door handles) are required to be provided to all exit doors where the installation will not unduly destroy the heritage fabric.

### 38. Function Centre – Plan of Management

A consolidated Plan of Management shall be prepared for the function centre. This Plan of Management must be provided to Council for approval prior to the release of an Interim or Final Occupation Certificate.

The Plan of Management must be prepared to address but not be limited to the following:

- a) Hours of operation for the function centre are to be limited to 11am to 7pm Friday to Sunday. The operation of the function centre is prohibited Monday to Thursday and on public holidays;
- b) The departure of patrons from the function centre (exclusive of any guests of the tourist and visitor accommodation) must commence at 7pm, with all function centre patrons removed from the site by 7:30pm. The onsite manager and any event staff may remain on the site until 8pm to allow for the cleaning of the site and the removal of equipment;
- c) The function centre may be used for a maximum of one function or event per calendar week, with no functions or events permitted to be held on consecutive days;
- d) A maximum of 60 patrons (including any guests of the tourist and visitor accommodation component of the development) may be accommodated within the function centre and the property at any one time;
- e) An onsite manager must be present to oversee and manage the operation of the function centre during all functions and events;
- f) The recommendations of the 'Revised Noise Impact Assessment – Function Room – 1029 St Albans Road, Lower Macdonald' Report prepared by Rodney Stevens Acoustics and dated 30 August 2018 are to be incorporated into the Plan of Management;



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- g) The onsite manager or a warden shall be used direct vehicles to the overflow parking areas;
- h) Flood evacuation procedures (including vehicular routes along public roads to the nearest place of refuge) and emergency telephone numbers are to be incorporated into the Plan of Management;
- i) Details of any 'house rules' and complaints handling procedures are to be incorporated into the Plan of Management; and
- j) No tents, caravans or campervans are to be installed or used onsite in association with the function centre use or the tourist and visitor accommodation use which is capped at a maximum of ten guests in accordance with Development Application 0642/15.

### 39. Function Centre – Flood Emergency Evacuation and Management Plan

A Flood Emergency Evacuation and Management Plan is to be prepared for the development. The plan shall advise occupants of flood evacuation procedures (including vehicular routes along public roads to the nearest place of refuge) and emergency telephone numbers. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.

The plan must outline that any functions, bookings and/or events are to be cancelled upon the issue by any appropriate Authority of a flood warning for the locality.

A copy of this plan shall be provided to Council prior to the release of the Occupation Certificate.

The plan shall also be incorporated in the Plan of Management for the function centre and tourist and visitor accommodation development.

### 40. Function Centre – Flood Warning Periods

Functions, bookings and events shall not occur during flood warning periods or when access roads are inundated by water after rain events. Staff and patrons shall be given advanced warning to not access the site during these periods.

### 41. Function Centre – Installation of Flood Warning Signs

Flood warning signs are to be installed to advise patrons and occupants that public roads used to access the site may be subject to inundation during times of flood. The signs shall be constructed of durable material and installed in prominent locations within the building and property.

### 42. Installation of Fencing

Rural fencing (post and rail or post and wire) shall be installed to define the property's eastern and southern boundaries with 937 St Albans Road. The fencing shall be installed wholly within the subject property and clear of any headstones and monuments.

The installation of the fencing shall be completed prior to the release of an Occupation Certificate.

Note: Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between neighbours. You are advised that the consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary.

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### 43. Provision of Potable Water

Potable water shall be provided to the function centre in accordance with the NSW Health Private Water Supply Guidelines. A Water Supply Management Plan is to be developed and implemented in accordance with this Guideline.

A copy of the Water Supply Management Plan shall be submitted to Council prior to the release of the Occupation Certificate.

### 44. Occupation Certificate – Development Consent No. DA0642/15

Evidence of the obtainment of an Occupation Certificate for the tourist and visitor accommodation approved with Development Consent No. DA0642/15 shall be provided to the Principal Certifying Authority prior to the release of an Occupation Certificate for the subject development.

## **Operational Conditions**

### 45. Function Centre – Hours of Operation

Hours of operation for the function centre are to be limited to the following:

Friday to Sunday: 11:00am to 7:00pm

Monday to Thursday: Closed

Public Holidays: Closed

The orderly departure of patrons from the function centre (exclusive of any guests of the tourist and visitor accommodation) must commence at 7:00pm, with all function centre patrons removed from the site by 7:30pm.

The onsite manager and any event staff may remain on the site until 8:00pm to allow for the cleaning of the site and the removal of equipment.

### 46. Function Centre – Event Frequency

The function centre may be used for a maximum of one function or event per calendar week. Functions and events are not permitted to be held on consecutive days.

### 46a. Function Centre – Effluent Disposal

The function centre shall operate at all times in accordance with any approval issued by Council pursuant to Section 68 and Section 68(a) of the Local Government Act 1993, in relation to the Aerated Wastewater Treatment System (AWTS) approved under Deferred Commencement Condition 1(b), and in conjunction with the appropriate number of portable toilets to be made available onsite on days when functions are held.

### 47. Function Centre – Maximum Number of Patrons

A maximum of 60 patrons (including any guests of the tourist and visitor accommodation component of the development that has a capacity of 10 guests) may be accommodated within the function centre and the property at any time.

### 48. Function Centre – Maximum Capacity Signage

The maximum number of persons permitted in the function centre shall be limited to 60. A sign must be displayed in a prominent position within the building stating the maximum number of persons that are permitted in the building.

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**49. Function Centre – Onsite Manager**

A suitably experienced onsite manager must be present to oversee and manage the operation of the function centre at all times during all functions and events.

**50. Function Centre – Plan of Management**

The operation of the function centre must be undertaken in accordance with the approved Plan of Management, except where modified by the conditions of this consent or the requirements of the Police and/or Department of Liquor and Gaming.

A copy of the Plan of Management must be kept and maintained in a register and made available for inspection by the Police, Department of Liquor and Gaming and/or authorised Council inspectors/officers upon request.

The Plan of Management may be altered with the consultation and consent of Local Licensing Police, Department of Liquor and Gaming and/or Council.

**51. Function Centre – Extreme Bushfire Hazard**

Functions, bookings and events shall not occur during extreme bushfire hazard periods. Pre booked functions must be postponed. Staff and patrons shall be given advanced warning to not access the site during these periods.

**52. Function Centre – Management of Vehicles**

Functions and events shall be managed to ensure that adequate parking is available to accommodate all patron, guest and staff/caterer vehicles within the subject property. No loading, unloading or parking of vehicles is permitted on the public road.

All vehicles being loaded or unloaded shall stand entirely within the property.

**53. Function Centre – Register of Functions and Events**

The operator shall keep a register detailing the date and times of when the premises is being used for a function and the number of guests attending. This register must be made available to Council officers on request and a copy is to be forwarded to Council at six monthly periods (January and July each year).

**53a. Function Centre – Complaints Register**

A complaints register is to be maintained and forwarded to Council at six monthly periods (January and July each year).

**54. Noise Generating Premises – Acoustic Management**

The operation of the development shall incorporate the recommendations of the 'Revised Noise Impact Assessment – Function Room – 1029 St Albans Road, Lower Macdonald' Report prepared by Rodney Stevens Acoustics and dated 30 August 2018. All recommendations contained within the Acoustic Report are to be implemented, including but not limited to the following:

- a) All activities on the site shall comply with the submitted Acoustic Management Plan.
- b) Power to all audio or audio-visual equipment shall be controlled by a noise limiting device that is set to 85dB(A) (internal). The noise limiter device must only be accessible by management and must not be used by third parties.

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- c) All outdoor activities/congregations/events/functions shall be conducted on the western side of the building only.
- d) No personal stereos and/or public address (PA) systems are to be used onsite.
- e) Musicians are to consist of a maximum two piece band (acoustic string instruments only) or a disc jockey (DJ). No amplified or percussion instruments are allowed to perform. Musicians are only allowed to perform within the ground floor of the building; they must not perform outside the building.
- f) Patrons and guests must be instructed to not cause unnecessary noise and to be mindful of neighbours. Signs are to be placed on the balcony area and within the vicinity of the building to advise patrons to keep noise to a minimum.

### 55. Noise Generating Premises – Noise Monitoring

Where requested certification and/or evidence must be provided to demonstrate that the development is operating in accordance with 'Revised Noise Impact Assessment – Function Room – 1029 St Albans Road, Lower Macdonald' Report prepared by Rodney Stevens Acoustics and dated 30 August 2018 and the conditions of this consent.

If, during the on-going use of the premises, substantiated complaints of breaches of noise occur, the applicant must arrange for further acoustic testing to be undertaken by a suitably qualified acoustic consultant. Any recommendations made by the consultant to ensure the premises complies with the noise criteria specified in the Noise Impact Assessment Report must be immediately implemented.

### 56. Noise Generating Premises – Noise Monitoring

Noise generated as a result of the mechanical plant or equipment during hours of operation shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW DECs' Industrial Noise Source Policy, does not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of other residential properties and associated outdoor areas. Outside of the hours of operation, the noise from any mechanical plant or equipment should not be significantly audible at any residence.

### 57. Neighbourhood Amenity – Signs

Signs must be placed in clearly visible positions within the building and in the car park area requesting that patrons leaving the premises are to do so quickly and quietly, having regard to maintaining the amenity of the area.

### 58. Prohibition of Tents, Caravans and Campervans

No tents, caravans or campervans shall be installed or used onsite unless otherwise allowed under Section 77 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

### 59. 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 Safety Certificate, and then on an annual basis thereafter.

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

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

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b) Prominently displayed in the building.

### 60. Private Water Supplier – Registration with Council

The development must be registered with Council as a private water supplier prior to the operation of the function centre.

### 61. Food Premises – Registration of Food Premises

Any part of the building used for food preparation shall be registered with Council as a Food Premises and have inspections conducted by Council officers as necessary/required.

### 62. Food Premises – Operation and Maintenance Requirements

The food premises shall be maintained in accordance with the requirements of:

- *Food Act 2003* and Regulations there under.
- Australian Standard 4674:2004 'Design, construction and fit-out of food premises'.

Hand washing facilities, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in the kitchen. A constant supply of soap and paper towel delivered through a dispenser must be located next to the hand washing facilities.

Any refrigeration used to store potentially hazardous food must have a capacity to keep food colder than 5°C and be provided with a thermometer, accurate to  $\pm 1^{\circ}\text{C}$ .

All food is to be transported, stored and displayed in a manner that protects the food from likely contamination in accordance with the provisions of Standard 3.2.2 of the Food Standards Code under the *Food Act 2003*.

### 63. Waste Management

All waste generated 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 as defined by the *Protection of the Environment Operations Act 1997*.

All waste materials are to be stored in covered vermin proof waste storage bins and regularly removed from the property. Waste is to be separated where appropriate for re-use and recycling purposes. Waste is to be contained in such a manner to prevent it from being blown, moved or located around the property or surrounding properties.

### 64. Reporting of Pollution Incidents

In accordance with the requirements of Part 5.7 of the *Protection of the Environment Operations Act 1997*, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

### 65. Lighting

Any lighting from the development is to be directed away from surrounding properties, at an angle of 45 degrees towards the ground and shielded if needed, to prevent any light spillage and nuisance onto adjoining properties.

The reasons for the imposition of these conditions are those matters listed under Section 4.17 of the *Environmental Planning and Assessment Act 1979* as are relevant to the development subject to this

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consent. Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

### Advisory Notes

- (i) This consent operates from the date of the written notice from the consent authority advising that the deferred commencement conditions described in Schedule 1 have been satisfied and will lapse unless the development is commenced within five years from that date.
- (ii) Private Accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the *Roads Act 1993*.
- (iii) Any activity carried out in accordance with this approval shall not give rise to offensive noise, air pollution (including odour) or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- (iv) Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between neighbours. You are advised that the consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary.

Your attention is directed to the provisions of the *Dividing Fences Act 1991* that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify allotment boundaries.

**Note:** This consent does not override your obligations under the *Dividing Fences Act 1991*.

- (v) This development falls within the Sewerage Scheme controlled by Hawkesbury City Council and accordingly Council is the approval authority for all sewer works.

The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).

- (vi) The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 and 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
- (vii) 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.
- (viii) Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- (ix) The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- (x) The applicant is advised to consult with the relevant:
  - a) sewer provider;
  - b) electricity provider; and
  - c) telecommunications carrier

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regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the works, either onsite or on the adjacent public roads.

### REASONS FOR APPROVAL:

1. The Panel notes that the scale and intensity of the development has been reduced in the amended proposal, and the previous reasons for refusal have been generally addressed.
2. The Panel is satisfied that the requirements of Clause 5.10(10) of the Hawkesbury LEP have been satisfied because the conservation of the former St Joseph's Church will be facilitated by the development if it is undertaken in accordance with an approved Conservation Management Plan.
3. The Panel is satisfied that the heritage significance of the heritage item and the amenity of the surrounding area will not be significantly adversely affected.
4. The Panel is satisfied that by limiting the frequency of functions, the number of people allowed to attend, the hours of operation and the generation of noise, the demand for parking and potential traffic impacts are within acceptable limits and will not significantly adversely affect the amenity of the area.
5. The Panel considers that a time limited consent for a period of two years will provide the opportunity for the applicant to establish that potential significant adverse impacts can be avoided.

**Item: 013**                      **CP - S960069/18 (DA0332/16) Lot 2 DP 607906 396 Bells Line of Road, Kurmond - Section 4.55 Amendment - Subdivision - Modification to the consent for a community title scheme (95498, 137333, 76639)**

**Previous Item:**              001 (28 March 2018) and 003 (17 May 2018)

**Directorate:**                City Planning

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### 013 RESOLUTION:

The Panel recommends that:

1. It would be appropriate to amend Condition 79 by deleting the reference to No. 406 Bells Line of Road.
2. Any condition in relation to No 406 should be restricted to ameliorating or rectifying any impacts on the sewerage system servicing No. 406 associated with the approved development.
3. The applicant should be requested to provide details of the access works within No. 406 to enable the extent of such impacts and any necessary rectification works to be determined.

The meeting closed at 3:58pm.