



Hawkesbury City Council

attachment 2  
to  
item 5

Assessment Report  
presented for  
20 December 2018  
Local Planning  
Panel Meeting

date of meeting: 16 May 2019  
location: Council Chambers  
time: 12:00p.m .



## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

### SECTION 3 – Reports for Determination

**Item: 014** CP - DA 0225/18 - Lot 2 DP 575959, Lot 2 DP 560898, Lot 4 DP 561147, Lot 6 DP 560899 - Richmond Pre-School and Senior Citizens Centre 114 March Street Richmond NSW 2756 - (95498)

**Directorate:** City Planning

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#### DEVELOPMENT INFORMATION

**File Number:** DA0225/18  
**Property Address:** Lot 2 DP 575929, Lot 2 DP 560898, Lot 4 DP 561147, Lot 6 DP 560899  
Richmond Pre-School and Senior Citizens Centre 114 March Street  
RICHMOND NSW 2753  
**Applicant:** Hawkesbury City Council  
**Owner:** Hawkesbury City Council  
**Proposal Details:** Centre-Based Child Care Facility - Alterations, Additions, Increase Capacity of Facility by eight Children and Tree Removal  
**Estimated Cost:** \$350,000.00  
**Zone:** SP2 Infrastructure under *Hawkesbury Local Environmental Plan 2012*  
**Date Received:** 24/05/2018  
**Advertising:** 1/11/2018 - 15/11/2018  
**Key Issues:**

- ◆ Removal of trees
- ◆ Increase in capacity in children and impacts in terms of noise and traffic

**Recommendation:** Approval

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#### REPORT:

##### Executive Summary

The application proposes alterations and additions to a centre-based child care facility in order to improve the entrance to the building, administration areas and amenities of the Richmond Pre-School child care centre located at No. 114 March Street Richmond.

The proposed works will result in improvements to the internal areas and amenities for children of the facility and provide for the opportunity to care for an additional eight children in accordance with the NSW Department of Planning *Child Care Planning Guideline 2017*.

Five trees are proposed to be removed to allow for the proposed works.

Two public submissions were received in response to the notification of the application raising matters such as tree removal, noise from activities onsite and traffic safety. These matters have been considered and assessed in this report.

Since the notification of the application the proposal has been amended to increase the number of trees proposed to be removed and increase the number of children being cared for at the facility. The amended application was re-notified in accordance with Hawkesbury DCP 2002 and no additional submissions were received in response.

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

It is recommended that the proposal be approved as it will support an existing land use consistent with the zone objectives and is acceptable having regard to the planning controls applicable to the development.

The application seeks consent for alterations and additions to a Centre-Based Child Care Facility at Lot 2 DP 575929, Lot 2 DP 560898, Lot 4 DP 561147, Lot 6 DP 560899, No. 114 March Street RICHMOND NSW 2753.

Details of the proposal are summarised below:

- Stage 1 – Upgrade and refurbish the children’s bathroom including installation of new fixtures, tiling, fittings and privacy screens.
- Stage 2 – Removal of five trees to allow for the extension of the building comprising of three offices, staff bathroom, new foyer and staff lunch room.

Stage 1 and 2 then will result in an improvement in the unencumbered indoor areas of the child care facility and provide for the opportunity for the centre to care for an additional eight children in accordance with the NSW Department of Planning and Environments *Child Care Planning Guidelines*.

The application is supported by:

- Statement of Environmental Effects prepared by Urbis, dated August 2018;
- Site plans & associated architectural plans, prepared by Barbra Tarnawski Architects, dated 14 July 2018
- Arboricultural Impact Assessment, prepared by Syncarpia Tree Consulting, dated 12 July 2018.

#### Site and Locality Description

The Richmond Pre-School site comprises of four lots that total 3415.5 square metres in area and forms part of Hawkesbury Council's Richmond Community Precinct. The existing child care facility cares for up to 40 children per day. Access is from March Street via a common battle-axe driveway shared with the Hawkesbury Leisure and Learning Centre, Hawkesbury Health Centre and Hawkesbury Living Nursing Home.

The surrounding locality is made up of a mixture of uses, with:

- residential properties to the southern and eastern boundaries to the rear of the site; and
- community facilities to the northern and western boundaries to the front of the site.

The site is opposite Richmond Park and within 200 metres of the Richmond train station.

#### History of the Application

|              |  |
|--------------|--|
| 8 June 2018  | Application notified until 22 June 2018.   |
| 22 June 2018 | Initial review letter sent to the applicant concerning landscaping and protection of trees proposed to be retained.                                |
| 28 June 2018 | Applicant requested additional time to get together an arborist assessment in order to assess trees required to be removed.                        |
| 9 July 2018  | Applicant advised to submit an assessment against State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. |

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

13 August 2018

- Amended plans and supporting information submitted. Including:
  - proposal to remove five trees on site based on the arborist assessment report and location of the trees in relation to the proposed additions, and
  - minor internal modifications to improve unencumbered indoor areas to provide the opportunity for the child care centre to care for an additional eight children.

1 November 2018

Application renotified until 15 November 2018.

#### **Council Policies, Procedures and Codes to which the matter relates**

State Environmental Planning Policy No 55—Remediation of Land (SEPP No. 55)

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Coastal Management) 2018

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

Hawkesbury Local Environmental Plan 2012 (LEP 2012)

Hawkesbury Development Control Plan 2002 (DCP 2002)

#### **Matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP & A Act)**

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

##### **a) The provisions (where applicable) of any:**

##### **i. Environmental Planning Instrument:**

The proposal has been assessed against the following Environmental Planning instruments:

##### ***State Environmental Planning Policy No. 55 – Remediation of Land***

The land has historically been used as a child care centre, the application does not seek to change the use of the land and there are no concerns raised in relation to potential site contamination that would be associated with the proposed additions.

The proposal will not result in any changes to the location of the outdoor play areas of the child care facility and the land is suitable for the proposed use having regard to the requirements of this plan.

##### ***State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017***

The development falls within the definition of a “centre-based child care facility” under this policy and Clause 23 requires the consent authority to assess the proposal having regard to the *Child Care Planning Guideline* issued by the Department of Planning in August 2017.

This guideline has been prepared in order to ensure that any development assessment for a centre-based child care facility considers key requirements specified under the *Education and Care Services National Regulations* and the *Children (Education and Care Services) Supplementary Provisions Regulation 2012*.

The application is supported by a compliance table, prepared by Urbis, which addresses the detail of the proposal, based on Parts 3 and 4 of the *Child Care Planning Guideline*.

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

An assessment of the proposed additions has been undertaken and the development is considered to be consistent with the requirements of the SEPP. The proposed upgrade of staff amenities and children facilities will ensure that the centre-based child care facility complies with the national education and child care regulations; particularly in relation to administrative space and toilet/hygiene facilities.

As part of the proposed upgrade of the centre the application proposes an additional eight children to be cared for as the facility will be able to meet the minimum requirements for unencumbered indoor and outdoor areas as shown table 1 below. These standards are also called up in the *Education and Care Service National Regulations*.

| Area                                    | Minimum area for 48 children | Provides  | Complies |
|---|------------------------------|-----------|----------|
| Indoor requirement of 3.25sqm per child | 156sqm                       | 156.43sqm | Yes      |
| Outdoor requirement of 7sqm per child   | 336sqm                       | 716.38sqm | Yes      |

**Table 1 – Unencumbered indoor and outdoor areas**

Accordingly, the proposal has been assessed having regard to clauses 23, 25 and 26 of the SEPP and the associated Regulations.

It is noted that the proposal is for additions to an existing facility and the site selection is considered acceptable as the works will not have any negative impacts on adjoining development in terms of noise, hours, traffic or built form.

The current facility operates between 8:15am and 3:45pm Monday to Friday during school terms and no changes are proposed to these hours as part of the application.

Based on the overall assessment against the standards and all matters raised in the SEPP, the Regulation and the Guideline, the proposal complies.

#### ***State Environmental Planning Policy (Coastal Management) 2018***

The site is within an urban area well removed from any waterway. The proposed use does not raise any issues in respect of the aims and considerations of this policy.

#### ***Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River***

The proposal is consistent having regard to the aims and objectives of SREP No. 20. The proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and the development is consistent with the general and specific aims, planning considerations, planning policies and recommended strategies which are to protect the quality of the water way.

#### ***Hawkesbury Local Environmental Plan 2012***

The proposal is consistent having regard to the requirements of LEP 2012. As assessment of the proposed development against the relevant provisions of the Plan follows:

##### ***Clause 2.2 Zoning of land to which Plan applies***

The subject site is located within the SP2 Infrastructure zone and identified as an Educational Establishment on the Land Zoning Map.

##### ***Clause 2.3 Zone objectives and Land Use Table***

The proposal is permitted with consent in the zone being works that are ordinarily incidental to the educational establishment identified on the Land Zone Map.

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

The development is consistent with the overall objectives of the zone in that it will provide child care services for the community and the proposed works are compatible with the current use of the land.

It is noted that SEPP (Educational Establishments and Child Care Facilities) 2017 defines the development as a 'centre-based child care facilities' and the proposal has been assessed against the policy in the report above.

#### *Clause 4.3 Height of Buildings*

The building height map does not specify a maximum building height however the proposal meets the objectives of this clause which are to protect privacy and use of private open space on adjoining land and to ensure development is not excessive and relates well to the local context. The proposed additions will match the existing single story building and are appropriately setback from adjoining developments.

#### *Clause 5.10 – Heritage Conservation*

The site is adjacent to a number of single-storey locally listed heritage items fronting March Street (No. 102,104,106 and 118) and the state heritage listed Richmond Park. The proposed additions are substantially setback from the nearby heritage items and will not have any adverse impact on the appearance or context of the locality, particularly when viewed from March Street.

#### *Clause 6.1 – Acid Sulfate Soils*

The land affected by the development falls within Class 5 as identified on the Acid Sulfate Soils Planning Map. The works proposed are unlikely to lower the water table and no further investigations in respect to acid sulfate soils are required under subclause (6). The proposal is consistent with the requirements of this clause.

#### *Clause 6.3 – Flood Planning*

The land is located above the 1 in 100 ARI (average recurrent interval) flood event of 17.5m above the Australian Height Datum (AHD) and therefore no concerns regarding potential flooding are raised.

#### *Clause 6.6 – Development in areas subject to aircraft noise*

The front of the property is mapped as being in the Australian Noise Exposure Forecast (ANEF) contour of 20-25, however the proposed additions are outside of the area mapped within an ANEF contour. Consequently the proposal is acceptable having regard to the requirements of this clause.

#### *Clause 6.7 – Essential Services*

The land has suitable access to water, electricity and sewer and the proposal would not require any significant extension or modifications to existing services. The required utility clearances will need to be obtained prior to works commencing on the site.

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

There are no Draft Environmental Planning Instruments relevant to the subject land or development.

**iii. Development Control Plan applying to the land:**

***Hawkesbury Development Control Plan 2002***

The proposal is consistent having regard to the requirements of the DCP 2002. An assessment of the proposal against the relevant provisions of this plan follows:

## **HAWKESBURY LOCAL PLANNING PANEL MEETING**

### **SECTION 2 – Reports for Determination**

**Meeting Date:** 20 December 2018

#### Part A Chapter 3 – Notification

The application was originally notified between 08/06/2018 to 22/06/2018 proposing alterations and additions to the child care centre and removal of one tree. Two submissions were received in response to the proposal and are considered under the public submission section of this report below.

Following the notification of the proposal the applicant was requested to provide details in respect to the proposed tree removal/protection and provide an assessment of the proposal against the requirements of SEPP (Educational Establishments and Child Care Facilities) 2017.

On 13 August 2018 the applicant chose to amend the application based on advice provided by; the applicants arborist consultant who, considered the safety of trees on site and the planning consultant, who assessed the proposal against the requirements of SEPP (Educational Establishments and Child Care Facilities) 2017.

Subsequently the application was renotified between 1/11/2018 - 15/11/2018 in accordance with the DCP. No submissions were received in response to the re-notified proposal.

#### Part C Chapter 1 – Landscaping

The application proposes the removal of five trees in order to support the proposed additions. The trees proposed to be removed consist of three large mature lemon scented gums, one spotted gum and one brush box between 6 metres and 23 metres in height.

The arboricultural assessment submitted identifies that two trees are located directly within the proposed building footprint, two trees are within close proximity to the tree protection zones and one smaller tree is considered unsuitable for retention as a result of the proposed additions.

A structural engineers report accompanies the arboricultural assessment and confirms that the excavation of the site for the proposed works will impact the structural root zone of the trees and would pose a threat to the stability of the trees and slab of the building in the future.

In order to offset the loss of vegetation canopy the applicant has submitted a landscape plan which proposes two large water gums within the front landscaped area and smaller native species such as bottlebrush, banksia and gum trees surrounding the proposed additions.

Replacement species are considered acceptable having regard to the recommended tree species specified under Appendix D of the DCP.

#### Part C Chapter 2 – Car parking and Access

Council's DCP does not specify car parking requirements for a child care facility. However, the proposal complies with the RMS Traffic Generating Development guideline of one space per four children with the provision of 18 parking spaces at the rear of the child care facility.

Furthermore it is noted that no changes are proposed to the driveway access, manoeuvring or traffic flows to the facility as part of the application.

#### Part C Chapter 3 – Signs

No signage is proposed as part of the application.



## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

#### Part C Chapter 4 – Soil and sediment erosion

The earthworks onsite are considered to be generally low scale in nature. Suitable conditions in respect to earthworks have been recommended in this regard.

#### Part C Chapter 10 – Heritage Conservation

The proposal is acceptable having regard to the aims and objectives of this chapter as the proposed works are substantially setback from nearby heritage items identified under LEP 2012.

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

Not applicable.

**iv. Matters prescribed by the Regulations:**

The Regulations require Council to publicly notify the application in accordance with the requirements of Council's DCP. This has been done, and all public submissions have been carefully considered in the assessment of the application.

The Regulations also require that the development is to:

- Comply with the National Construction Code
- Be levied against Council's Section 94A Development Contributions Plan (where applicable)

If the application is approved, suitable conditions can be recommended requiring the proposal to comply with the National Construction Code. It is noted that Part 2.7 of Council's Section 94A Development Contributions Plan 2015 exempts Child Care Centres from being levied.

**b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:**

The following impacts have been identified and assessed:

#### *Traffic generation*

The proposed child care centre will not result in any increase in staff or adverse impacts in terms of traffic. Furthermore existing car parking provided complies with the parking guidelines of the NSW Roads and Maritime Services.

#### *Noise and vibration impacts*

The application does not propose to change the operation or location of indoor and outdoor areas occupied by the existing centre and associated car park. The increase in children is unlikely to impact current acoustic impacts associated with the existing facility and the hours of operation will remain unchanged.

#### *Context and Setting*

The proposal will fit in with buildings onsite and will not have any adverse impacts on the appearance of the locality. The area is a mix of one and two storey developments, in a variety of styles and ages. In terms of its visual bulk and design, and with quality landscaping, the child care centre should integrate well into the context of the locality.

#### *Public Domain*

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

The development will make a satisfactory contribution to the public domain by upgrading the internal and external appearance of the building by providing a modern interesting design for the facility.

#### *Waste*

Sewer services are available to the proposed development site and commercial waste removal services will not significantly change as a consequence of the proposal.

#### *Natural Hazards*

There are no natural hazards with potential to impact on the subject development site.

#### *Technological Hazards*

There are no technological hazards with potential to impact on the subject development site.

#### *Safety, Security and Crime Prevention*

The development will be fully fenced and therefore children remain secure on the premises and the new entry gate will be clearly identifiable.

#### *Economic Impact in the Locality*

The child care facility will add to the social infrastructure in the area, providing an updated service to families and staff. It will therefore have a positive social and economic impact.

#### *Construction*

The application was reviewed by Council's internal building officer and development engineer who have raised no issues subject to standard conditions to ensure BCA compliance and environmental controls during the process of construction.

#### *Cumulative Impacts*

There are no cumulative impacts associated with the proposed development.

#### **c) Suitability of the site for the development:**

The site is currently used to support a child care facility and considered suitable for the proposed additions and alterations. The additions are proposed on land that is of sufficient area and dimensions, and is relatively free of environmental constraints that could hinder the use of land.

Conditions addressing site building and engineering matters have been recommended under Section 2 of this report.

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

Two public submissions were submitted in response to the notification of the original proposal. The matters raised in the submissions are listed and assessed below:

- **Traffic safety on the site**

*Comment:* No changes are proposed to vehicular access to the child care facility as part of the application and the application will not significantly increase traffic generated by the existing facility. The proposed works do not rely on the need to provide additional parking or make improvements to existing facilities onsite in order to support the proposal.

- **Noise from the use of the car park and from children within the facility**

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

*Comment:* The application is for minor alterations to an existing child care facility and does not propose to change the number of staff, location of indoor areas, location of outdoor areas or the way in which the car park is used. Hours of operation will remain unchanged and it is considered that the proposal will not have any adverse impacts on the surrounding locality in terms of noise.

- **Loss of trees**

*Comment:* The applicant has considered the retention of existing trees, however an arboricultural assessment of the proposal has confirmed that the retention of the trees is not feasible due to the location of the proposed additions and area identified onsite to extend the facility.

Furthermore it is noted that retaining the large trees onsite within close proximity to the proposed additions has the potential to impact the safety of staff and customers of the child care facility.

The application proposes replacement plantings for the development in order offset the loss of the tree canopy. The two water gums (*Tristanopsis laurina*) shown proposed as replacement plantings are considered to be suitable species that will fit within the new landscaped area. Conditions are recommended to ensure that any replacement plantings are of mature species within a minimum pot size of 45 Litres or have a minimum height of 1.5 metres at the time of planting.

- **Stormwater from increased roof area to be disposed of appropriately**

*Comment:* The facility will be connected to the existing system which is considered acceptable for the proposed minor additions. Council's development engineer has not raised any objection to the proposed additions.

**e) The Public Interest:**

The redevelopment of the child care centre will provide improved facilities for employees and children. The application does not propose a change in the use of the land and the alterations and additions will allow for additional children to be cared for without any adverse impacts on the locality in terms of traffic, noise, services etc.

The matters raised in public submissions have been assessed in this report however are considered not sufficient to justify refusal of the application.

### Conclusion

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979 and the proposal considered acceptable having regard to the relevant planning controls applicable to the development including the *Child Care Centre Guidelines* produced by the Department of Planning.

Accordingly, it is recommended that the proposal be supported subject to conditions recommended in this report.

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

#### RECOMMENDATION:

That development application DA0225/18 at Lot 2 DP 575929, Lot 2 DP 560898, Lot 4 DP 561147, Lot 6 DP 560899, Richmond Pre-School and Senior Citizens Centre at 114 March Street, Richmond, for Alterations, Additions, Increase Capacity of Child Care Facility by 8 Children and Tree Removal, be approved subject to the following conditions:

#### General Conditions

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

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

###### a) Plans Reference:

| Drawing Number/Name  | Prepared by                    | Issue No. | Date         |
|--|--------------------------------|-----------|--------------|
| Site Plan<br>17/21/20-1  | Barbra Tarnawski<br>Architects | C         | 14 July 2018 |
| Ground floor and demolition<br>17/21/20-2                      | Barbra Tarnawski<br>Architects | C         | 14 July 2018 |
| Elevations<br>17/21/20-3                                       | Barbra Tarnawski<br>Architects | C         | 14 July 2018 |
| Wet area details<br>17/21/20-4                                 | Barbra Tarnawski<br>Architects | C         | 14 July 2018 |
| Schedule of finishes<br>17/21/20-5 to 17/21/20-10              | Barbra Tarnawski<br>Architects | C         | 14 July 2018 |
| Colour Schedule<br>Stage 1 and 2<br>17/21/20-11 to 17/21/20-12 | Barbra Tarnawski<br>Architects | C         | 14 July 2018 |
| Stage 2 Floor Plan<br>17/21/20-13                              | Barbra Tarnawski<br>Architects | C         | 14 July 2018 |
| Stage 2 Internal elevations<br>and sections<br>17/21/20-14     | Barbra Tarnawski<br>Architects | C         | 14 July 2018 |
| Accessible bathroom<br>17/21/20-15                             | Barbra Tarnawski<br>Architects | C         | 14 July 2018 |
| Landscape Plan 17/21/20-<br>18                                 | Barbra Tarnawski<br>Architects | C         | 14 July 2018 |

###### b) Document Reference:

| Document                           | Prepared By               | Date         |
|------------------------------------|---------------------------|--------------|
| Statement of Environmental Effects | Urbis                     | August 2018  |
| Arboricultural Impact Assessment   | Syncarpia Tree Consulting | 12 July 2018 |

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:

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

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

#### 2. Appointment of a Principal Certifying Authority

No work shall commence until:

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

#### 3. Section 6.16(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.

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

The building/structure shall not be occupied or used prior to the issuing of an Interim or Final Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

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

#### 5. Commencement of the Use of the Land

The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and an Interim or Final Occupation Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

#### 6. Works on Public Land - Not Permitted Without Approval

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

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

#### 7. 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).

#### 8. Excavation - Archaeology

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

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

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

#### 9. Excavation - Aboriginal Relics

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

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

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

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

#### 10. Tree Planting – Landscaping

The Two Water Gum trees (*Tristaniopsis laurina*) shown on the landscape plan are to be advanced specimens with a minimum pot size of 45 Litres or have a minimum height of 1.5 metres at the time of planting.

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

Alternate tree sizes or species may be considered upon written submission to Council if the mature species specified are not available at the time of planting.

#### 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 Certifying Authority prior to the issue of any Construction Certificate.

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

##### 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 Certifying Authority prior to issue of a Construction Certificate.

##### 13. Vermin and Pest Management

The design of the building shall incorporate measures to eliminate or minimise the potential for birds, rodents, flies and other pests to congregate at the development.

The following measures are to be incorporated in the design of the building:

- a) sealing surfaces to prevent moisture and odour absorption;
- b) elimination of crevices where waste, moisture and vermin can accumulate;
- c) providing screening of the ventilation openings in the building;
- d) eliminating horizontal surfaces where birds can congregate; and
- e) minimising horizontal ledges where dust and litter can accumulate.

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

##### 14. Structural Engineers Design - Concrete and Structural Steel

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

#### Prior to Any Works Commencing on Site

##### 15. Principal Certifying Authority - Details

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

## **HAWKESBURY LOCAL PLANNING PANEL MEETING**

### **SECTION 2 – Reports for Determination**

**Meeting Date:** 20 December 2018

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

#### **18. 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.

#### **19. Safety Fencing**

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

#### **20. Demolition - General**

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

- a) all demolition work shall be carried out strictly in accordance with Australian Standard AS 2601 - 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current SafeWork NSW 'Demolition License' and SafeWork NSW 'Class 2' (Restricted) Asbestos License and comply with SafeWork NSW 'Guide to Working with Asbestos';



## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

- c) site safety/security fencing shall be provided prior to commencement of any work on-site and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
  - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
  - (ii) Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
  - (iii) Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';
- d) demolition work shall be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) no trees shall be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;
- f) erosion and sediment control measures shall be installed prior to any demolition works commencing and maintained in accordance with the requirements contained in the Hawkesbury Development Control Plan 2002;
- g) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- h) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- i) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- j) demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings;
- k) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- l) no material is to be burnt on site;
- m) details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal and recycling; and
- n) the site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

#### 21. Demolition - Notice

- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice shall:
  - (i) be given not less than two days before the date on which it is proposed to commence demolition work;

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

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

#### 22. Asbestos Material Handling

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

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

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

#### 23. Demolition - Work Plans

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

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

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

## **HAWKESBURY LOCAL PLANNING PANEL MEETING**

### **SECTION 2 – Reports for Determination**

**Meeting Date:** 20 December 2018

#### **25. Sydney Water - Endorsement of Approved Plans**

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

Please refer to Sydney Water's website.

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

#### **26. Support and Protection for Neighbouring Buildings**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining property the person having the benefit of this consent must, at that person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation;
- b) where necessary, underpin the adjoining premises to prevent any such damage; and
- c) provide a minimum seven days written notice to the owners/occupiers of adjoining properties giving details of the excavation and the proposed method of support of the excavated area.

The proponent is liable for any part of the cost of work carried out for the purposes of this condition whether carried out on the development site or on any adjoining land.

#### **27. Sydney Water - Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website.

Following application, a 'Notice of Requirements' will be forwarded detailing water and/or sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The 'Notice of Requirements' must be submitted to the Principal Certifying Authority before the commencement of works.

### **During Construction**

#### **28. Construction Hours**

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

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

- 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.

#### 29. Site Management During Construction

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

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

#### 30. Loading and Unloading During Construction

The following requirements apply.

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

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

#### 31. Critical Stage Inspections

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

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

#### 32. Termite Treatment

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

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

#### 33. Implementation of Erosion and Sediment Control Plan

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved Erosion and Sediment Control Plan.

#### 34. Asbestos Handling

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

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

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

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

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

#### Prior to Issue of Occupation Certificate

#### 35. Survey Certificate at Completion

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

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

**36. Suitability of Glazing - Windows and Doors**

Glazing materials (e.g. windows, doors, footlights, balustrades and shower screens) are to be installed within the building in accordance with Australian Standards AS 1288 - 'Glass in Buildings - Selection and Installation' and AS 2047 - 'Windows and external glazed doors in buildings'.

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

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

**37. Suitability of Glazing - Balustrades**

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

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

**38. Suitability of External Use of Timber**

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

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

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

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

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

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

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

**41. Termite Protection - Notice**

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

**Operational Conditions**

**42. Centre-based Child Care Facility**

Approval is given for use as a Centre-based Child Care Facility with a maximum capacity of 48 children.

A separate approval/license is required to be obtained from the NSW Department of Community Services before any increase to the current number of children being cared for onsite.

**43. Hours of Operation - Centre-based Child Care Facility**

The Centre-based Child Care Facility shall operate or trade only between the following hours:

8:00am to 4:00pm, Monday-Friday.

Operations such as staff accessing the site, cleaning, preparing for operation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

**44. Signage**

No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval. No advertising signs or structures shall be displayed on the footpaths, pedestrian paths, roadways or on any land other than the approved development site.

**45. Loading Within Site**

All loading and unloading operations must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or adjacent roadways.

**46. Annual Fire Safety Statement**

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

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

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

**Advisory Notes (if applicable)**

**(i) Equitable Access**

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

**(ii) Acid Sulfate Soils - Monitoring of Excavation During Works**

All excavations are to be monitored to ensure that acid sulphur soils are not encountered during

## **HAWKESBURY LOCAL PLANNING PANEL MEETING**

### **SECTION 2 – Reports for Determination**

**Meeting Date:** 20 December 2018

works. Signs that may indicate the presence of acid sulphur soils include:

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

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

#### **(iii) Site Contamination Discovered During Demolition or Construction**

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

#### **(iv) Dial Before You Dig**

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

#### **(v) Requirements of 88B Instrument**

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

#### **(vi) Works on Public Land - Public Liability Insurance**

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

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

#### **(vii) Utilities and Services**

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

### **Proposed Statement of Reasons for Determination**

The Panel considers the proposal is acceptable and it is recommended that the development be approved based on the following grounds:



## **HAWKESBURY LOCAL PLANNING PANEL MEETING**

### **SECTION 2 – Reports for Determination**

**Meeting Date:** 20 December 2018

- The proposal is acceptable having regard to the statutory requirements applying to the development.
- The proposed development adequately satisfies the objectives and provisions of the Hawkesbury Local Environmental Plan 2012 (LEP 2012).
- The proposal was notified in accordance with the Hawkesbury Development Control Plan 2002. Submissions received raised concerns in respect to traffic safety, noise, stormwater and loss of vegetation.

These matters have been considered and the proposed works will not result in any adverse impacts in terms of noise, stormwater or traffic as a result of the proposal and conditions have been imposed on the consent to ensure that replacement plantings are carried out in response to the proposed tree removal.

- The proposal will provide improved child care facilities for the community.

#### **ATTACHMENTS:**

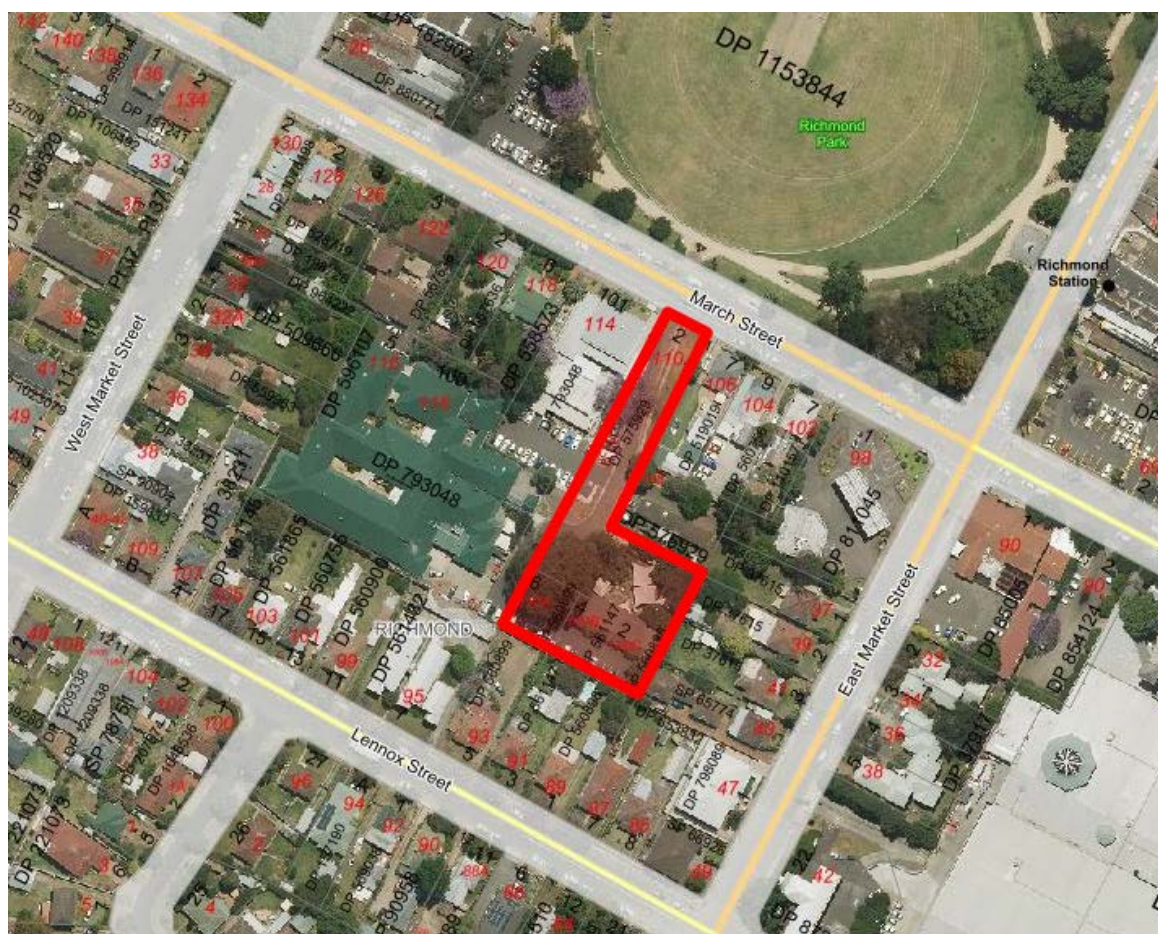
- AT - 1** Locality View
- AT - 2** Location of the Centre-Based Child Care Facility additions
- AT - 3** Site Plan of proposed development
- AT - 4** Floor Plan of proposal
- AT - 5** Elevations of proposed works

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

Meeting Date: 20 December 2018

#### AT - 1 Locality View



**HAWKESBURY LOCAL PLANNING PANEL MEETING**

**SECTION 2 – Reports for Determination**

**Meeting Date:** 20 December 2018

**AT - 2 Location of the Centre-Based Child Care Facility additions**







**Meeting Date:** 20 December 2018

**KEY**

- CHAMFER 1
- CHAMFER 2
- WALL
- WALL
- CONCRETE

**STAGE 1**

**STAGE 2**

**1 Ground Floor** 1:100

**Materials to be removed:**

| Material | Quantity | Area |
|----------|----------|------|
| Concrete | 1.00     | 1.00 |
| Brick    | 1.00     | 1.00 |
| Timber   | 1.00     | 1.00 |
| Roof     | 1.00     | 1.00 |
| Other    | 1.00     | 1.00 |

**Meeting Date:** 20 December 2018

Architectural drawings for the development of a school building, including four elevations (North, South, East, West) and a site plan. The drawings show a long, rectangular building with a pitched roof and a central entrance. The North elevation shows a 'Remixed Architectural Composite facade' and a 'Colourboard Movement'. The South elevation shows a 'Remixed Architectural Composite facade' and a 'Colourboard Movement'. The East elevation shows a 'Remixed Architectural Composite facade' and a 'Colourboard Movement'. The West elevation shows a 'Remixed Architectural Composite facade' and a 'Colourboard Movement'. The site plan shows the building footprint and surrounding areas. The drawings are dated 17/12/2023 and are for the development of a school building.

Page 32