



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 14 November 2017

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Minutes: 14 November 2017

MINUTES

– **WELCOME**

Acknowledgement of Indigenous Heritage

– **APOLOGIES AND LEAVE OF ABSENCE**

– **DECLARATION OF INTERESTS**

– **PRESENTATION BY COUNCIL'S AUDITOR, MS CELIA WITHERS OF NSW AUDIT OFFICE AND MR MARC UPCROFT OF PRICEWATERHOUSECOOPERS, IN RESPECT OF COUNCIL'S AUDITED 2016/2017 FINANCIAL REPORTS**

– **SECTION 1 - Confirmation of Minutes**

– **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**

– **MINUTES ITEMS SUBJECT TO PUBLIC ADDRESS**

– **SECTION 2 - Mayoral Minutes**

– **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**

– **SECTION 3 - Reports for Determination**

Planning Decisions

General Manager

City Planning

Infrastructure Services

Support Services

– **SECTION 4 - Reports of Committees**

– **SECTION 5 - Notices of Motion**

– **QUESTIONS FOR NEXT MEETING**

– **REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION**

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 14 November 2017, commencing at 6:33pm.

ATTENDANCE

PRESENT: Councillor M Lyons-Buckett, Mayor, Councillor B Calvert, Deputy Mayor and Councillors E-J Garrow, A Kotlash, P Rasmussen, P Reynolds, S Richards, J Ross, T Tree, D Wheeler and N Zamprogno.

ALSO PRESENT: General Manager - Peter Conroy, Director City Planning - Matt Owens, Acting Director Infrastructure Services - Richard Vaby, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Strategic Planning Manager - Andrew Kearns, Manager Corporate Communication - Suzanne Stuart, Chief Financial Officer – Emma Galea, Deputy Chief Financial Officer – Vanessa Browning, Manager Corporate Services and Governance - Michael Wearne and Administrative Support Coordinator - Natasha Martin.

APOLOGIES AND LEAVE OF ABSENCE

An apology for absence was received from Councillor Conolly.

348 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno and seconded by Councillor Rasmussen that the apology be accepted and that leave of absence from the meeting be granted.

DECLARATIONS OF INTEREST

Councillor Richards declared an interest on Item 199.

PRESENTATION BY COUNCIL'S AUDITOR, MR MARC UPCROFT OF PRICEWATERHOUSECOOPERS AND MS WEINI LIAO AND MS CELIA WITHERS OF NSW AUDIT OFFICE AND, IN RESPECT OF COUNCIL'S AUDITED 2016/2017 FINANCIAL REPORTS

The Auditor's report was presented to Council by Mr Marc Upcroft of PricewaterhouseCoopers and Ms Weini Liao and Ms Celia Withers of NSW Audit Office, in respect of Council's audited 2016/2017 Financial Reports.

SECTION 1 - Confirmation of Minutes

349 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Ross that the Minutes of the Ordinary Meeting held on the 31 October 2017, be confirmed.

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SECTION 2 - Mayoral Minutes

MM - Councillor Update - Independent Hearing and Assessment Panels - (79351, 105109, 79353, 125612)

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett.

Refer to RESOLUTION

350 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett.

That Council work with other Councils to pursue opportunities to address concerns about State Government IHAP legislation, including calls for possible repeal, exemption and extension mechanisms.

Councillor Tree requested that her name be recorded as having voted against the motion.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 198 CP - DA0024/17 - 108 Lennox Street, Richmond - Lot 1 DP 39280 - Demolition of Dwelling House and Construction of an attached Dual Occupancy - (95498, 11419, 138932, 138933)

Mr Mark Jones and Ms Kate Therese Jones addressed Council, speaking for the recommendation.

A MOTION was moved by Councillor Richards, seconded by Councillor Tree.

That Development Application No. DA0024/17 at Lot 1 DP 39280, 108 Lennox Street, Richmond for a dual occupancy (attached) 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
Ground Floor Plan/Sheet 1 of 8	R.E. & P.A. Collins Design	B	10 August 2017
First Floor Plan/Sheet 2 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Rear & Front Elevations/Sheet 3 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Side Elevations/Sheet 4 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Section Plan/Sheet 5 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Site Plan/Sheet 6 of 8	R.E. & P.A. Collins Design	B	10 August 2017
Landscape Concept Plan	Environmental & Lifestyle Landscape Designs	-	30 November 2016

b) Document Reference:

Document	Reference	Prepared By	Date
BASIX	780489M	Energy Rating Australia	29 November 2016
Waste Management Plan			27 January 2017

No works other than those approved (including the raising or lowering of ground levels on the site or the construction of retaining walls on any property boundary) are permitted by this consent.

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

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

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2. Works Shall Not Commence Until A Construction Certificate or Design Compliance Certificate (Engineering Works) Approval Is Issued

No work shall commence until:

- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Design Compliance Certificate is obtained from either Council or an Accredited Certifier for civil works (where required by this consent);
- c) a Principal Certifying Authority is appointed; and
- d) 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).

3. Part 4A Certificates Required

The accredited certifier shall provide copies of all Part 4A certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

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

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

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

5. Street Tree

Prior to the issue of any Occupation Certificate a Bottlebrush tree – Callistemon 'King's Park Special' – shall be planted and protected within the grass verge of Lennox Street as a street tree in accordance with Part 1 Section 6.5.8 of Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. This tree shall be an advanced specimen with a minimum pot size of 75L.

6. Prescribed Conditions - Compliance with National Construction Code

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

7. Excavation - Archaeology

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

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

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

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8. Excavation - Aboriginal Relics

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

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

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

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

Prior to Design Compliance Certificate

9. Design Compliance Certificate - Works Covered

The Design Compliance Certificate for this development covers On Site Detention

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

10. Stormwater On Site Detention

On Site Detention (OSD) for stormwater is required to be provided for this development. Details including calculations are to be included on plans submitted for the Design Compliance Certificate to the Satisfaction of the Certifying Authority. OSD must comply with the following:

- a) OSD shall be provided to maintain all stormwater discharges for storms up to the 1 in 100 Average Recurrence Interval storm event at pre-development levels.
- b) The OSD system is to be designed in accordance with Hawkesbury Development Control Plan (Appendix E, Civil Works Specification, Part 1 – Design Specifications and Part 2 – Construction Specifications).

Prior to Issue of Construction Certificate

11. Landscape Plan

Prior to Construction Certificate a detailed landscape plan shall be provided showing use of native trees, shrubs and ground cover at a minimum of three (3) advanced trees with a minimum pot size of 45L and a minimum mature height of 4m shall be provided.

12. 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.

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13. Driveway Construction - Residential in Council Road Reserve

An 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Construction Certificate. Evidence of lodgement and payment for this application shall be provided to the Certifying Authority.

The vehicular crossing must:

- a) Have a minimum width of 3.5 metres within the road reserve;
- b) Not interfere with existing public infrastructure;
- c) Have a sealed finish; and
- d) Be constructed in accordance with Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

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

14. Drainage Design

A drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The plan must:

- a) Clearly address the issue of overland flow. Flow paths for the 100 year storm event must be provided from rainwater and OSD tanks overflow and from roof gutter overflow to the street in order to ensure water is not directed into neighbouring properties during storms.
- b) comply with Council's Hawkesbury Development Control Plan (Part I & Chapter 8) and Australian Standard AS3500 – Plumbing and Drainage unless variation is specifically noted and approved on DA concept drainage plan,
- c) drain impervious areas to the street,
- d) be to the satisfaction of the Certifying Authority.

15. Building Sustainability Index (BASIX) Certificate

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

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

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

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

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

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16. Overland Flow

The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots shall not be impeded or diverted;
- c) water flow shall follow the natural flow directions without increasing velocity.

17. Section 94A (Monetary) Contributions

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

a) Contribution Required

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

b) Amount of Contribution

The amount of the contribution is \$6,141.50.

This fee is based on the supplied value-of-works of \$614,150.00.

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

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

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

Note: In the event that the estimated value of works increases in association with the Construction Certificate the Section 94A contribution payable is to be based on the revised value of works.

18. 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.

19. Structural Engineers Design - Retaining Walls

Any retaining walls having a height exceeding 600mm proposed in conjunction with the development are required to be designed by a practicing structural engineer.

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

Prior to Commencement of Works

20. Excavation

All earthworks on the site including site preparation works must be carried out under the supervision of a suitably qualified and experienced Archaeologist.

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21. Heritage Archival Recording – Demolition

No works shall commence until an archival record of existing buildings on the site has been prepared and submitted to Council. This shall include measured drawings and an archival photographic record. This archival record shall be prepared in accordance with the Heritage Office's guideline, 'Photographic Recording of Heritage Items using Film or Digital Capture'.

22. Heritage Archival Recording - Archaeology

Following the completion of the demolition works and prior to any other site works a detailed archaeological assessment of the entire site is to be undertaken by a suitably qualified and experienced archaeologist. The assessment is to be prepared in accordance with best practice and/or Office of Environment and Heritage guidelines and in accordance with the requirements of the *Heritage Act 1977*. The completed assessment is to be submitted to Council for approval prior to the commencement of any further works on the site and prior to issue of any Construction Certificate.

23. Civil Works Specifications

All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

24. Site to be Maintained Clean and Tidy During Construction

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. All waste must be contained and removed to a Waste Disposal Depot.

25. Principal Certifying Authority - Details

The applicant shall advise Council of the name, address and contact number of the Principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.

26. 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.

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27. 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.

28. Prescribed Conditions - Residential Building Work

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

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

29. Prescribed Conditions - Shoring and Adequacy of Adjoining Property

Development that involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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30. 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.

31. Safety Fencing

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

32. 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 WorkCover 'Demolition License' and WorkCover 'Class 2' (Restricted) Asbestos License and comply with WorkCover's 'Guide to Working with Asbestos';
- c) site safety/security fencing shall be provided prior to commencement of any work on-site and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
 - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
 - (ii) 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;

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- 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.

33. Demolition - Notice

- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice shall:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work;
 - (iii) provide the relevant WorkCover 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 WorkCover's Asbestos/Demolition Hotline - 1800 672 718.

34. 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;

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- 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.

35. 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.

36. 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)'.

37. Sydney Water - Endorsement of Approved Plans

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

Please refer to Sydney Water's website.

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

During Construction

38. Inspections by Certifying Authority

Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 - Appendix E Civil Works Specifications, Part II, Table 1.1.

39. Construction Hours

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

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
 - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - (iii) a variation is approved in advance in writing by Council.

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40. Site Management During Construction

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

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

41. Loading and Unloading During Construction

The following requirements apply.

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

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42. Management of Overland Flows

The works associated with the development shall ensure that:

- a) all natural water flow from adjoining properties is not impeded or diverted; and
- b) surface and subsurface water flows are not redirected or concentrated onto adjoining properties.

43. Stormwater Drainage Management

Roofwater (including overflow from water storage vessels) shall be:

Drained to the street gutter (drainage lines across the footpath shall consist of 100mm sewer grade pipe incorporating a suitable kerb adapter).

44. Earthworks - General Requirements

All earthworks on site must comply with the following:

- a) topsoil shall be stripped only from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
- b) once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- c) filling shall comprise either uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site;
- d) a ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination;
- e) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed;
- f) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and
- g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

Note: ENM is defined by the Excavated Natural Material Exemption - NSW Environment Protection Authority.

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45. Heritage - Archaeological Discovery During Works

Should any Aboriginal relics or European historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the following agencies are to be informed of the discovery:

- a) Council;
- b) the Heritage Council of NSW in accordance with Section 146 of the Heritage Act 1974; and/or
- c) the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

Prior to Issue of Construction Compliance Certificate

46. Construction Compliance Certificate - Works Completed

Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Certifying Authority.

Prior to Occupation

47. Construction Compliance Certificate - Required

A Construction Compliance Certificate for works approved under the Design Compliance Certificate is required prior to the Issue of an Occupation Certificate.

Prior to Issue of the Occupation Certificate

48. Planting of Street Tree

The required street tree shall be planted and protected within the grass verge of Lennox Street prior to the release of a Final Occupation Certificate.

49. 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.

50. 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.

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51. 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.

52. 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.

53. BASIX Commitments

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

54. 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.

55. 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.

56. Occupation Certificate - Prior to Commencement of Use

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim 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 issue.

57. Letterboxes and House Numbering

Letterboxes and house/property numbering are to be designed and constructed so they are accessible and visible from the public road adjoining the site. Council must be contacted in relation to any specific requirements for allocation of street numbering.

Letterbox facilities and house/property numbering shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

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58. On-site Stormwater Detention - Plan of Management

A Plan of Management for the on-site stormwater detention facilities shall be prepared setting out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection, maintenance requirements and time intervals for such inspection and maintenance.

The Plan of Management is to be submitted to and approved by Council prior to the issue of the final Occupation Certificate.

59. Works as Executed Drawings Required

Works-As-Executed drawings are to be submitted to Council detailing the following information:

- a) invert levels of tanks, pits and pipes;
- b) surface levels of pits and surrounding ground levels;
- c) levels of surrounding kerb;
- d) floor levels of buildings;
- e) top of kerb levels at the front of the lot; and
- f) extent of inundation.

60. On-site Stormwater Detention - Positive Covenant Required

A positive covenant shall be created on the title of the land providing the following:

- a) the registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities;
- b) the liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings; and
- c) council only will be entitled to release or modify the Covenant.

The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with Land and Property Information.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

61. On-site Stormwater Detention - Compliance Certification

Upon completion of the on-site stormwater detention system, certification from a consulting engineer and a work as executed drawing are to be provided to Council stating that the works are in accordance with or satisfy the design intent of the approved system.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

62. Telecommunications Provider Certificate

Documentary evidence from a telecommunications carrier confirming that services are available for the development shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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63. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate. For details refer to Sydney Water's website.

64. Energy Provider Certificate

Documentary evidence from an Energy Provider confirming that satisfactory arrangements have been made to serve the proposed development shall be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Advisory Notes

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 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. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Land and Property Information standard forms 13PC and/or 13RPA), shall be submitted to Council for authorisation.

A certified copy of the documents shall be provided to Council after final approval and registration has been affected by Land and Property Information.

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vi. Requirements of 88B Instrument

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

vii. 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.

viii. Approval within the Road Reserve

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.

ix. Hawkesbury Council Engineering Fees

The payment of Engineering Compliance Certificate Fees are required when submitting Civil Engineering Plans to Hawkesbury City Council for Approval. A fee quote will be provided by Hawkesbury City Council on request.

An AMENDMENT was moved by Councillor Wheeler, seconded by Councillor Ross.

That Development Application No. DA0024/17 at Lot 1 DP 39280, 108 Lennox Street, Richmond for a dual occupancy (attached) 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
Ground Floor Plan/Sheet 1 of 8	R.E. & P.A. Collins Design	B	10 August 2017
First Floor Plan/Sheet 2 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Rear & Front Elevations/Sheet 3 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Side Elevations/Sheet 4 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Section Plan/Sheet 5 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Site Plan/Sheet 6 of 8	R.E. & P.A. Collins Design	B	10 August 2017
Landscape Concept Plan	Environmental & Lifestyle Landscape Designs	-	30 November 2016

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b) Document Reference:

Document	Reference	Prepared By	Date
BASIX	780489M	Energy Rating Australia	29 November 2016
Waste Management Plan			27 January 2017

No works other than those approved (including the raising or lowering of ground levels on the site or the construction of retaining walls on any property boundary) are permitted by this consent.

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

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

2. Works Shall Not Commence Until A Construction Certificate or Design Compliance Certificate (Engineering Works) Approval Is Issued

No work shall commence until:

- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Design Compliance Certificate is obtained from either Council or an Accredited Certifier for civil works (where required by this consent);
- c) a Principal Certifying Authority is appointed; and
- d) 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).

3. Part 4A Certificates Required

The accredited certifier shall provide copies of all Part 4A certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

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

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

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

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5. Street Tree

Prior to the issue of any Occupation Certificate a Bottlebrush tree – Callistemon 'King's Park Special' – shall be planted and protected within the grass verge of Lennox Street as a street tree in accordance with Part 1 Section 6.5.8 of Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. This tree shall be an advanced specimen with a minimum pot size of 75L.

6. Prescribed Conditions - Compliance with National Construction Code

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

7. Excavation - Archaeology

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

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

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

8. Excavation - Aboriginal Relics

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

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

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

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

Prior to Design Compliance Certificate

9. Design Compliance Certificate - Works Covered

The Design Compliance Certificate for this development covers On Site Detention

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

10. Stormwater On Site Detention

On Site Detention (OSD) for stormwater is required to be provided for this development. Details including calculations are to be included on plans submitted for the Design Compliance Certificate to the Satisfaction of the Certifying Authority. OSD must comply with the following:

- a) OSD shall be provided to maintain all stormwater discharges for storms up to the 1 in 100 Average Recurrence Interval storm event at pre-development levels.

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- b) The OSD system is to be designed in accordance with Hawkesbury Development Control Plan (Appendix E, Civil Works Specification, Part 1 – Design Specifications and Part 2 – Construction Specifications).

Prior to Issue of Construction Certificate

11. Landscape Plan

Prior to Construction Certificate a detailed landscape plan shall be provided showing use of native trees, shrubs and ground cover at a minimum of three (3) advanced trees with a minimum pot size of 45L and a minimum mature height of 4m shall be provided.

12. 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.

13. Driveway Construction - Residential in Council Road Reserve

An 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Construction Certificate. Evidence of lodgement and payment for this application shall be provided to the Certifying Authority.

The vehicular crossing must:

- a) Have a minimum width of 3.5 metres within the road reserve;
- b) Not interfere with existing public infrastructure;
- c) Have a sealed finish; and
- d) Be constructed in accordance with Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

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

14. Drainage Design

A drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The plan must:

- a) Clearly address the issue of overland flow. Flow paths for the 100 year storm event must be provided from rainwater and OSD tanks overflow and from roof gutter overflow to the street in order to ensure water is not directed into neighbouring properties during storms.
- b) comply with Council's Hawkesbury Development Control Plan (Part I & Chapter 8) and Australian Standard AS3500 – Plumbing and Drainage unless variation is specifically noted and approved on DA concept drainage plan,
- c) drain impervious areas to the street,
- d) be to the satisfaction of the Certifying Authority.

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15. Building Sustainability Index (BASIX) Certificate

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

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

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

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

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

16. Overland Flow

The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots shall not be impeded or diverted;
- c) water flow shall follow the natural flow directions without increasing velocity.

17. Section 94A (Monetary) Contributions

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

a) Contribution Required

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

b) Amount of Contribution

The amount of the contribution is \$6,141.50.

This fee is based on the supplied value-of-works of \$614,150.00.

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

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

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

Note: In the event that the estimated value of works increases in association with the Construction Certificate the Section 94A contribution payable is to be based on the revised value of works.

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18. 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.

19. Structural Engineers Design - Retaining Walls

Any retaining walls having a height exceeding 600mm proposed in conjunction with the development are required to be designed by a practicing structural engineer.

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

Prior to Commencement of Works

20. Excavation

All earthworks on the site including site preparation works must be carried out under the supervision of a suitably qualified and experienced Archaeologist.

21. Heritage Archival Recording – Demolition

No works shall commence until an archival record of existing buildings on the site has been prepared and submitted to Council and accepted by Council. This shall include measured drawings and an archival photographic record. This archival record shall be prepared in accordance with the Heritage Office's guideline, 'Photographic Recording of Heritage Items using Film or Digital Capture'.

22. Heritage Archival Recording - Archaeology

Following the completion of the demolition works and prior to any other site works a detailed archaeological assessment of the entire site is to be undertaken by a suitably qualified and experienced archaeologist. The assessment is to be prepared in accordance with best practice and/or Office of Environment and Heritage guidelines and in accordance with the requirements of the *Heritage Act 1977*. The completed assessment is to be submitted to Council for approval prior to the commencement of any further works on the site and prior to issue of any Construction Certificate.

23. Civil Works Specifications

All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

24. Site to be Maintained Clean and Tidy During Construction

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. All waste must be contained and removed to a Waste Disposal Depot.

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25. Principal Certifying Authority - Details

The applicant shall advise Council of the name, address and contact number of the Principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.

26. 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.

27. 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.

28. Prescribed Conditions - Residential Building Work

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

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

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29. Prescribed Conditions - Shoring and Adequacy of Adjoining Property

Development that involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

30. 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.

31. Safety Fencing

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

32. 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 WorkCover 'Demolition License' and WorkCover 'Class 2' (Restricted) Asbestos License and comply with WorkCover's 'Guide to Working with Asbestos';
- c) site safety/security fencing shall be provided prior to commencement of any work on-site and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
 - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
 - (ii) 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';

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- 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.

33. Demolition - Notice

- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice shall:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work;
 - (iii) provide the relevant WorkCover 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 WorkCover's Asbestos/Demolition Hotline - 1800 672 718.

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34. 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.

35. 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.

36. 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)'.

37. Sydney Water - Endorsement of Approved Plans

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

Please refer to Sydney Water's website.

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

During Construction

38. Inspections by Certifying Authority

Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 - Appendix E Civil Works Specifications, Part II, Table 1.1.

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39. Construction Hours

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

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
 - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - (iii) a variation is approved in advance in writing by Council.

40. Site Management During Construction

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

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

41. Loading and Unloading During Construction

The following requirements apply.

- a) All loading and unloading associated with construction activity must be accommodated on site.

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

42. Management of Overland Flows

The works associated with the development shall ensure that:

- a) all natural water flow from adjoining properties is not impeded or diverted; and
- b) surface and subsurface water flows are not redirected or concentrated onto adjoining properties.

43. Stormwater Drainage Management

Roofwater (including overflow from water storage vessels) shall be:

Drained to the street gutter (drainage lines across the footpath shall consist of 100mm sewer grade pipe incorporating a suitable kerb adapter).

44. Earthworks - General Requirements

All earthworks on site must comply with the following:

- a) topsoil shall be stripped only from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
- b) once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- c) filling shall comprise either uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site;
- d) a ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination;
- e) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed;
- f) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and

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- g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

Note: ENM is defined by the Excavated Natural Material Exemption - NSW Environment Protection Authority.

45. Heritage - Archaeological Discovery During Works

Should any Aboriginal relics or European historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the following agencies are to be informed of the discovery:

- a) Council;
- b) the Heritage Council of NSW in accordance with Section 146 of the Heritage Act 1974; and/or
- c) the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

Prior to Issue of Construction Compliance Certificate

46. Construction Compliance Certificate - Works Completed

Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Certifying Authority.

Prior to Occupation

47. Construction Compliance Certificate - Required

A Construction Compliance Certificate for works approved under the Design Compliance Certificate is required prior to the Issue of an Occupation Certificate.

Prior to Issue of the Occupation Certificate

48. Planting of Street Tree

The required street tree shall be planted and protected within the grass verge of Lennox Street prior to the release of a Final Occupation Certificate.

49. 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.

50. 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.

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51. 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.

52. 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.

53. BASIX Commitments

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

54. 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.

55. 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.

56. Occupation Certificate - Prior to Commencement of Use

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim 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 issue.

57. Letterboxes and House Numbering

Letterboxes and house/property numbering are to be designed and constructed so they are accessible and visible from the public road adjoining the site. Council must be contacted in relation to any specific requirements for allocation of street numbering.

Letterbox facilities and house/property numbering shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

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58. On-site Stormwater Detention - Plan of Management

A Plan of Management for the on-site stormwater detention facilities shall be prepared setting out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection, maintenance requirements and time intervals for such inspection and maintenance.

The Plan of Management is to be submitted to and approved by Council prior to the issue of the final Occupation Certificate.

59. Works as Executed Drawings Required

Works-As-Executed drawings are to be submitted to Council detailing the following information:

- a) invert levels of tanks, pits and pipes;
- b) surface levels of pits and surrounding ground levels;
- c) levels of surrounding kerb;
- d) floor levels of buildings;
- e) top of kerb levels at the front of the lot; and
- f) extent of inundation.

60. On-site Stormwater Detention - Positive Covenant Required

A positive covenant shall be created on the title of the land providing the following:

- a) the registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities;
- b) the liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings; and
- c) council only will be entitled to release or modify the Covenant.

The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with Land and Property Information.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

61. On-site Stormwater Detention - Compliance Certification

Upon completion of the on-site stormwater detention system, certification from a consulting engineer and a work as executed drawing are to be provided to Council stating that the works are in accordance with or satisfy the design intent of the approved system.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

62. Telecommunications Provider Certificate

Documentary evidence from a telecommunications carrier confirming that services are available for the development shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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63. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate. For details refer to Sydney Water's website.

64. Energy Provider Certificate

Documentary evidence from an Energy Provider confirming that satisfactory arrangements have been made to serve the proposed development shall be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Advisory Notes

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 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. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Land and Property Information standard forms 13PC and/or 13RPA), shall be submitted to Council for authorisation.

A certified copy of the documents shall be provided to Council after final approval and registration has been affected by Land and Property Information.

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vi. Requirements of 88B Instrument

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

vii. 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.

viii. Approval within the Road Reserve

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.

ix. Hawkesbury Council Engineering Fees

The payment of Engineering Compliance Certificate Fees are required when submitting Civil Engineering Plans to Hawkesbury City Council for Approval. A fee quote will be provided by Hawkesbury City Council on request.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the amendment, the results of which were as follows:

For the Amendment	Against the Amendment
Councillor Calvert	Councillor Kotlash
Councillor Garrow	
Councillor Lyons-Buckett	
Councillor Rasmussen	
Councillor Reynolds	
Councillor Richards	
Councillor Ross	
Councillor Tree	
Councillor Wheeler	
Councillor Zamprogno	

Councillor Conolly was absent from the meeting.

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MOTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Ross.

Refer to RESOLUTION

351 RESOLUTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Ross.

That Development Application No. DA0024/17 at Lot 1 DP 39280, 108 Lennox Street, Richmond for a dual occupancy (attached) 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
Ground Floor Plan/Sheet 1 of 8	R.E. & P.A. Collins Design	B	10 August 2017
First Floor Plan/Sheet 2 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Rear & Front Elevations/Sheet 3 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Side Elevations/Sheet 4 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Section Plan/Sheet 5 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Site Plan/Sheet 6 of 8	R.E. & P.A. Collins Design	B	10 August 2017
Landscape Concept Plan	Environmental & Lifestyle Landscape Designs	-	30 November 2016

b) Document Reference:

Document	Reference	Prepared By	Date
BASIX	780489M	Energy Rating Australia	29 November 2016
Waste Management Plan			27 January 2017

No works other than those approved (including the raising or lowering of ground levels on the site or the construction of retaining walls on any property boundary) are permitted by this consent.

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

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

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2. Works Shall Not Commence Until A Construction Certificate or Design Compliance Certificate (Engineering Works) Approval Is Issued

No work shall commence until:

- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Design Compliance Certificate is obtained from either Council or an Accredited Certifier for civil works (where required by this consent);
- c) a Principal Certifying Authority is appointed; and
- d) 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).

3. Part 4A Certificates Required

The accredited certifier shall provide copies of all Part 4A certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

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

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

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

5. Street Tree

Prior to the issue of any Occupation Certificate a Bottlebrush tree – Callistemon 'King's Park Special' – shall be planted and protected within the grass verge of Lennox Street as a street tree in accordance with Part 1 Section 6.5.8 of Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. This tree shall be an advanced specimen with a minimum pot size of 75L.

6. Prescribed Conditions - Compliance with National Construction Code

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

7. Excavation - Archaeology

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

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

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

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8. Excavation - Aboriginal Relics

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

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

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

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

Prior to Design Compliance Certificate

9. Design Compliance Certificate - Works Covered

The Design Compliance Certificate for this development covers On Site Detention

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

10. Stormwater On Site Detention

On Site Detention (OSD) for stormwater is required to be provided for this development. Details including calculations are to be included on plans submitted for the Design Compliance Certificate to the Satisfaction of the Certifying Authority. OSD must comply with the following:

- a) OSD shall be provided to maintain all stormwater discharges for storms up to the 1 in 100 Average Recurrence Interval storm event at pre-development levels.
- b) The OSD system is to be designed in accordance with Hawkesbury Development Control Plan (Appendix E, Civil Works Specification, Part 1 – Design Specifications and Part 2 – Construction Specifications).

Prior to Issue of Construction Certificate

11. Landscape Plan

Prior to Construction Certificate a detailed landscape plan shall be provided showing use of native trees, shrubs and ground cover at a minimum of three (3) advanced trees with a minimum pot size of 45L and a minimum mature height of 4m shall be provided.

12. 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.

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13. Driveway Construction - Residential in Council Road Reserve

An 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Construction Certificate. Evidence of lodgement and payment for this application shall be provided to the Certifying Authority.

The vehicular crossing must:

- a) Have a minimum width of 3.5 metres within the road reserve;
- b) Not interfere with existing public infrastructure;
- c) Have a sealed finish; and
- d) Be constructed in accordance with Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

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

14. Drainage Design

A drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The plan must:

- a) Clearly address the issue of overland flow. Flow paths for the 100 year storm event must be provided from rainwater and OSD tanks overflow and from roof gutter overflow to the street in order to ensure water is not directed into neighbouring properties during storms.
- b) comply with Council's Hawkesbury Development Control Plan (Part I & Chapter 8) and Australian Standard AS3500 – Plumbing and Drainage unless variation is specifically noted and approved on DA concept drainage plan,
- c) drain impervious areas to the street,
- d) be to the satisfaction of the Certifying Authority.

15. Building Sustainability Index (BASIX) Certificate

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

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

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

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

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

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16. Overland Flow

The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots shall not be impeded or diverted;
- c) water flow shall follow the natural flow directions without increasing velocity.

17. Section 94A (Monetary) Contributions

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

a) Contribution Required

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

b) Amount of Contribution

The amount of the contribution is \$6,141.50.

This fee is based on the supplied value-of-works of \$614,150.00.

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

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

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

Note: In the event that the estimated value of works increases in association with the Construction Certificate the Section 94A contribution payable is to be based on the revised value of works.

18. 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.

19. Structural Engineers Design - Retaining Walls

Any retaining walls having a height exceeding 600mm proposed in conjunction with the development are required to be designed by a practicing structural engineer.

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

Prior to Commencement of Works

20. Excavation

All earthworks on the site including site preparation works must be carried out under the supervision of a suitably qualified and experienced Archaeologist.

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21. Heritage Archival Recording – Demolition

No works shall commence until an archival record of existing buildings on the site has been prepared and submitted to Council and accepted by Council. This shall include measured drawings and an archival photographic record. This archival record shall be prepared in accordance with the Heritage Office's guideline, 'Photographic Recording of Heritage Items using Film or Digital Capture'.

22. Heritage Archival Recording - Archaeology

Following the completion of the demolition works and prior to any other site works a detailed archaeological assessment of the entire site is to be undertaken by a suitably qualified and experienced archaeologist. The assessment is to be prepared in accordance with best practice and/or Office of Environment and Heritage guidelines and in accordance with the requirements of the *Heritage Act 1977*. The completed assessment is to be submitted to Council for approval prior to the commencement of any further works on the site and prior to issue of any Construction Certificate.

23. Civil Works Specifications

All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

24. Site to be Maintained Clean and Tidy During Construction

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. All waste must be contained and removed to a Waste Disposal Depot.

25. Principal Certifying Authority - Details

The applicant shall advise Council of the name, address and contact number of the Principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.

26. 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.

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27. 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.

28. Prescribed Conditions - Residential Building Work

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

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

29. Prescribed Conditions - Shoring and Adequacy of Adjoining Property

Development that involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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30. 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.

31. Safety Fencing

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

32. 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 WorkCover 'Demolition License' and WorkCover 'Class 2' (Restricted) Asbestos License and comply with WorkCover's 'Guide to Working with Asbestos';
- c) site safety/security fencing shall be provided prior to commencement of any work on-site and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
 - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
 - (ii) 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;

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- 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.

33. Demolition - Notice

- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice shall:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work;
 - (iii) provide the relevant WorkCover 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 WorkCover's Asbestos/Demolition Hotline - 1800 672 718.

34. 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;

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- 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.

35. 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.

36. 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)'.

37. Sydney Water - Endorsement of Approved Plans

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

Please refer to Sydney Water's website.

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

During Construction

38. Inspections by Certifying Authority

Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 - Appendix E Civil Works Specifications, Part II, Table 1.1.

39. Construction Hours

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

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
 - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - (iii) a variation is approved in advance in writing by Council.

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40. Site Management During Construction

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

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

41. Loading and Unloading During Construction

The following requirements apply.

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

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42. Management of Overland Flows

The works associated with the development shall ensure that:

- a) all natural water flow from adjoining properties is not impeded or diverted; and
- b) surface and subsurface water flows are not redirected or concentrated onto adjoining properties.

43. Stormwater Drainage Management

Roofwater (including overflow from water storage vessels) shall be:

Drained to the street gutter (drainage lines across the footpath shall consist of 100mm sewer grade pipe incorporating a suitable kerb adapter).

44. Earthworks - General Requirements

All earthworks on site must comply with the following:

- a) topsoil shall be stripped only from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
- b) once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- c) filling shall comprise either uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site;
- d) a ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination;
- e) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed;
- f) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and
- g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

Note: ENM is defined by the Excavated Natural Material Exemption - NSW Environment Protection Authority.

45. Heritage - Archaeological Discovery During Works

Should any Aboriginal relics or European historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the following agencies are to be informed of the discovery:

- a) Council;

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- b) the Heritage Council of NSW in accordance with Section 146 of the Heritage Act 197;, and/or
- c) the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

Prior to Issue of Construction Compliance Certificate

46. Construction Compliance Certificate - Works Completed

Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Certifying Authority.

Prior to Occupation

47. Construction Compliance Certificate - Required

A Construction Compliance Certificate for works approved under the Design Compliance Certificate is required prior to the Issue of an Occupation Certificate.

Prior to Issue of the Occupation Certificate

48. Planting of Street Tree

The required street tree shall be planted and protected within the grass verge of Lennox Street prior to the release of a Final Occupation Certificate.

49. 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.

50. 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.

51. 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.

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52. 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.

53. BASIX Commitments

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

54. 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.

55. 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.

56. Occupation Certificate - Prior to Commencement of Use

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim 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 issue.

57. Letterboxes and House Numbering

Letterboxes and house/property numbering are to be designed and constructed so they are accessible and visible from the public road adjoining the site. Council must be contacted in relation to any specific requirements for allocation of street numbering.

Letterbox facilities and house/property numbering shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

58. On-site Stormwater Detention - Plan of Management

A Plan of Management for the on-site stormwater detention facilities shall be prepared setting out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection, maintenance requirements and time intervals for such inspection and maintenance.

The Plan of Management is to be submitted to and approved by Council prior to the issue of the final Occupation Certificate.

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59. Works as Executed Drawings Required

Works-As-Executed drawings are to be submitted to Council detailing the following information:

- a) invert levels of tanks, pits and pipes;
- b) surface levels of pits and surrounding ground levels;
- c) levels of surrounding kerb;
- d) floor levels of buildings;
- e) top of kerb levels at the front of the lot; and
- f) extent of inundation.

60. On-site Stormwater Detention - Positive Covenant Required

A positive covenant shall be created on the title of the land providing the following:

- a) the registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities;
- b) the liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings; and
- c) council only will be entitled to release or modify the Covenant.

The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with Land and Property Information.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

61. On-site Stormwater Detention - Compliance Certification

Upon completion of the on-site stormwater detention system, certification from a consulting engineer and a work as executed drawing are to be provided to Council stating that the works are in accordance with or satisfy the design intent of the approved system.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

62. Telecommunications Provider Certificate

Documentary evidence from a telecommunications carrier confirming that services are available for the development shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

63. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate. For details refer to Sydney Water's website.

64. Energy Provider Certificate

Documentary evidence from an Energy Provider confirming that satisfactory arrangements have been made to serve the proposed development shall be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

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Advisory Notes

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 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. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Land and Property Information standard forms 13PC and/or 13RPA), shall be submitted to Council for authorisation.

A certified copy of the documents shall be provided to Council after final approval and registration has been affected by Land and Property Information.

vi. Requirements of 88B Instrument

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

vii. 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.

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viii. Approval within the Road Reserve

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.

ix. Hawkesbury Council Engineering Fees

The payment of Engineering Compliance Certificate Fees are required when submitting Civil Engineering Plans to Hawkesbury City Council for Approval. A fee quote will be provided by Hawkesbury City Council on request.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Calvert	NIL
Councillor Garrow	
Councillor Kotlash	
Councillor Lyons-Buckett	
Councillor Rasmussen	
Councillor Reynolds	
Councillor Richards	
Councillor Ross	
Councillor Tree	
Councillor Wheeler	
Councillor Zamprogno	

Councillor Conolly was absent from the meeting.

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Item: 199 CP - DA0317/17 - 539 Kurmond Road, Freemans Reach - Lot 8 DP 544000 - Intensive Plant Agriculture - (95498, 135615, 135616)

Councillor Richards declared a less than significant non-pecuniary conflict of interest in this matter as she resides in Freemans Reach, the same suburb as the application and no further action is required.

Mr Mitchell Brown and Mr Joe Polito addressed Council, speaking for the recommendation.

Mr Maurice Geake and Ms Shirlene Bennett addressed Council, speaking against the recommendation.

A MOTION was moved by Councillor Tree, seconded by Councillor Zamprogno.

That Development Application No. DA0317/17 at Lot 8 DP 544000, 539 Kurmond Road Freemans Reach NSW 2756 for Intensive Plant Agriculture – Proposed Use for Intensive Plant Agriculture, Construction of Two Farm Buildings and Access Road and Associated Earthworks 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	Date
Plan of proposed works Revision B	McKinlay Morgan and Associates	7 August 2017
Plan of proposed shed sites	McKinlay Morgan and Associates	3 May 2017
Rural Shed Drawing No. A1524ARD	Hills Sheds	16 January 2017
Cool room and storage building Drawing No. A1848AW6	Hills Sheds	16 January 2017

b) Document Reference:

Document	Date
Farm Management Plan	9 January 2017
Flora and Fauna Assessment prepared by Fraser Ecological Consulting	15 May 2017

No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

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

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2. Design Amendments Required

In order that there is a suitable area available to establish a vegetation buffer zone between the proposed growing areas and the adjoining residential properties towards the eastern property boundary, the vegetation buffers must be extended to a minimum 10 metre width.

The vegetation buffer areas must extend the length of adjoining residential properties along the eastern property boundary. The vegetation buffer is to be planted and established prior to the growing of cut flowers.

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

3. Appointment of a Principal Certifying Authority

No work shall commence until:

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

4. Works Shall Not Commence Until A Construction Certificate or Design Compliance Certificate (Engineering Works) Approval Is Issued

No work shall commence until:

- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Design Compliance Certificate is obtained from either Council or an Accredited Certifier for civil works (where required by this consent);
- c) a Principal Certifying Authority is appointed; and

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- d) 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. Part 4A Certificates Required

The accredited certifier shall provide copies of all Part 4A certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

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

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

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

7. Sewer Authority - Hawkesbury City Council

This development falls within the Sewerage Scheme controlled by Council. Therefore Council is the approving authority for all sewer works.

8. 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.

9. 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).

10. Existing Buildings and Structures

This development consent relates only to the new work nominated on the stamped approved plans and does not approve or regularise any existing buildings or structures located on the property.

11. 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.

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12. 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.

13. 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 a woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of in an approved manner.

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

14. Design Compliance Certificate - Works Covered

Part 4A Design Compliance Certificate/s must be obtained for this development covering the following:

- a) Design of Private Access Road (Issued by Council or C1 Accredited Certifier).

Note: Should Council be nominated as the Certifying Authority for the Design Compliance Certificate, the Applicant shall pay a Design Compliance Certificate Fee and a Construction Compliance Certificate Fee in accordance with Councils adopted fees and charges when submitting Civil Engineering Plans for Approval.

15. Civil Works Specifications Compliance

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

16. 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.

17. Water Licence Requirements

Prior to the issue of any construction certificate, design compliance certificate or commencement of any works, the consent holder shall provide sufficient details to the Principal Certifying Authority demonstrating that appropriate water access licence has been issued from the NSW Office of Water for the approved agricultural land use.

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18. Vegetation Planting

Prior to the removal of any vegetation onsite a vegetation management plan must be prepared for the site in accordance with the recommendations of the Flora and Fauna Assessment report, prepared by prepared by Fraser Ecological Consulting, dated 15 May 2017.

This plan shall specify how the remaining vegetation on site can be protected and where vegetation can be planted on site to mitigate any potential impacts vegetation removal would have on the biodiversity of the site.

Vegetation planting should be undertaken around the dams and in vegetation buffer areas and should consist of a mixture of trees, shrubs and groundcovers endemic to the locality. All vegetation planting or protection measures required under this consent shall be planted or installed prior to the use of the site for any farming activities.

Prior to the Issue of Design Compliance Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Design Compliance Certificate 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 Design Compliance Certificate. The Design Compliance Certificate shall be obtained for the civil works.

19. Traffic Control Plan

A Traffic Control Plan prepared in accordance with the Roads and Traffic Authority publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council, prior to the issue of a Design Compliance Certificate.

20. Erosion and Sediment Control Plan (ESCP)

Prior to the issue of the Part 4A Design Compliance Certificate, the applicant must submit to and obtain the Certifying Authority approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction' (2004). The plan should show the following:

- a) timing of works;
- b) nature and extent of earthworks, including the amount of any cut and fill;
- c) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- d) location of all soil and other material stockpiles including topsoil storage;
- e) location and type of proposed erosion and sediment control measures;
- f) site rehabilitation proposals; and
- g) frequency and nature of maintenance program.

21. Rural Residential Driveway - Internal

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

- a) have a minimum width of four metres within the property in accordance with 'Planning for Bushfire Protection 2006' requirements;
- b) be constructed of all-weather material and have 100mm of road base and be sealed where located within 30 metres of the eastern boundary and north of lot 105 DP 219848 to ensure that dust is not a nuisance to adjoining properties;

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- c) any access within 30m of the eastern boundary of the site and located south of lot 106 DP219848 must not be used on a regular basis or for intensive agricultural purposes and be kept as an informal turfed track or else sealed;
- d) be constructed in accordance with Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification; and
- e) include adequate drainage to prevent erosion.

Details of the driveway are to be included on the plans submitted to the Certifying Authority prior to issue of a Part 4A Design Compliance Certificate.

22. Overland Flow

The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots shall not be impeded or diverted; and
- c) water flow shall follow the natural flow directions without increasing velocity.

Details demonstrating compliance with the above shall be provided to the Certifying Authority prior to the issue of a Design Compliance Certificate.

Prior to the Issue of Construction Certificate

23. 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.

24. 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.

25. Section 94A (Monetary) Contributions

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

- a) Contribution Required

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

- b) Amount of Contribution

The amount of the contribution is \$6500.

This fee is based on the supplied value-of-works of \$655,000.

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

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

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

Note: In the event that the estimated value of works increases in association with the Construction Certificate the Section 94A contribution payable is to be based on the revised value of works.

26. 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.

27. Structural Engineers Design - Retaining Walls

Any retaining walls having a height exceeding 600mm proposed in conjunction with the development are required to be designed by a practicing structural engineer.

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

28. Council Sewer Authority - Inspection Fees

Council is the sewer authority for this development. As this development involves connection to the existing sewer system or works in connection to an on-site waste management facility, payment of the prescribed inspection fee is required to be made prior to the issue of a construction certificate. Evidence of this payment must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

29. Erosion and Sediment Control Plan

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Certifying Authority approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction' (2004). The plan should show the following:

- a) timing of works;
- b) nature and extent of earthworks, including the amount of any cut and fill;
- c) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- d) location of all soil and other material stockpiles including topsoil storage;
- e) location and type of proposed erosion and sediment control measures;
- f) site rehabilitation proposals; and
- g) frequency and nature of maintenance program.

30. Rural Driveway Construction in Council Road Reserve

If Council is not the Certifying Authority for the access works then an 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Construction Certificate. Evidence of lodgement and payment for this application shall be provided to the Certifying Authority.

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The vehicular crossing must:

- a) have a minimum width of four metres within the road reserve;
- b) not interfere with existing public infrastructure;
- c) have a finish matching the road construction fronting the property (bitumen/asphalt) or concrete; and
- d) be constructed in accordance with Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

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

31. No Fill Permitted

It must be clearly noted on plans submitted to the Certifying Authority prior to issue of the Construction Certificate that no fill (with the exception of road sub base and base material) shall be imported onto the site as part of this development.

Prior to Any Works Commencing on Site

32. Principal Certifying Authority - Details

The applicant shall advise Council of the name, address and contact number of the Principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.

33. 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.

34. 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.

35. Principal Certifying Authority (PCA) Site Sign

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work;

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- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

36. Safety Fencing

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

37. Erosion and Sediment Control for Minor Development

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

38. Sydney Water - Endorsement of Approved Plans

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

Please refer to Sydney Water's website.

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

39. Design Compliance Certificate - Required prior to Commencement of Works

A part 4A Design Compliance Certificate as specified in this consent is required prior to the commencement of access works on the site.

During Construction

40. Construction Hours

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

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
 - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - (iii) a variation is approved in advance in writing by Council.

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41. 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.

42. Loading and Unloading During Construction

The following requirements apply.

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

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43. 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.

44. Inspection and Compliance certificates for sewer works

Inspection and Compliance Certificates for sewer works can only be conducted and issued by Council.

In the case of:

- a) internal and external (house service connection) drainage, the inspection must be conducted by Council's Development Services Branch, please phone (02) 4560 4444 to arrange inspections and payment of required fees;
- b) sewer work constructed under a Major/Minor Sewer Works application, the inspection must be conducted by Council's Waste Management Branch. A compliance certificate will not be issued under Works as Executed information has been received, assessed and approved by the Waste Management Branch, please phone (02) 4560 4444 to arrange inspections; and
- c) major sewer works where the contractor is allowed to use third party quality control, the third party must be approved by the branch manager of Council's Waste Management Branch.

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

45. Earthworks - General Requirements

All earthworks on site must comply with the following:

- a) topsoil shall be stripped only from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
- b) once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- c) filling shall comprise either uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site;
- d) a ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination;
- e) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed;
- f) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and

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- g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

Note: ENM is defined by the Excavated Natural Material Exemption - NSW Environment Protection Authority.

46. Heritage - Archaeological Discovery During Works

Should any Aboriginal relics or European historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the following agencies are to be informed of the discovery:

- a) Council;
- b) the Heritage Council of NSW in accordance with Section 146 of the Heritage Act 1974, and/or
- c) the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

47. Inspections by Certifying Authority

Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 - Appendix E Civil Works Specifications, Part II, Table 1.1.

48. Installation of Traffic Management Devices

Traffic Management Devices must be installed and maintained for the duration of the proposed works in compliance with the approved Traffic Management Plan.

49. Implementation of Erosion and Sediment Control Plan (ESCP)

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.

50. Earthworks - General Requirements

All earthworks on site must comply with the following:

- a) topsoil shall be stripped only from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
- b) once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- c) No fill is to be imported onsite(except for road sub base and base material);
- d) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed;
- e) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and
- f) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

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Prior to Issue of Construction Compliance Certificate

51. Construction Compliance Certificate

A Construction Compliance Certificate is required to be issued confirming the works approved under the Design Compliance Certificate were carried out in accordance with that approval. Council or an appropriately accredited certifier can issue a Construction Compliance Certificate.

52. Completion of Design Compliance Certificate Works

Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Principal Certifying Authority.

Prior to Issue of Occupation Certificate

53. Construction Compliance Certificate Required

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

54. Occupation Certificate - Prior to Commencement of Use

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim 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 issue.

55. Landscaping – Vegetation buffer areas

Vegetation buffer areas must be planted along the eastern property boundary. The buffer areas must remain in place and be maintained for the life of the development.

Planting is to be undertaken prior to the issue of any Occupation Certificate.

56. Vegetation Planting – Vegetation Management plan

Planting works specified under the vegetation management plan must be completed prior to the issue of any Occupation Certificate.

Confirmation that the works have been completed in accordance with the Vegetation Management Plan must be provided to the Principal Certifying Authority.

57. On-site Sewage Management - Approval to Operate

An Approval to Operate the on-site sewage management system shall be obtained prior to the issue of any Occupation Certificate.

58. Compliance Certificate - Connection to On-Site Waste Facility

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

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Operational Conditions

59. Maintenance of Landscaping

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

60. Public Complaints Management

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

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

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

61. Noise Generating Activities - Daytime and evening hours

During the hours of 7am to 10pm, the development shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW Industrial Noise Policy, do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of residential properties and associated outdoor areas.

62. Noise Generating Activities - Night hours

Between the hours of 10pm to 7am, the development shall be managed so that the noise level does not create offensive noise when assessed against the NSW EPA Noise Guide for Local Government (2013).

63. Noise Generating Activities

Irrigation pumps and other fixed noise generating equipment (such as coolroom motors) are to be either housed in an enclosure acoustically designed that significantly reduces the noise emissions or is located in a suitable location in order to achieve a reading of not more than 5dBA above background noise levels at the boundary of the property between the hours of 7am and 8pm each day. The equipment shall not emit noise greater than the background noise levels between the hours of 8pm and 7 am.

64. Pesticides - Storage and Use

The application, management and record keeping of pesticides at the premises must comply with the following legislation or guidelines:

- a) WorkCover NSW 1998 - 'Code of Practice for the Safe use of and Storage of Chemicals (including pesticides and herbicides) in Agriculture';
- b) WorkCover 'Code of Practice for the Labelling of Workplace hazardous substances';
- c) NSW Department of Primary Industries 'Spray Drift Management - Principles, strategies and supporting information'; and

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- d) NSW Department of Primary Industries 'Reducing herbicide spray drift'.

Any chemicals containers are to be disposed of through the Drum Muster programme conducted at the Hawkesbury City Council Waste Management Facility, or at an authorised waste disposal facility. Chemical containers are to be prepared for disposal in accordance with the Agsafe Standard for 'Effective Rinsing of Farm Chemical Containers'. Excess chemicals, herbicides or insecticides are to be disposed of through the "ChemClear" programme conducted by Agsafe (www.chemclear.com.au) or through other appropriate programmes.

65. Hazardous Substances - Safety Data Sheets

Safety Data Sheets (SDS) of all hazardous substances used on the premises must be kept on-site and readily available to all staff. Staff involved with handling these materials are to be trained how to safely use and store these substances prior to their use.

66. Bunding - Chemicals, Fuels and Oils

The proprietor shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards and/or the NSW Environment Protection Authority's 'Storing and Handling Liquids: Environmental Protection - Participants Manual'.

67. Pollution Control

The use of the premises must incorporate facilities that will prevent the discharge of any pollutant so as to minimise adverse environmental impact as follows:

- a) all pollution control devices (including drainage systems, sumps and traps) must be regularly maintained;
- b) all liquid wastes must be collected and disposed of in a manner which does not pollute the stormwater system;
- c) the repair, servicing and maintenance of all vehicles must take place in a bunded work bay drained to a holding tank or similar device so that any liquid wastes produced from such repair, servicing, and maintenance can either be:
 - (i) retained for recycling; or
 - (ii) disposed of in accordance with the requirements of Council;
- d) all paints, chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area;
- e) no spray painting of vehicles shall take place outside the spray booth; and
- f) appropriate equipment and absorbent material must be provided and maintained in a prominent position in order to combat any spill.

68. Waste Generated On-site

All liquid and/or non-liquid waste generated on the site shall be assessed and classified in accordance with the Waste Classification Guidelines (Department of Environment, Climate Change and Water, 2009), or any superseding document, to safeguard protection of the environment and human health. Waste generated on the site can only be taken to, and accepted at, a waste facility which is lawfully authorised to receive, re-use and/or dispose of that type of waste.

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The development is to be maintained in a clean and tidy manner. All waste materials to be regularly removed from the property. 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 and dust), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

69. No burning of materials

The burning of prohibited articles is not permitted. Prohibited articles include tyres, chemical and pesticide containers, drums, coated wire, plastic, rubber items, paint containers, treated or painted timbers, residues, solvent containers and residues or any other manufactured article or petroleum products including any accelerants. No household rubbish, building materials or industrial rubbish is to be burnt (this includes plastics paper or grass cuttings).

70. Lighting

Any lighting shall be managed to minimise glare and light spill onto adjoining properties or roadways. Lighting installations shall comply with Australian Standard AS 4282 - 'Control of the obtrusive effects of outdoor lighting'.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

71. Annual Fire Safety Statement

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

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

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

72. Dust Management - Trafficable and Vehicle Manoeuvring Areas

All trafficable and vehicle manoeuvring areas on the site shall be maintained in a condition that will minimise the generation or emission of windblown or traffic generated dust at all times.

73. Parking of vehicles

Vehicle parking areas on site are to be located to the west of the proposed farm buildings away from the residential properties to the eastern property boundary.

74. Farm Management

The farm shall be operated in accordance with the Farm Management Plan submitted with the application and with the following requirements added to that Farm Management Plan as an addendum to that Plan:

- a) No crop protection structures should be installed over the growing areas without Council approval.
- b) No stockpiles of any organic fertiliser/animal manure are to be kept at the property.

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- c) Manure and compost shall to be mixed into the soil directly following delivery to the site to prevent odour or dust being blown onto surrounding properties.
- d) Stockpiles of any soils, sand, aggregate, spoil or other material capable of being moved by running water is to be stored clear of any drainage line, easement, natural water course or road surface.
- e) All plastics including, but not limited to, plastic sheeting used shall be disposed of through an approved method. No plastic is to be disposed of by burning or burial. All plastics made loose during harvesting are to be collected. Plastic is not to be permitted to drift beyond the property boundary.
- f) Care is to be taken at all times not to interfere or damage the root structure of the vegetation within the buffer areas with the operations of the proposed activity. The buffer vegetation is to be maintained in a healthy condition at all times and should any of that vegetation die it is to be replaced with a similar species and number of plants.
- g) The dams are to be regularly monitored for algal growth both terrestrial and aquatic and noxious weeds growth and where detected are to be dealt with appropriately.
- h) There is to be no spray drift of chemicals onto surrounding properties. Spraying is not to be conducted on windy days or when humidity is very high. Adjoining neighbours are to be given 24 hours notice prior to spraying occurring.

The Farm Management Plan is to be reviewed and updated by the farm operator every 12 months and an approved copy of that Management Plan is to be available for inspection at the farm by farm staff and Council at all times.

Advisory Notes

(i) Approval Authority

This development falls within the Sewerage Scheme controlled by Council, therefore Council is the approval authority for all sewer works.

The applicant must consult with the Waste Management Branch regarding any possible new work or upgrades to existing Council sewer mains related to this application.

(ii) Equitable Access

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

(iii) Acid Sulfate Soils - Monitoring of Excavation During Works

All excavations are to be monitored to ensure that acid sulphur soils are not encountered during works. Signs that may indicate the presence of acid sulphur soils include:

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

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

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(iv) Site Contamination Discovered During Demolition or Construction

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

(v) Dial Before You Dig

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

(vi) Requirements of 88B Instrument

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

(vii) Protection of the Environment Operations Act 1997

In accordance with the requirements of Part 5.7 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.

(viii) Utilities and Services

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

An AMENDMENT was moved by Councillor Lyons-Buckett, seconded by Councillor Ross.

That the matter be deferred to the next Council meeting.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the amendment, the results of which were as follows:

For the Amendment	Against the Amendment
Councillor Calvert	Councillor Kotlash
Councillor Garrow	Councillor Richards
Councillor Lyons-Buckett	Councillor Tree
Councillor Rasmussen	Councillor Zamprogno
Councillor Reynolds	
Councillor Ross	
Councillor Wheeler	

Councillor Conolly was absent from the meeting.

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MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Ross.

Refer to RESOLUTION

352 RESOLUTION:

RESOLVED on the motion of Councillor Tree, seconded by Councillor Zamprogno.

That the matter be deferred to the next Council meeting.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Calvert	Councillor Richards
Councillor Garrow	Councillor Tree
Councillor Kotlash	
Councillor Lyons-Buckett	
Councillor Rasmussen	
Councillor Reynolds	
Councillor Ross	
Councillor Wheeler	
Councillor Zamprogno	

Councillor Conolly was absent from the meeting.

ORDINARY MEETING

Minutes: 14 November 2017

GENERAL MANAGER

Item: 200 **GM - General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2017 - (95496, 96332)**

Previous Item: 180, Ordinary (26 September 2017)

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reynolds.

Refer to RESOLUTION

353 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reynolds.

That Council:

1. Note the completion of the General Purpose and Special Purpose Financial Statements and Special Schedules for the period ended 30 June 2017.
2. Thank the representatives from The NSW Audit Office and PricewaterhouseCoopers, for their presentation in respect of Council's audited 2016/2017 Financial Statements.

Item: 201 **GM - Hawkesbury City Council - Annual Report 2016/2017 incorporating Audited Financial Statements - (95498, 124414)**

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

Refer to RESOLUTION

354 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

That:

1. Council's Annual Report 2016/2017 and accompanying audited Financial Statements be received and noted, and copies forwarded to the Office of Local Government by 30 November 2017.
2. The Annual Report 2016/2017 and accompanying audited Financial Statements be made available on Council's website by 30 November 2017.

The Mayor adjourned the meeting at 9:30pm.

The Mayor resumed the meeting at 9:41pm.

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SUPPORT SERVICES

Item: 202 **SS - Hawkesbury Based Not-for-Profit Groups Access to Council Facilities - (95496, 96328)**

Previous Item: NM3, Ordinary (29 August 2017)

MOTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Reynolds.

Refer to RESOLUTION

355 RESOLUTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Reynolds.

That the information be received and noted.

ORDINARY MEETING

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SECTION 4 - Reports of Committees

ROC - Audit Committee Meeting Minutes - 14 June 2017 - (95496, 91369)

356 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reynolds.

That the minutes of the Audit Committee held on 14 June 2017 as recorded on pages 97 to 100 of the Ordinary Business Paper be received.

ROC - Floodplain Risk Management Advisory Committee - 19 October 2017 - (124414, 86589)

357 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reynolds.

That the minutes of the Floodplain Risk Management Advisory Committee held on 19 October 2017 as recorded on pages 101 to 104 of the Ordinary Business Paper be received.

ROC - Hawkesbury Access and Inclusion Advisory Committee Minutes - 26 October 2017 - (124569, 96328)

358 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reynolds.

That the minutes of the Hawkesbury Access and Inclusion Advisory Committee held on 26 October 2017 as recorded on pages 105 to 111 of the Ordinary Business Paper be received.

ORDINARY MEETING

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SECTION 5 - Notices of Motion

RM - Resolution 271 - Independent Hearing and Assessment Panel - (79351, 105109, 138883, 125612, 138882)

MOTION:

RESOLVED on the motion of Councillor Garrow, seconded by Councillor Reynolds.

Refer to RESOLUTION

359 RESOLUTION:

RESOLVED on the motion of Councillor Garrow, seconded by Councillor Reynolds.

That Resolution No 271 from Council's meeting held on 29 August 2017 be rescinded.

ORDINARY MEETING

Minutes: 14 November 2017

QUESTIONS FOR NEXT MEETING

Councillors Questions from Previous Meetings and Responses - (79351)

Raised at the Ordinary Meeting held – 31 October 2017

There were no responses to Questions in relation to previous Questions for Next Meeting.

ORDINARY MEETING**Minutes: 14 November 2017****Questions for Next Meeting**

#	Councillor	Question	Response
1	Richards	Enquired if Council can confirm if the protestors at Windsor Bridge on 13 November 2017 were asked by NSW Police to remove themselves and also move on from the area to allow work to proceed, allowed time to do so and failed to do so.	Director Infrastructure Services
2	Richards	Enquired if Council can confirm if the NSW Police was required to call a special operations vehicle from another Local Area Command (LAC) to safely remove the protestors at Windsor Bridge on 13 November 2017, as Hawkesbury LAC did not have a suitable vehicle available.	Director Infrastructure Services
3	Richards	Enquired if, in regard to the protest at Windsor Bridge on 13 November 2017, Council could confirm that if there had been an incident requiring the presence of the specialist vehicle from the Local Area Command (LAC) it came from, innocent people may have had to wait in dangerous situations for the vehicle to travel back to its LAC.	Director Infrastructure Services
4	Richards	Enquired if Council can provide comment on any possible reputational damage caused by any Councillor being involved in the protest at Windsor Bridge on 13 November 2017 and any ongoing protests.	General Manager
5	Tree	Enquired as to why the polo was not included in the Housekeeping LEP and at what point was it taken out of the LEP.	Director City Planning

ORDINARY MEETING**Minutes: 14 November 2017**

#	Councillor	Question	Response
6	Tree	Enquired as to the outcomes of the meeting between the RMS and developers regarding the North Richmond Bridge in the VPA at North Richmond, has a site been identified, what progress is happening and when can the community expect to use the new bridge.	General Manager
7	Tree	Requested the timeline for finalisation for the acquisition of lands attributed to the stormwater management area of Pitt Town.	Director City Planning
8	Tree	Requested information in relation to the planning matters that the General Manager is delaying from being presented to Council, while he gets his head around them.	General Manager
9	Zamprogno	Given the quality of the works carried out on Brennans Dam Road and Old Stock Route Road, Oakville, requested that Reedy Road between Pebbly Hill Road and Fisher Road at Cattai/Maraylya, be urgently reviewed and graded as necessary.	Director Infrastructure Services
10	Wheeler	Referred to the partial removal of illegal fill at 251C Windsor Road, McGraths Hill and enquired if there is a time limit for removal of the entire illegal fill and requested that the date be included in the staff response.	Director City Planning
11	Wheeler	Referred to the removal of a large number of trees from Macquarie Park, Windsor by an Endeavour Energy contractor and requested details as to who did the work, what approvals they had to carry out the work and, if the contractor acted outside of that approval, and investigate whether the contractor can be issued with a 'make good' order.	Director City Planning

ORDINARY MEETING**Minutes: 14 November 2017**

#	Councillor	Question	Response
12	Wheeler	Requested that Council erect a sign stating that it is not responsible for the tree removal at Macquarie Park, Windsor.	Director City Planning
13	Wheeler	Enquired about land clearing at 1855 Putty Road, Lower Colo along the riverbank, and investigate whether they could be issued a 'stop work' order and for information relating to impacts on the Colo River from run off and sediment control.	Director City Planning
14	Wheeler	Enquired if a private certifier is required to provide after-hours contact details if a development is ongoing.	Director City Planning
15	Reynolds	Requested an update on the progress towards getting garbage bins to Brinsley Park, Pitt Town.	Director Infrastructure Services
16	Reynolds	Requested an update on the request for the owner on Punt Road, Pitt Town for sandstone blocks to be installed across the driveway.	Director Infrastructure Services
17	Garrow	Requested information on suspected asbestos stockpiled on the north compound on Wilberforce Road that is currently being "wetted" down and the run off is running into the Hawkesbury River, in particular information on the detrimental effects on soil, water and long term air quality.	Director City Planning
18	Rasmussen	Enquired if Council is able to access TCorp loans at this stage and if so, is Council considering making applications for a loan from TCorp and for what purpose.	Director Support Services
19	Rasmussen	Requested an update on the progress of marking power poles on Yarramundi Lane with reflective devices.	Director Infrastructure Services
20	Rasmussen	Enquired as to a commencement date on the RMS works at the Terrace Road/Bells Line of Road intersection in North Richmond.	Director Infrastructure Services

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#	Councillor	Question	Response
21	Ross	Enquired if Council is aware of white material deposited along Tennyson Road near the fire station.	Director City Planning
22	Lyons-Buckett	Requested an investigation to have a 'Stop' sign installed at the corner of Francis and Chapel Streets, Richmond.	Director Infrastructure Services
23	Lyons-Buckett	Requested that the sign post on the corner of Onus Lane and Francis Street, Richmond be repaired.	Director Infrastructure Services
24	Richards	Enquired if Local Government operates OOSH programs in primary schools and to what level of involvement a council would have in the operation of an OOSH.	Director Support Services

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CONFIDENTIAL REPORTS

360 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

That:

1. The Council meeting be closed to deal with confidential matters and in accordance with Section 10A of the Local Government Act, 1993, members of the Press and the public be excluded from the Council Chambers during consideration of the following items:

Item: 203 CP - Heritage Matters and Legal Advice - (95498)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act, 1993 as it relates to legal advice concerning the mechanism to retain items of potential heritage significance and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 204 SS - Community Representation on the Enhancing the Arts in the Hawkesbury Working Group - (95496, 103542)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 as it relates to personnel matters concerning particular individuals (other than councillors).*

Item: 205 SS - Property Matter - Easement over Council owned land - 35A Harris Street, Windsor - (130541, 112106, 95496)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the purchase of an easement over property owned by the Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 206 SS - Property Matter - Lease to Hawkesbury District Tennis Association Inc. - Richmond Tennis Complex, Windsor Street, Richmond - (74070, 112106, 95496)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 207 SS - Property Matter - Lease to New Horizons Healthcare Pty Ltd - Shop 3 Glossodia Shopping Village - (95496, 112106, 134957, 136550)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

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Item: 208 SS - Property Matter - Lease of Shop 11, Wilberforce Shopping Centre - (112106, 95496, 132105, 132099)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

2. In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993 the reports, correspondence and other relevant documentation relating to these matters be withheld from the Press and public.

The Mayor asked for representation from members of the public as to why Council should not go into closed Council to deal with these confidential matters.

There was no response, therefore, the Press and the public left the Council Chambers.

361 RESOLUTION:

RESOLVED on the motion of Councillor Reynolds, seconded by Councillor Wheeler that open meeting be resumed.

ORDINARY MEETING

Minutes: 14 November 2017

Item: 203 CP - Heritage Matters and Legal Advice - (95498) CONFIDENTIAL

MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Garrow.

Refer to RESOLUTION

362 RESOLUTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Garrow.

That the information in this report be received and endorsed.

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Item: 204 **SS - Community Representation on the Enhancing the Arts in the Hawkesbury Working Group - (95496, 103542) CONFIDENTIAL**

Previous Item: MM, Ordinary (14 February 2017)
 55, Ordinary (25 July 2017)

MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Garrow.

Refer to RESOLUTION

363 RESOLUTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Garrow.

That:

1. Council appoint Nicola Coady, Alison Eagan, James Glendenning, Josephine Blue Harper, Jenny Lloyd, Phillip Routle and Oonagh Sherrard as the community representatives on the Enhancing the Arts in the Hawkesbury Working Group.
2. The Terms of Reference for the Enhancing the Arts in the Hawkesbury Working Group be amended to include seven community appointments.

ORDINARY MEETING

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Item: 205 SS - Property Matter - Easement over Council owned land - 35A Harris Street, Windsor - (130541, 112106, 95496) CONFIDENTIAL

MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Calvert.

Refer to RESOLUTION

364 RESOLUTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Calvert.

That:

1. Council approve the creation of an easement of an area, in the order of 49m² within 35A Harris Street, Windsor (Lot 12 DP 546556) as shown in Attachment 1 to this report, and compensation in the amount detailed in this report be accepted by Council.
2. The applicant reimburse Council for all costs incurred by Council in relation to the easement.
3. Authority be given for any documentation in association with this matter to be executed under the seal of Council.
4. Details of the resolution be conveyed to the applicant together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate documentation to put such resolution into effect has been agreed to and executed by all parties.

ORDINARY MEETING

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**Item: 206 SS - Property Matter - Lease to Hawkesbury District Tennis Association Inc. -
Richmond Tennis Complex, Windsor Street, Richmond - (74070, 112106, 95496)
CONFIDENTIAL**

Previous Item: 11, Ordinary (31 January 2012)

MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Reynolds, seconded by Councillor Rasmussen.

Refer to RESOLUTION

365 RESOLUTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Reynolds, seconded by Councillor Rasmussen.

That:

1. Council proceed to publicly exhibit the proposed lease with Hawkesbury District Tennis Association Inc. of Part of Lot 2 in Deposited Plan 1062683 (Part of Ham Common), as outlined in the report, in accordance with Sections 47 and 47A of the Local Government Act 1993.
2. At the expiration of the public exhibition period outlined in Part 1 above, the following action be taken:
 - a) Should any submissions be received regarding the proposed lease to Hawkesbury District Tennis Association Inc, a further report be submitted to Council, or
 - b) Should no submissions be received:
 - (i) Council enter into a new lease with Hawkesbury District Tennis Association Inc of Part of Lot 2 in Deposited Plan 1062683 (Part of Ham Common), as outlined in the report.
 - (ii) Authority be given for any documentation in association with the matter to be executed under the Seal of Council.
 - (iii) Delegated authority be given to the General Manager to approve any suitable sublease by Hawkesbury District Tennis Association Inc.
 - (iv) Details of Council's resolution be conveyed to the proposed Lessee, together with the advice that Council is not, and will not, be bound by the terms of the resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

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Item: 207 **SS - Property Matter - Lease to New Horizons Healthcare Pty Ltd - Shop 3
Glossodia Shopping Village - (95496, 112106, 134957, 136550) CONFIDENTIAL**

Previous Item: 39, Ordinary (23 February 2016)
 145, Ordinary (25 August 2015)

MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Calvert.

Refer to RESOLUTION

366 RESOLUTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Calvert.

That:

1. Council agree to surrender the current lease and enter into a new lease with New Horizons Healthcare Pty Ltd in regard to Shop 3, Glossodia Shopping Village, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee, together with the advice that Council is not, and will not be bound by the terms of its resolution, until such time as appropriate legal documentation to put such a resolution has been executed by all parties.

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Item: 208 SS - Property Matter - Lease of Shop 11, Wilberforce Shopping Centre - (112106, 95496, 132105, 132099) CONFIDENTIAL

MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Calvert.

Refer to RESOLUTION

367 RESOLUTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Calvert.

That:

1. Council agree to enter into a new lease with Darith Buth and Mary Leang in regard to Shop 11, Wilberforce Shopping Centre, as outlined in this report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the Lessees, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

The meeting terminated at 10:32pm.

Submitted to and confirmed at the Ordinary meeting held on 28 November 2017.

.....
Mayor