



Hawkesbury Local Planning Panel

Date of meeting: 17 March 2022
Location: By audio-visual
Time: 10:00am.

MINUTES

HAWKESBURY LOCAL PLANNING PANEL MEETING**Table of Contents****Minutes: 17 March 2022****TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
	ATTENDANCE	2
	APOLOGIES AND LEAVE OF ABSENCE	2
	ADDRESS BY INVITED SPEAKERS	2
	SECTION 3 – Reports for Determination	3
Item: 1	SS - Pecuniary Interest Returns - (95496, 96333, 95498)	3
Item: 2	CP - S82A0001/21 - Lot 17 DP 255010, 6 Keda Circuit, North Richmond - (141707, 95498)	4
Item: 3	CP - DA0196/20 - Lot 3 DP 270515, 88B Bulgamatta Road, Berambing - (83531, 14283, 95498)	32
Item: 4	CP - DA0303/21 - Lot D DP 334004, 15 King Road, Wilberforce - (95498, 35163, 15949, 154044)	33
	TABLED CORRESPONDENCE	45

HAWKESBURY LOCAL PLANNING PANEL MEETING

Table of Contents

Minutes: 17 March 2022

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

Minutes of the Hawkesbury Local Planning Panel Meeting held by audio visual link, on 17 March 2022, commencing at 10:11am.

ATTENDANCE

Present: Louise Byrne, Expert Member, Alternate Chair
John Brunton, Expert Member
Ian Stapleton, Expert Member
Paul Rogers, Community Member

In Attendance: Ms Linda Perrine, Director City Planning, Hawkesbury City Council
Ms Cristie Evenhuis, Development Services Manager, Hawkesbury City Council
Mr Andrew Johnston, Senior Town Planner, Hawkesbury City Council
Mr William Pillon, Town Planner, Hawkesbury City Council
Mr Nicholas Powers, Town Planner, Hawkesbury City Council
Ms Jodie Tillinghast, Administration Support Officer, Hawkesbury City Council

APOLOGIES AND LEAVE OF ABSENCE

Mr John Brunton left the meeting 10:33am: and returned to the meeting at 11:37am.

DECLARATIONS OF INTEREST

The chairperson asked the panel if any member needed to declare a pecuniary interest in the items on the agenda. There were no declarations of interest.

All clause 4.10 Code of Conduct declaration forms were submitted by the Panel Members.

ADDRESS BY INVITED SPEAKERS

The chairperson advised that the following people have formally requested to address the panel at the commencement of the consideration of the item.

SPEAKERS	ITEM NO/SUBJECT
Charlie Baini	CP – S82A0001/21 - Lot 17 DP 255010, 6 Keda Circuit, North Richmond – (141707, 95498)
Hany Takla	CP – S82A0001/21 - Lot 17 DP 255010, 6 Keda Circuit, North Richmond – (141707, 95498)
Brad Delapierre	CP – S82A0001/21 - Lot 17 DP 255010, 6 Keda Circuit, North Richmond – (141707, 95498)
Isabel Cueva - Fernandez	CP – S82A0001/21 - Lot 17 DP 255010, 6 Keda Circuit, North Richmond – (141707, 95498)
Lionel Buckett	CP – DA0196/20 – Lot 3 DP 270515, 88B Bulgamatta Road, Berambing – (83531, 14283, 95498)
David Jones	CP – DA0196/20 – Lot 3 DP 270515, 88B Bulgamatta Road, Berambing – (83531, 14283, 95498)

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

SECTION 3 – Reports for Determination

Item: 1 **SS - Pecuniary Interest Returns - (95496, 96333, 95498)**

Directorate: Support Services

1 RESOLUTION:

That:

1. That the Section 4.17(b) Pecuniary Interest Returns be received and noted.
2. That the Section 4.17(b) Pecuniary Interest Returns be made available on Council's website.

The panel members voted on the recommendation and the results of which were as follows:

For the Motion: Louise Byrne, John Brunton, Ian Stapleton and Paul Rogers.

Against the Motion: Nil.

Absent: Nil.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

Item: 2 CP - S82A0001/21 - Lot 17 DP 255010, 6 Keda Circuit, North Richmond - (141707, 95498)

Directorate: City Planning

Mr John Brunton left the meeting and did not take part in voting or discussion on the matter as he was on the panel when this matter first came for decision previously.

The Panel was addressed by Mr Charlie Baini, Mr Hany Takla, Mr Brad Delapierre and Mr Desmond Raymond.

The Panel was addressed by Ms Isabel Cueva-Fernandez speaking against the recommendation.

This application: S82A0001/21 at 6 Keda Circuit, North Richmond for Centre Based Child Care Facility - Demolition of Existing Structures, Construction of a 58 Place Centre-Based Child Care Facility, Outdoor Play Areas, Basement Car Parking and Landscaping.

The Panel was familiar with the site and received a briefing from Council Officers on the application.

2 RESOLUTION:

PANEL DECISION

The Panel unanimously resolved that:

Development application S82A0001/21 at Lot 17 DP 255010, 6 Keda Circuit North Richmond for S82A Review - Centre Based Child Care Facility - Demolition of Existing Structures, Construction of a 58 Place Centre-Based Child Care Facility, Outdoor Play Areas, Basement Car Parking and Landscaping be approved subject to the recommended conditions as listed below with condition 72. Updated to read as follows:

1. Plan of management

The approved plan of management for the centre-based child care facility listed in Condition 1 must be updated to include the following:

- (a) The Emergency Evacuation plan is required to be updated to refer to the floor plans endorsed as part of this consent.
- (b) a contact phone number of the centre's director should be made available to the parents and neighbors,
- (c) parents and guardians should be informed of the importance of noise minimisation when entering the site and dropping off or picking up children, ~~and~~
- (d) staff parking spaces must be limited to being used by staff and clearly marked,
- (e) indoor play areas: the windows must follow the configuration shown in Figure 2-2, of the acoustic report referred to in condition 2 of this consent. Windows can be opened when children are not involved in indoor play to allow for natural ventilation, and
- (f) outdoor play areas: the children can engage in outdoor play at a time with the following configuration at any time:

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

- i. 8x 0-2 year age groups and 20x 2-3 year age groups (playing at a different time to the 3-5 year old)
- ii. 15x 3-5 year age groups (playing at different time to the 0-2 and 2-3 year old).

The approved plan of management updated in accordance with this condition is to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate. The development is to be carried out in accordance with the Plan of Management updated pursuant to this condition.

General Conditions

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the approved plans and supporting documentation listed below, except where amended in red on the plans and/or amended by other conditions of this consent:

a) Plans Reference:

Drawing Name	Prepared by	Drawing Number	Date
Compliance table	Bani design	01	30/11/2021
Demolition Plan	Bani design	02	30/11/2021
Site Plan	Bani design	03	30/11/2021
Basement Plan	Bani design	05	30/11/2021
Ground Floor Plan	Bani design	06	30/11/2021
First Floor Plan	Bani design	07	30/11/2021
Elevations	Bani design	08	30/11/2021
Sections	Bani design	09	30/11/2021
Schedule of Finishes	Bani design	11	30/11/2021

b) Document Reference:

Document Name	Reference	Prepared by	Date
Plan of Management	6 Keda Circuit Richmond	Applicant	27/07/2021
Landscape Concept	L-01	Outside in design group	17/01/2022
Front Fence Detail	L-02	Outside in design group	17/01/2022
Landscape Structural Works	L-04	Outside in design group	17/01/2022
Traffic & Parking Statement and addendum letters to traffic and parking assessments	Report Addendum letter Addendum letter	Heamanote consultants	10/12/2020 20/07/2021 14/12/2021
Stormwater Concept Design Plans	Reference 20200110, revision H	SGC Consulting	22/12/21
Statement of Environmental Effects	6 Keda Circuit Richmond	Think planners	27/07/2021
Acoustic report	2001554R1 revision 4	Rodney Stevens Acoustics	27/07/2021
Access report	20146	Vista access architects	30/06/2021

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

Document Name	Reference	Prepared by	Date
Geotechnical report	G20551-1	Geotechnical consultants Australia	14/12/2020
Arboricultural impact assessment and tree management plan	6 Keda Circuit North Richmond	Horticultural management services	06/10/2021 Amended 21/1/2022

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

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

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

2. Construction Certificate Required Prior to Commencement of Works

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

- a) a Construction Certificate as relevant from either Council or a registered certifier has been obtained (a fee is payable for this service);
- b) a Principal Certifier has been appointed; and
- c) a Notice of Commencement has been lodged with Council.

Note: If a Construction Certificate is issued by a registered certifier (and 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. Appointment of a Principal Certifier

No work shall commence until:

- a) A Principal Certifier is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
 - (i) name and licence number of the builder/contractor undertaking the construction works; or
 - (ii) name and permit number of the owner-builder (if relevant);
- b) The Principal Certifier has:
 - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
 - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
 - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- c) The person having benefit of the consent (if not carrying out work as an owner-builder) has:

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

- (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
 - (ii) notified the Principal Certifier of the appointment of the principal contractor;
 - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work; and
- d) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

4. Section 6.16(1) Certificates Required

Any registered certifier shall provide copies of all Section 6.16(1) certificates issued under the *Environmental Planning and Assessment Act 1979* relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies

5. Signage

No signage is approved as part of this consent. A separate development consent must be obtained to authorise the display of signage on the site.

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. Civil Works Specification Compliance

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

8. 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 Control 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.

9. Civil Works

Council requires the following works to be carried out as part of the development:

- a) earthworks;
- b) access and car parking works;
- c) stormwater drainage work;
- d) on-site-detention system;

All civil construction works required by this consent must be undertaken in accordance with *Hawkesbury Development Control Plan Appendix E Civil Works Specification*.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

A Construction Certificate is required to be in force prior to work commencing. It may be necessary to obtain appropriate Compliance Certificates for certain aspects of the development prior to the issue of a Construction Certificate.

Inspections must be carried out either by Council or a Certifier. Should Council be engaged to issue compliance certificates or carry out inspections, fees can be provided on request.

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

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

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

11. Asbestos Removal

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

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

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

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

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

12. Excavation - Archaeology

If any Aboriginal or European object (including evidence of habitation or remains) 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.

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

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

13. Vegetation Removal

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.

Separate approval is required for the removal of any vegetation in the road reserve. Native vegetation in the road reserve is required to be protected during construction under the supervision of an appropriately qualified arborist (AQF Level 5).

Prior to the Issue of a Construction Certificate

14. Sydney Water - Section 73 Compliance Certificate

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

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

The 'Notice of Requirements' or Section 73 Certificate must be submitted to the certifier prior to the issue of any Construction Certificate.

15. Erosion and Sediment Control Plan (ESCP)

Prior to the issue of the Construction Certificate, an updated Erosion and Sediment Control Plan (ESCP) must be submitted to the certifier. 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
- g) frequency and nature of maintenance program

16. Engineer Designed Pavement Commercial

The carpark pavement must be designed by a qualified civil/geotechnical engineer and certified to be satisfactory for the expected traffic loadings. AUSTROADS Guide to Pavement Technology can be used as the design guideline for the pavement design.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

The above details must be incorporated on appropriate submitted plans prior to the issue of the Construction Certificate to the satisfaction of the Certifier.

17. Basement Parking Turning Bay

The basement car parking area must incorporate/replace a parking space with a dedicated turning bay to allow vehicles to enter and exit in a forward direction in the case that all spaces are occupied. A turning bay and swept paths to show practical entry and exit must be incorporated on plans prior to the issue of a Construction Certificate by the Certifier.

18. Car Parking and Allocation of Spaces

Car parking spaces shall be provided in accordance with the approved plans, National Construction Code (Building Code of Australia) & AS 2890.6 - 'Parking facilities: Off-street parking for people with disabilities'. The minimum number of spaces provided shall be as follows:

- 18 - Staff/Visitor
- 1 - Accessible Car Spaces
- 1 - Turning Bay

All car parking spaces are to be identified by line-marking and appropriate signposting.

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

19. Driveway Construction - Commercial 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 must be provided to the Certifier.

The vehicular crossing must:

- a) have a minimum width of six metres within the road reserve;
- b) not impact the quality and health of the street trees;
- b) not interfere with existing public infrastructure;
- c) have a sealed finish;
- d) be constructed in accordance with Hawkesbury 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.

20. Vehicle Entry and Exit from Commercial/Industrial Property

The vehicular usage of the site must be constructed to comply with the following requirements:

- a) all vehicles must be loaded and unloaded entirely within the property in a safe and practical manner;
- b) all vehicles shall be driven in a forward direction at all times when entering and leaving the premises; and
- c) vehicles entering and exiting the site must not create queuing which adversely affects vehicles travelling on the public road network.

Loading and unloading areas are to be clearly designated and the swept paths of the longest vehicle entering and exiting the subject site must be in accordance with:

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

- a) Australian Standard AS 2890.1 - 'Parking facilities - Off-street car parking'; and
- b) Australian Standard AS 2890.2 - 'Parking facilities - Off-street commercial vehicle facilities'.

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

21. Public Safety - Clear Pedestrian Sight Lines

Clear pedestrian sight lines are to be provided at the driveway entry in accordance with Figure 3.3 of Australian Standard AS 2890.1 - 'Parking facilities - Off-street car parking'. This requires that there be no boundary/retaining wall, fence or landscaping higher than 900 millimetres within a 2.5 metres by 2 metres sight triangle at each side of the entryway to the site. Any walls/fences/landscaping are to be adjusted in order to comply with this requirement.

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

22. Redundant Vehicular Layback

All redundant vehicular layback crossing(s) must be removed and replaced with kerb and gutter to match adjacent road construction and infrastructure. This work must be carried out at the developer's expense, including all alterations of public infrastructure where necessary.

Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of the Construction Certificate

23. Redundant Driveway from Kerb to Property Boundary

Any redundant vehicular concrete driveway must be removed and the area appropriately turfed and/or paved in a manner that conforms to the adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. This work must be carried out at the developer's expense, including all alterations of public infrastructure where necessary.

Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of the Construction Certificate

24. Detailed Drainage Design Commercial/Industrial

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

- a) be generally in accordance with Stormwater Concept Design Plans prepared by SGC Consulting Engineers with Reference 20200110 revision H dated 22/12/21;
- b) be designed such that stormwater overflow from the detention basin must not discharge from any of the upstream inlet pits;
- c) drain to the street;
- d) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines;
- e) be to the satisfaction of the Principal Certifier;
- f) be designed to cater for a 1 in 20 year Average Recurrence Interval storm event;
- g) show details of any overflow drainage paths and that they be designed to cater for 1 in 100 year Average Recurrence Interval storm event; and
- h) comply with Council's Hawkesbury Development Control Plan 2002 - Appendix E and Australian Standard AS 3500 - 'Plumbing and Drainage' unless a variation is specifically noted and approved by the Development Application concept drainage plan.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

25. Structural Engineers Design - Concrete and Structural Steel

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

26. Structural Engineers Design - Deep Pits

All pits deeper than three metres must be designed by a certified structural engineer and be in accordance with Australian Standard AS 3600 – 'Concrete Structures'. Pits deeper than 1.2 metres must have step irons and pits deeper than 1.8 metres are to be reinforced concrete. Details to this effect must be incorporated on the detailed drainage design that is submitted to the Certifier prior to issue of the Construction Certificate.

27. Pit Grates

All pits must have flush fitting grates. All pits larger than 600mm x 600mm are to be grated galvanised steel grid hinged and be heavy duty type where traffic loading is expected details to this effect are to be included on plans submitted to the Certifier prior to issue of the Construction Certificate.

28. 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 must be provided to the Certifier prior to the issue of a Construction Certificate.

29. On Site Stormwater Detention Design Compliance

On-Site Detention (OSD) for stormwater is required to be provided for this development. Details including calculations are to be shown on plans submitted for the Construction Certificate to the Satisfaction of the Certifier. 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; and
- b) the OSD system is to be designed in accordance with the Hawkesbury Development Control Plan - Appendix E, Civil Works Specification (Part 1 - Design Specifications and Part 2 - Construction Specifications).

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

30. Structural Engineers Design - Adequacy of Adjoining Properties (Excavation Works)

A report must be prepared by an appropriately qualified and practising structural engineer certifying the structural adequacy of structures on neighbouring lots 8 Keda Circuit & 4 Keda Circuit to withstand the proposed excavation required for the development.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

This report is also to detail any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works.

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

31. Dilapidation Survey - Private Property (Neighbouring Buildings)

A dilapidation report of adjoining properties (4 Keda Circuit and 8 Keda Circuit) detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items. The survey and report is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Certifier that all reasonable steps have been taken to obtain access and the affected property owner has been advised of the reason for the survey and that these steps have failed. Written concurrence must be obtained from the consent authority in such circumstances.

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

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

32. Fitout Details

Plans are required to show all internal fittings required for the facility, including laundry facilities, internal bin/waste storage areas, food preparation facilities, mechanical plant, acoustic measures and storage.

Plans are to demonstrate that the internal fittings will not encroach into the minimum 189sqm unencumbered space requirement for 58 children.

Details in accordance with the above must be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate.

Any loss of unencumbered space will be required to be assessed and considered as part of a modification application prior to the issue of any construction certificate for the development.

33. Landscape Plan

A detailed landscape plan, prepared by a qualified landscape architect, must be provided consistent with the plans approved as part of this consent.

The landscape plan must demonstrate that acoustic walls, retaining walls, garden beds and landscaped areas within the outdoor play areas do not encroach into the minimum 406 square metre unencumbered space requirement for 58 children.

Details in accordance with the above must be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

Any loss of unencumbered space will be required to be assessed and considered as part of a modification application prior to the issue of any construction certificate for the development.

34. Retaining Wall Detail

Retaining wall construction details along property boundaries must be shown on the plans. All components of retaining walls, including setbacks, drainage and materials are to be designed so that they do not encroach into the outdoor unencumbered space of the Centre-Based Child Care Facility.

Details in accordance with the above must be submitted to the certifier prior to issue of a Construction Certificate.

Any loss of unencumbered space will be required to be assessed and considered as part of a modification application prior to the issue of any construction certificate for this development.

35. 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 certifier prior to the issue of any Construction Certificate.

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

36. 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 certifier prior to issue of a Construction Certificate.

37. Noise Generating Premises - Acoustic Certification

The recommendations contained in the Acoustic Impact Assessment report prepared by Rodney Stevens, dated 27/07/2021 must be incorporated into the design and construction of the development.

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with any acoustic conditions. Details demonstrating compliance with this requirement must be submitted to the certifier prior to issue of the Construction Certificate.

38. Vermin and Pest Management

The design of the waste storage areas shall incorporate measures to eliminate or minimise the potential for birds, rodents, flies and other pests to congregate in those areas.

39. Food Premises - Design

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:

- a) *Food Act 2003*;
- b) *Food Regulation*;

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

- c) Australian Standard AS 4674 - 'Design, construction and fit-out of food premises';
- d) Sydney Water Corporation;
- e) Protection of the *Environment Operations Act* and associated Regulations; and
- f) National Construction Code (Building Code of Australia).

Plans and specifications which comply with this condition must be submitted to the certifier for approval prior to the issue of any Construction Certificate. The Construction Certificate plans and documentation must incorporate details of the following:

- a) construction, materials and finishes;
- b) installation of fixtures, fittings and equipment;
- c) washing facilities, other facilities and special requirements;
- d) mechanical ventilation and exhaust discharges; and
- e) temperature control

40. Infrastructure Upgrades

The following works are required to be undertaken to upgrade infrastructure in the road reserve fronting the development. This work must be carried out at the developer's expense, including all alterations of public infrastructure where necessary:

- a) Construction of a 1.2 metre wide paved pedestrian footpath along the frontage of the development in order to accommodate the increased foot traffic associated with the proposed land use,
- b) All redundant vehicular layback crossing(s) must be removed and replaced with kerb and gutter to match adjacent road construction and infrastructure.
- c) Removal of poor quality soil to a depth of 100mm within the road reserve and replacement with rich topsoil and turf for the entire lot frontage
- d) Replacement of dilapidated service lids; and

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

Prior to the Commencement of Works

41. 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*.

42. 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:

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

- a) be a standard flushing toilet connected to a public sewer, an approved on-site effluent disposal system or temporary chemical closet that is regularly maintained; and
- b) provide appropriate facilities for the disposal of sanitary items within the toilet.

43. Support and Protection for Neighbouring Buildings

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

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

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

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

In order to ensure compliance with approved plans, a Survey Certificate, prepared by a Registered Surveyor, including locating any easements affecting the subject land, is to be undertaken. A set-out survey must be provided prior to any excavation, placement of footing and pouring of concrete showing its relationship of works to property boundaries.

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

45. Notice of Commencement

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifier providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

46. Principal Certifier Site Sign

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

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

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

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

47. Safety Fencing

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

Entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.

48. Demolition - General

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

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

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

- 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.

The demolition work plans and a statement of compliance with the above requirements shall be submitted to the satisfaction of the Principal Certifier prior to the commencement of works.

49. Demolition - Work Plans

The demolition work must 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' must 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 must be submitted and be to the satisfaction of the Principal Certifier prior to the commencement of works.

50. Demolition - Notice

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

51. 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.

52. Construction Management Plan

A Construction Management Plan must be submitted to and reviewed by Council prior to the commencement of works.

The Construction Management Plan must include the following:

a) Summary

A concise (maximum three page) summary of key points from all documentation.

b) Background

Provide details of the proposed works including the extent, staging and proposed timing of the works.

c) Consultation

The manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process and the establishment of a protocol for complaints handling and management.

d) Noise

Details in relation to how works will be undertaken in accordance with the Interim Construction Noise Guideline published by the NSW Environment Protection Authority.

e) Dust

Details in accordance with the Dust Management Measures condition requirements.

f) Vibration

A Vibration Compliance Letter in accordance with the relevant vibration condition requirements.

g) Traffic

A Detailed Traffic Management Plan in accordance with the Traffic Management Plan condition requirements.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

h) Soil and Water Management

Detailed Soil and Water Management Plan in accordance with the Soil and Water Management Plan condition requirements.

i) Water Quality Assessment and Monitoring

A report clearly detailing planned water quality monitoring proposed for the development.

j) Any site specific Heritage and Archaeological Management.

k) Any site specific Ecological Impact Mitigation Measures.

During Construction

53. Critical Stage Inspections

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

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

54. Termite Treatment

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

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

55. Inspections by Principal Certifier

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

56. 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 Certifier prior to the commencement of works.

57. 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:

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

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

58. 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 Certifier :
 - (i) the place to which waste materials were transported;
 - (ii) the name of the contractor transporting the materials; and
 - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
 - (i) all vehicles entering or leaving the site must have their loads covered;
 - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
 - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council 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.

59. Loading and Unloading During Construction

The following requirements apply.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

- 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.

60. Erosion and Sediment Control Plan – Implementation

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.

61. Overland Stormwater Flow Management

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.

62. 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 Certifier 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.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

63. Earthworks - Removal, Management and Transportation of Fill

All excavated fill material that is to be removed from the site shall only be sent to:

- a) a NSW Office of Environment and Heritage licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Principal Certifier prior to the issue of an Occupation Certificate, whichever occurs first, or authorised officer of Council upon request; or
- b) a site which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifier prior to the issue of an Occupation Certificate, whichever occurs first, or authorised officer upon request.

All removed excavated material shall be transported and disposed of in accordance with the NSW Office of Environment and Heritage guidelines applicable at the time of removal.

64. Construction Management Plan – Implementation

All aspects of the Construction Management Plan must be implemented and maintained until the completion of works.

65. Dust Management Measures

All reasonable measures to minimise dust generated during construction are to be implemented. This includes but is not limited to:

- a) clearly defined stop work thresholds whereby work on site will be ceased with the exception of water trucks; thresholds must be provided that relate to velocity and direction of wind and relative humidity;
- b) dust screen installation and maintenance around the perimeter of the site for the duration of works;
- c) the use of water trucks to regularly wet down areas;
- d) stabilisation of stockpiles;
- e) definition of the maximum allowable height of stockpiles; and
- f) dust Management Measures are to be incorporated into the Construction Management Plan.

66. Food Premises - Fit-out Requirements

The fit-out of the Centre-Based Child Care Facility shall comply with the Food Act 2003, Food Safety Standards, Council's Food Premises Fit Out Code and Australian Standard AS 4674 - 'Construction and fit out of food premises'.

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

The measures required in the approved Erosion and Sediment Control Plan (ESCP) must be implemented during construction.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

Prior to Issue of Occupation Certificate

68. 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 & car parking areas;
- e) top of kerb levels at the front of the lot;
- f) Onsite detention tank compliance with approved plans

69. On-site Stormwater Detention - Compliance Certification

Upon completion of the on-site stormwater detention system, certification from a consulting engineer and a works 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 Certifier prior to the issue of any Occupation Certificate.

70. On-site Stormwater Detention and pump out - Plan of Management

A Plan of Management for the on-site stormwater detention and pump out facilities must be prepared setting out all design and operational parameters for the detention and pump out 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.

71. On-site Stormwater Detention - Positive Covenant Required

A positive covenant must 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 and pump out 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 and pump out 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 NSW Land Registry Services.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

72. Plan of management

The approved plan of management for the centre-based child care facility listed in Condition 1 must be updated to include the following:

- (g) The Emergency Evacuation plan is required to be updated to refer to the floor plans endorsed as part of this consent.
- (h) a contact phone number of the centre's director should be made available to the parents and neighbors,
- (i) parents and guardians should be informed of the importance of noise minimisation when entering the site and dropping off or picking up children, and
- (j) staff parking spaces must be limited to being used by staff and clearly marked,
- (k) indoor play areas: the windows must follow the configuration shown in Figure 2-2, of the acoustic report referred to in condition 2 of this consent. Windows can be opened when children are not involved in indoor play to allow for natural ventilation, and
- (l) outdoor play areas: the children can engage in outdoor play at a time with the following configuration at any time:
 - i. 8x 0-2 year age groups and 20x 2-3 year age groups (playing at a different time to the 3-5 year old)
 - ii. 15x 3-5 year age groups (playing at different time to the 0-2 and 2-3 year old).

The approved plan of management updated in accordance with this condition is to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate. The development is to be carried out in accordance with the Plan of Management updated pursuant to this condition.

73. Survey Certificate at Completion

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

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

74. Suitability of Glazing - Windows and Doors

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

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

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

75. Suitability of External Use of Timber

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

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

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

76. Suitability of Glazing - Balustrades

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

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

77. Infrastructure Repair and Completion of Works

Prior to the issue of any Occupation Certificate:

- a) all works in the road reserve must be fully completed
- b) any public infrastructure damaged as a result of the development must be repaired to the satisfaction of Council.

78. 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 Occupation Certificate by the Principal Certifier. 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.

79. Vehicle Access Signage

Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site prior to the issue of an Occupation Certificate.

80. Termite Protection - Certificate of Treatment

The type and method of termite treatment (complying with Australian Standard AS 3660.1 - '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 must also be securely fixed inside the meter box for future reference.

81. Roads Act 1993 Approval - Completion of Works

The submission of documentary evidence to the Principal Certifier that all work required to be constructed under the Roads Act 1993 approval issued by Council have been satisfied prior to the issue of any Occupation Certificate.

82. Food Premises - Registration

Occupation of the premises shall not occur until:

- a) a registration form has been submitted to Council for the Centre-Based Child Care Facility; and

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

- b) notification to the NSW Food Authority under Food Safety Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notifying through the Department of Primary Industries Food Authority website.

Evidence of compliance with the above shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate and the commencement of trading.

83. Inspection of Food Premises

An inspection of the food preparation areas is to be organised with and conducted by Council's Environmental Health Officer prior to the release of an Interim or Final Occupation Certificate.

84. Telecommunications Provider Certificate

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

85. Sydney Water Section 73 Compliance Certificate

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

86. 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 Certifier prior to the issue of the Occupation Certificate.

87. Completion of Landscaping

Suitable documentation must be provided to the Principal Certifier prior to the issue of an Occupation Certificate demonstrating that landscaping has been completed in accordance of the approved landscape plan.

88. Acoustic Certification

Prior to the issue of the Occupation Certificate, an acoustic consultant shall certify that the works have been completed in accordance with the recommendations contained in the approved acoustic report and that the development is capable of operating in accordance with the design criteria.

Operational Conditions

89. Child Care Centre

Approval is given for use as a Child Care Centre with a maximum capacity of 58 children.

The development must be maintained to provide a minimum of 189sqm of indoor unencumbered space and 406sqm of outdoor unencumbered space.

Any loss in internal or external areas will be required to be assessed and considered as part of a modification application.

A separate approval/license is required to be obtained from the NSW Department of Community Services before the commencement of the use of the Child Care Centre.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

90. Hours of Operation – Child Care centre

The child care centre shall operate or trade only between the following hours:

7am to 6pm, Monday-Friday.

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

91. On-Site Car Parking

The development is to provide for the following parking spaces in accordance with the approved plans reference in Condition 1:

- (i) 19 car parking spaces, including:
 - a. 12 spaces specifically allocated for the use of parents (including 1 accessible space);
 - b. 7 spaces specifically allocated for the use of staff.
- (ii) 1 turning bay.

92. Compliance with Recommended Conditions of the Acoustic Report

The management controls contained in the acoustic assessment report referred to in condition 1 must be followed.

93. Plan of Management

The development must operate in accordance with the conditions specified in the approved plan of management updated in accordance with Condition 72.

94. Maintenance of Food Preparation Areas

The food preparation areas within the premises, including feed bottle preparation facilities, shall be maintained in accordance with the requirements of:

- (a) *Food Act 2003*, associated Regulation and food safety standards adopted thereunder; and
- (b) Australian Standard AS4674:2004 'Design, construction and fit-out of food premises'.

95. Waste Management - *Protection of the Environment Operations Act 1997*

All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*. The development shall maintain facilities sufficient for containment of all wastes arising from the use of the site.

Waste collection must be by a private contractor and occur between the hours of operation of the business.

Waste removal service contracts/agreements shall be maintained for the business at all times.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

96. Maintenance of Landscaping

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

97. Signage

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

98. Loading Within Site

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

99. 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.

100. 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).

101. Annual Fire Safety Statement

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement prepared by a suitably qualified 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.

Advisory Notes

(i) Approval within the Road Reserve

Registered Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.

(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.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

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

All excavations are to be monitored to ensure that acid Sulfate 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.

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

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

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

(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.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

(ix) ***Disability Discrimination Act - Indemnity***

This approval does not provide any indemnity to the owner or applicant under the *Disability Discrimination Act 1992* with respect to the provision of access and facilities for people with disabilities.

The panel members voted on the proposal the results of which were as follows:

For the Motion: Louise Byrne, Ian Stapleton and Paul Rogers.

Against the Motion: Nil.

Absent: John Brunton.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

Item: 3 **CP - DA0196/20 - Lot 3 DP 270515, 88B Bulgamatta Road, Berambing - (83531, 14283, 95498)**

Directorate: City Planning

The Panel was addressed by Mr Lionel Buckett and Mr David Jones, speaking against the recommendation.

This application: DA0196/20 at 88B Bulgamatta Road, Berambing for the use of two buildings identified as the Enchanted Cave and Treehouse as tourist facilities.

The Panel has was familiar with the site and received a briefing from Council Officers on the application.

3 RESOLUTION:

PANEL DECISION:

The Panel unanimously resolved that:

The Hawkesbury Local Planning Panel as the consent authority defer this matter to the meeting of 21 April 2022, for Development Application No. DA0196/20 for the use of two buildings identified as the Enchanted Cave and Treehouse as tourist facilities on Lot 3 in DP 270515, known as 88B Bulgamatta Road, Berambing, for the following reasons:

Reasons for Deferment

1. The applicant has requested the opportunity to submit further material to substantiate the application and to respond to the Council Officers report.
2. Deferral of the Development Application ensures procedural fairness to the applicant.
3. Deferral allows the opportunity for the applicant to consider the most appropriate future course of action, given the eco tourist facility is now permissible use under the LEP 2012.

The panel members voted on the proposal to defer the application the results of which were as follows:

For the Motion: Louise Byrne, John Brunton, Ian Stapleton and Paul Rogers.

Against the Motion: Nil.

Absent: Nil.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

Item: 4 CP - DA0303/21 - Lot D DP 334004, 15 King Road, Wilberforce - (95498, 35163, 15949. 154044)

Directorate: City Planning

The application DA0303/21 at Lot D DP 334004, 15 King Road Wilberforce for Commercial Premises - Shop Alterations & Additions

The Panel was familiar with the site and received a briefing from Council Officers on the application.

4 RESOLUTION:

PANEL DECISION:

The Panel unanimously resolved that:

Development application DA0303/21 at Lot D DP 334004, 15 King Road Wilberforce for Commercial Premises - Shop Alterations & Additions be approved subject to the following conditions:

General Conditions

1. Approved Plans and Supporting Documentation

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

a) Plans Reference:

Drawing Reference No.	Drawing Description	Prepared by	Issue No.	Date
1	Site and Floor Plan	Apted Plan Services	A	July 2021
2	Section and Elevation Plan	Apted Plan Services	A	July 2021

b) Document Reference:

Document Title	Reference	Prepared By	Date
Evacuation Capability Assessment & Site Flood Emergency Response Plan	Ref No. 210060	Urban City Planning	08 October 2021
Colour & Material Schedule	Shop 1-2 Wilberforce Shopping Centre	Urban City Planning	30 September 2021
Waste Management Plan	Shop 1-2 Wilberforce Shopping Centre	Urban City Planning	08 October 2021

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

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

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

- (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 Must Not Commence Until a Construction Certificate is Issued

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

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

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

3. Appointment of a Principal Certifier

No work shall commence until:

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

4. Part 6 Certificates Required

The accredited certifier must provide copies of all Part 6 Certificates issued under the *Environmental Planning and Assessment Act 1979* relevant to this development to Council within seven days of issuing the certificate.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

Note: A registration fee applies.

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

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

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

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. Archaeology - Discovered During Excavation

As required by the *Heritage Act 1977*, in the event that items, relics, historical cultural fabric and/or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the NSW Government's Heritage Council must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Council.

Note: The *Heritage Act 1977* imposes substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

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) Heritage NSW must be advised of the discovery.

All necessary approvals from the Heritage NSW must 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 the Issue of Construction Certificate

9. Long Service Levy Payment

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986* is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifier prior to the issue of any Construction Certificate.

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

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

10. Section 7.12 (Monetary) Contributions

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

a) Contribution Required

In accordance with Council's Section 7.12 (previously S94A) 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 \$530.

This fee is based on the supplied value-of-works of \$106,000.

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 Accredited Certifier prior to the issue of any Construction Certificate.

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

Please present a copy of this condition when paying the contribution at Council's Customer Service Centre in order to assist in recalculation of the contribution amount.

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

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

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

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

12. Flood Prone Land - Flood Compatible Construction

All buildings must have flood compatible structural components up to and including the 100 year Average Recurrence Interval (ARI) flood level of RL 17.3 metres AHD. The materials used in the construction must be consistent with any structural engineering certificate regarding the ability of the building/structure to withstand the forces of floodwater.

A written specification of the proposed materials to be used must be provided to the Accredited Certifier prior to the issue of a Construction Certificate.

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

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

13. Flood Prone Land - Engineers Certification

The 100 year Average Recurrence Interval (ARI) flood level for this site is RL 17.3 metres AHD (Australian Height Datum).

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

- b) Debris: Damage to the proposed structure/s sustained in a flood will not generate debris capable of causing damage to downstream buildings or property. This includes securing of utilities and equipment including tanks, A/C units and similar;
- c) Structural Soundness: Any part of the structure will be able to withstand the force of floodwaters (including lateral forces, buoyancy forces, unbalanced hydrostatic forces) and the impact of debris; and
- d) Foundations: The footing system must be structurally stable during flooding and must consider the soil properties when wet, possible erosion and scouring or liquefaction, subsidence or collapse due to saturation.

The Engineers Certificate must be submitted to the Certifier prior to issue of the Construction Certificate.

14. Food Premises - Design

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food must be designed and carried out in accordance with the requirements of:

- a) *Food Act 2003*;
- b) *Food Regulation 2015*;
- c) Australian Standard AS 4674 - 'Design, construction and fit-out of food premises';

The Construction Certificate plans and documentation must incorporate details of the following:

- a) construction, materials and finishes;
- b) installation of fixtures, fittings and equipment;
- c) washing facilities, other facilities and special requirements;
- d) mechanical ventilation and exhaust discharges; and
- e) temperature control.

Plans and specifications which comply with this condition must be submitted to the Accredited Certifier for approval prior to the issue of any Construction Certificate.

15. Food Premises - Waste Traps

Any bucket traps, grease traps and associated sewer connections must be installed in accordance with the requirements of the relevant water authority.

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

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

16. Food Premises - Construction and Fitout General Requirement

Detailed plans of the kitchen, bar and food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises and must be submitted to and approved by Council prior to a Construction Certificate being issued.

- a) The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and Australian Standard AS 4674 - 'Design, construction and fitout of food premises'.
- e) The floor of the food premises must be finished in an approved non-absorbent material, evenly laid, or graded and drained to a trapped floor waste.
- f) The floor must be coved at the intersection with the walls.
- g) The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.
- h) Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Drop in panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.
- i) Hand wash basin/s, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in all food preparation bar areas, and toilets used by food handlers and must be no further than 5m travel distance from a place where a food handler is handling food. All taps to hand wash basins must be hands free. (For example: sensor taps, knee operated taps or foot pedal taps). Liquid soap and paper towel dispensers or other hand drying facilities must be located next to and in close proximity the hand wash basin.
- t) All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls and floors or at least 25mm off the wall.
- u) All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
- v) Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.

Note: Copies of AS 4674 - 'Design, construction and fit-out of food premises' may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au <<http://www.standards.com.au>>.

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au.

Details satisfying the above are required to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

17. Structural Engineers Design - Concrete and Structural Steel

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

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

18. Basic Drainage Plan

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

- a) drain to the existing roofwater drains;
- b) be to the satisfaction of the Certifier; and
- c) comply with the Hawkesbury Development Control Plan 2002 - Appendix E and Australian Standard AS 3500 - 'Plumbing and Drainage' unless a variation is specifically noted and approved by the Development Application concept drainage plan.

Prior to Any Works Commencing on Site

19. Principal Certifier - Details

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

20. 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.

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

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

- a) a set-out survey prior to the placement of any footings showing the proposed building and its relationship to the boundaries;

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

22. Notice of Commencement

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

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

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

23. 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.

Note: 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.

24. Principal Certifier Site Sign

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

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

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

25. Safety Fencing

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

26. Erosion and Sediment Control for Minor Development

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Hawkesbury Council's publication *Guidelines for Erosion and Sediment control on a building site (2017)*.

27. 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 Certifier prior to the commencement of works.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

During Construction

28. Construction Hours

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

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

29. Site Management During Construction

The following requirements relating to site management apply during and immediately following construction:

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

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

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

30. Loading and Unloading During Construction

The following requirements relating to loading and unloading apply during construction:

- 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.

31. Critical Stage Inspections

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

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

32. Overland Stormwater Flow Management

The works associated with the development must 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.

33. Stormwater Drainage Management

Roof water (including overflow from water storage vessels) must be drained to the existing roofwater drains.

Prior to Issue of Occupation Certificate

34. Flood Prone Land - Awareness and Evacuation

The following requirements are to be prepared and installed prior to the issue of any Occupation Certificate:

- a) The Business Manager and Shop Staff are to be made aware of the approved Site Flood Emergency Response Plan prepared by Urban City Planning (dated 08/10/21) and advise occupants of the flood evacuation procedures and emergency telephone numbers. The evacuation procedures must be permanently fixed to the building in a prominent location and maintained at all times; and
- b) A flood warning sign is to be provided advising occupants that the site may be subject to inundation during times of flood. The sign must be constructed of durable material and installed in a prominent location within the site.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

35. Food Premises - Certification of Fit-out

Prior to the issue of any Occupation Certificate the food premises must be inspected by an appropriately qualified person who must certify that the premises, including the construction and installation of all equipment, fixtures, fittings and finishes therein, complies with the *Food Act 2003*, *Food Regulation 2010* and Australian Standard AS 4674 - 'Design, construction and fit-out of food premises'.

36. Fire Safety Certificate

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

Advisory Notes

(i) Equitable Access

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

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

All excavations are to be monitored to ensure that acid sulphate soils are not encountered during works. Signs that may indicate the presence of acid sulphate 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, Council must be immediately notified and works must cease. Works must not recommence on site until an agreed management strategy is developed in consultation with Council.

(iv) Dial Before You Dig

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

(v) Requirements of 88B Instrument

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

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

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

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

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

The panel members voted on the proposal results of which were as follows:

For the Motion: Louise Byrne, John Brunton, Ian Stapleton and Paul Rogers.

Against the Motion: Nil.

Absent: Nil.

HAWKESBURY LOCAL PLANNING PANEL MEETING

Minutes: 17 March 2022

TABLED CORRESPONDENCE

1. Email from Mr David Jones regarding Item 3 - CP – DA0196/20 – Lot 3 DP 270515, 88B Bulgamatta Road, Berambing – (83531, 14283, 95498) dated 14 March 2022.

From: David Jones <davidjones@dmjbuilding.com.au>

Sent: Monday, 14 March 2022 1:51 PM

To: Hawkesbury City Council <Council.MainEmailAccount@hawkesbury.nsw.gov.au>

Cc: Andrew Johnston <Andrew.JOHNSTON@hawkesbury.nsw.gov.au>

Subject: Planning Panel meeting 17 March

The General Manager.
Hawkesbury Council.

Regarding the Hawkesbury Planning Panel meeting of 17 March 2022, Agenda Item 3 Development Application/0196/20 for 88B Bulgamatta Road Berambing.

I request that this agenda item be deferred to allow us more time to prepare a submission to the panel.

This is a reasonable request in the circumstances.

In making the request, I would cite the following reasons for a deferral.

1. Council recommendation is for refusal, so our submission becomes critical to the proper assessment of the application.
2. The planning report supporting councils recommendation has only just been made available.
3. The report is lengthy and complicated and requires detailed consideration.
4. The planning report contains anomalies and assertions not supported by documentation. These could be misleading to the planning panel and require a detailed response.
5. A detailed legal opinion was provided (at considerable expense) with the application -as requested by Council planners at pre-Development Application stage. Notwithstanding this, the planning report references a further legal opinion which has not been made available to the applicant. The legal opinions disagree on a point of lawful commencement. The legal opinion provided with the application is prepared and signed off by a barrister, the legal opinion cited in the planning report does not reference the author, so the weight of this opinion is not able to be determined. We require the time to refer this question to our legal representatives and to obtain a response.
6. The Owner and applicant are Hawkesbury residents and have been impacted by time demands arising from the recent major flood event.

The owner and I will address the panel if necessary but in the interests of fairness, the agenda item should be deferred to allow us a reasonable time frame to prepare submissions.

Please advise immediately if the matter is not able to be deferred.

Yours sincerely,

David Jones Applicant.

David Jones Building & Landscape Design
M 0415-224109

The meeting terminated at 1:37pm

Submitted to and confirmed at the meeting of the Hawkesbury Local Planning Panel held on 21 April 2022.