



Hawkesbury City Council

hawkesbury
local
planning
panel
minutes

date of meeting: 21 March 2019
location: council chambers
time: 11:30 a.m.

HAWKESBURY LOCAL PLANNING PANEL MEETING

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HAWKESBURY LOCAL PLANNING PANEL MEETING

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Minutes of the Hawkesbury Local Planning Panel Meeting held in Council Chambers, Council Offices, Windsor, on 21 March 2019, commencing at 11:34am.

ATTENDANCE

Present: Steve Kennedy, Chair
David Broyd, Expert Panel Member
John Brunton, Expert Panel Member
Cassandra Holtom, Community Representative

In Attendance: Natalie Piggot, Senior Town Planner
Cristie Evenhuis, Manager Development Services
Jodie Tillinghast, Administration Support Officer
Amanda Carroll, Council Committee Officer

ADDRESS BY INVITED SPEAKERS

The Chairperson advised that persons present in the gallery would be invited to speak at the commencement of the consideration of each item.

The following persons addressed the Panel:

<u>SPEAKERS</u>	<u>ITEM NO/SUBJECT</u>
Mr Geoff Harber (Planning Consultant)	CP - DA 0558/18 - Lot 21 DP 730868, 231 Pitt Town Bottoms Road, Pitt Town
Mrs Janis Bridger(Owner)	CP - DA 0737/17 Lot 2 DP 556754, 197 Windsor Street, Richmond
Mr Stan Bridger (Owner)	CP - DA 0737/17 Lot 2 DP 556754, 197 Windsor Street, Richmond
Ms Angelina Ginis (Owner)	CP - DA 0737/17 Lot 2 DP 556754, 197 Windsor Street, Richmond

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SECTION 1 – Reports for Determination

Item: 002 CP - DA 0558/18 - 231 Pitt Town Bottoms Road, Pitt Town - (7189, 9778, 9777, 95498)

Directorate: City Planning

This application: DA 0558/18 - 231 Pitt Town Bottoms Road, Pitt Town is for the demolition of a fire damaged heritage listed dwelling house.

The Panel visited the site, inspected the context and received a briefing from Council Officers on the application.

Mr Geoff Harber addressed the meeting speaking for the Recommendation.

PANEL DECISION:

1. That Hawkesbury Local Planning Panel, as the consent authority, grant development consent to DA0558/18 at 231 Pitt Town Bottoms Road, Pitt Town subject to the following conditions below;
2. That those persons whom made submission to this application be advised of the determination.

General Conditions

1. **Approved Demolition**

Demolition must be carried out in accordance with work outlined in colour on the following plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by other conditions of consent:

a) Plans Reference:

Drawing Number/Name	Prepared by	Date
22127i - Survey Sketch	Vince Morgan (Surveyors) Pty Ltd	03.12.2018

No works, other than those approved, 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. **Asbestos Removal**

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

Only contractors who are appropriately licensed for asbestos disposal by WorkCover

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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.

3. Excavation - Archaeology

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 Heritage Division of the Office of Environment and Heritage (OEH) 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 Division of the OEH.

Note: The *Heritage Act 1977* impose 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.

4. Heritage Archival Recording

Prior to demolition works onsite a photographic record of the site is to be prepared in accordance with the NSW Heritage Office guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture'.

The recording may be in either digital or film-based form or a combination of both.

Two copies of this record shall be lodged with Council.

The form of the recording is to be as follows:

- a) in A4 format, placed in archival plastic sleeves in an appropriate archival folder;
- b) the Development Application number must be noted on the front of the folder and in the report;
- c) include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record;
- d) each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans; and
- e) include written confirmation, issued with the authority of both the applicant and the photographer that Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies

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available to third parties as though they were Council images.

Digital based recordings are to include the report in PDF format and images saved as JPEG, TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.

Film based recordings are to include 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200mm x 250mm and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

5. Existing Services

All existing utility services including electricity, telephone, gas, septic system and the like are to be decommissioned in accordance with the recommendations of the relevant authority.

Note: Utility Services for any future development will be required to be provided under separate application.

6. Toilet Facilities

Prior to any works commencing onsite toilet facilities must be available or provided at the work site 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.

7. Principal Certifying Authority (PCA) Site Sign

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

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

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

8. Hoarding Approval Required

Prior to the installation of any hoardings, site fencing or overhead protective structures over or adjoining a public place i.e. a footpath or a public reserve, approval must be obtained from Council. Construction of hoardings, site fencing or overhead protective structures shall be provided in accordance with WorkCover requirements.

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9. Safety Fencing

The site is to be secured by a fence, in accordance with NSW WorkCover requirements, to prevent unauthorised access during the period of all works. The fencing shall be locked with an appropriate locking device that cannot be readily opened by any unauthorized persons.

Prior to Any Works Commencing on Site

10. Demolition - General

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

- a) all demolition work shall be carried out strictly in accordance with Australian Standard AS 2601 - 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover 'Demolition License' and WorkCover 'Class 2' (Restricted) Asbestos License and comply with WorkCover's 'Guide to Working with Asbestos';
- c) site safety/security fencing shall be provided prior to commencement of any work on-site and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
 - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
 - (ii) Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
 - (iii) Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';
- d) demolition work shall be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) no trees shall be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;
- f) erosion and sediment control measures shall be installed prior to any demolition works commencing and maintained in accordance with the requirements contained in the Hawkesbury Development Control Plan 2002;
- g) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- h) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- i) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- j) demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings;
- k) waste must be transported to a place which can lawfully accept it. All non-

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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.

11. Demolition - Notice

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

12. Asbestos Material Handling

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

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

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

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13. Demolition - Work Plans

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

14. Garbage Receptacle to be Provided On-site

A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight fitting lid, be suitable for the reception of food scraps and papers and is to be serviced and emptied on a regular basis at no cost to Council.

15. Erosion and Sediment Control for Minor Development

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

16. Heritage - Archival Recording

Archival photographic recording of the Heritage item is to be prepared and submitted to Council. The recording may be in digital form and be prepared in accordance with the NSW Heritage Office guidelines titled 'How to prepare archival records of heritage items'.

During Demolition and Construction

17. Hours of work

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

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

18. Site Management During Demolition and 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

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materials) must be managed on the site and then disposed of at a waste management facility.

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

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

19. Loading and Unloading During Demolition and Construction

The following requirements apply.

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

20. Implementation of Erosion and Sediment Control Plan

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

21. Asbestos Handling

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

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

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

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

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

22. Heritage - Archaeological Discovery During Works

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

- a) Council;
- b) the Heritage Council of NSW in accordance with Section 146 of the *Heritage Act 1977*; and/or
- c) the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*.

Prior to Issue of Occupation Certificate

23. Asbestos Clearance Certificate

For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by Occupational Hygienist or Environmental Consultant must be submitted to and approved by the Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the issue of any Occupation Certificate.

The asbestos clearance certificate must certify the following:

- a) the building/land is free of asbestos; or
- b) the building/land has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

Note: Further details of licensed asbestos waste disposal facilities can be obtained from

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EPA's website.

24. Site Validation Report

A site validation report certifying that all lots are unconditionally suitable for their intended uses, including those to be dedicated to Council, is to be provided to the Principal Certifying Authority prior to the release of an Occupation Certificate.

Advisory Notes

(i) Equitable Access

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

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

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

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

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

(iii) Site Contamination Discovered During Demolition or Construction

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

(iv) Dial Before You Dig

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

(v) Requirements of 88B Instrument

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

(vi) Works on Public Land - Public Liability Insurance

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of \$10 million in relation to the occupation of

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public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

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

(vii) Utilities and Services

Utilities, services and other infrastructure potentially affected by demolition 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.

REASONS FOR DECISION:

The Panel considers the proposal is acceptable based on the following grounds:

1. The proposal is acceptable having regard to the statutory requirements apply to the development.
2. The proposed demolition of the heritage item adequately satisfies the objectives and provisions of Clause 5.10 Heritage Conservation in the Hawkesbury Local Environmental Plan 2012 (LEP2012).

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

For the Motion	Against the Motion
Steve Kennedy	NIL
David Broyd	
John Brunton	
Cassandra Holtom	

Item: 003 **CP - DA 0737/17 - Lot 2 DP 556754, 197 Windsor Street, Richmond- (95646, 133677, 95498)**

Directorate: City Planning

This application: DA0737/17 at 197 Windsor Street, Richmond is for the Demolition and Construction of a Shop Top Residential Flat Building with Six Dwellings, Two Retail Premises and Associated Car Parking Area for 12 Vehicles.

The Panel visited the site, inspected the context and received a briefing from Council Officers on the application.

Mrs Janice Bridger, Mr Stan Bridger and Ms Angelina Ginis addressed the meeting speaking for the recommendation.

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PANEL DECISION:

1. The Hawkesbury Local Planning Panel refused the application for the reasons listed below:
 - a) That Hawkesbury City Council, the owners of the adjoining car park has not provided owners consent for the use of the car park to provide access to the subject site.
 - b) The proposed development is within the 25-30 ANEF contour and is unacceptable based upon AS2021-2000.
 - c) The Clause 4.6 Objection for exceedance of the permissible height plane does not justify the proposed variation and has not adequately addressed and demonstrated that:
 - i) Compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - ii) There are sufficient environmental planning grounds to justify the contravention.
 - iii) The proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.
 - d) The application has failed to demonstrate that the proposed development will not have an adverse impact to the tree located on the neighbouring heritage item in accordance with AS 4970 (2009).
 - e) The lack of pedestrian access to the residential component of the proposed development from Windsor Street.
 - f) The lack of provision for safe and convenient pedestrian movement across the rear, north western frontage.
 - g) The lack of provision for waste collection.
 - h) The proposal fails to adequately respond to the design quality principles of SEPP 65 and the requirements of the Apartment Design Guide for reasons given in the Council Officers assessment report.
 - i) The proposed development is not in the public interest.
2. That those whom made submissions to this application be advised of the determination.

REASONS FOR DECISION:

The Panel considered the proposal as unacceptable and that is be refused on the following grounds:

1. The proposed development is inconsistent with the objectives and provisions of the Hawkesbury Local Environmental Plan 2012 (LEP 2012);
2. The proposed development has not satisfied the consent authority that the variation to the Height of Buildings under Clause 4.3 of the Hawkesbury Local Environmental Plan 2012 (LEP 2012) made under Clause 4.6 of the Hawkesbury Local Environmental Plan 2012 (LEP 2012) is in the public interest as it has not satisfied the requirements under Clause 4.6(a)(ii).
3. No owners consent provided by Hawkesbury City Council for the provision of legal access.
4. The non-acceptability under AS2021-2000.

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

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For the Motion	Against the Motion
Steve Kennedy	NIL
David Broyd	
John Brunton	
Cassandra Holtom	

The meeting terminated at 12:57p.m