



Hawkesbury City Council

hawkesbury  
local  
planning  
panel  
meeting  
minutes

date of meeting: 16 May 2019  
location: council chambers  
time: 12:30 p.m.



## HAWKESBURY LOCAL PLANNING PANEL MEETING

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## HAWKESBURY LOCAL PLANNING PANEL MEETING

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Minutes of the Hawkesbury Local Planning Panel Meeting held in Council Chambers, Council Offices, Windsor, on 16 May 2019, commencing at 12.30pm.

### ATTENDANCE

Present: Steve Kennedy, Expert Representative, Alternate Chair  
Michael Harrison, Expert Representative  
Helen Mulcahy, Expert Representative  
Paul Rogers, Community Representative

In Attendance: Ms Linda Perrine, Director City Planning  
Ms Cristie Evenhuis, Development Services Manager  
Ms Judy Clark, Executive Planning Consultant  
Mr William Pillon, Senior Town Planner  
Ms Jodie Tillinghast, Administration Support Officer  
Ms Megan Berrell, Committee Officer

### DECLARATIONS OF INTEREST

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

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

### ADDRESS BY INVITED SPEAKERS

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

The following persons addressed the Panel:

<u>SPEAKERS</u>	<u>ITEM NO/SUBJECT</u>
Councillor John Ross	CP - DA 0225/18 - Lot 2 DP 575959, Lot 2 DP 560898, Lot 4 DP 561147, Lot 6 DP 560899 - Richmond Pre-School and Senior Citizens Centre 114 March Street, Richmond - (95498)
Mr Greg Tesoriero	CP - DA 0225/18 - Lot 2 DP 575959, Lot 2 DP 560898, Lot 4 DP 561147, Lot 6 DP 560899 - Richmond Pre-School and Senior Citizens Centre 114 March Street, Richmond - (95498)
Ms Naomi Daley	CP - DA 0225/18 - Lot 2 DP 575959, Lot 2 DP 560898, Lot 4 DP 561147, Lot 6 DP 560899 - Richmond Pre-School and Senior Citizens Centre 114 March Street, Richmond - (95498)
Mr Lachlan McClure	CP - DA 0225/18 - Lot 2 DP 575959, Lot 2 DP 560898, Lot 4 DP 561147, Lot 6 DP 560899 - Richmond Pre-School and Senior Citizens Centre 114 March Street, Richmond - (95498)
Mr Greg Hall	CP - DA 0237/18 - Lot 15 DP 753766, Intensive Livestock Agriculture - Poultry Farm - 3787 Putty Road, Colo Heights - (95498)

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### SECTION 2 – Reports for Determination

**Item: 005** CP - DA 0225/18 - Lot 2 DP 575959, Lot 2 DP 560898, Lot 4 DP 561147, Lot 6 DP 560899 - Richmond Pre-School and Senior Citizens Centre 114 March Street Richmond - (95498)

**Previous Item:** 014, Hawkesbury Local Planning Panel (20 December 2018)

**Directorate:** City Planning

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This application: DA 0225/18 – 114 March Street, Richmond is for the establishment of a Pre-School and Senior Citizens Centre.

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

The Panel was addressed by Mr Greg Tesoriero, Mr Lachlan McClure, Ms Naomi Daley and Councillor John Ross.

A concern was raised that works had already been undertaken on the site that were subject to this application and a question was raised as to whether because of that, the application was still valid. The Panel was advised that the works undertaken were minor and were permissible under Exempt Development and it was clarified that this application did not seek approval for them.

#### PANEL DETERMINATION:

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

#### Condition 11

Condition 11 to be amended to include in the list of species considered for replacement:

- A tree similar to the existing Callistemon in the outdoor space.

#### General Conditions

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

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

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a) Plans Reference:

Drawing Number/Name	Prepared by	Issue No.	Date
Site Plan 17/12/20-A.01	Barbra Tarnawski Architects	B	6 April 2019
Floor Plan 17/12/20-A.02	Barbra Tarnawski Architects	B	6 April 2019
Roof Plan 17/12/20-A.03	Barbra Tarnawski Architects	B	6 April 2019
Elevations 17/12/20-A.04	Barbra Tarnawski Architects	B	6 April 2019
Sections 17/12/20-A.05	Barbra Tarnawski Architects	B	6 April 2019
RCP and electrical layout 17/12/20-A.06	Barbra Tarnawski Architects	B	6 April 2019
Accessible bathroom 17/12/20-A.07	Barbra Tarnawski Architects	B	6 April 2019
Window and door schedule 17/12/20-A.08	Barbra Tarnawski Architects	B	6 April 2019
Colour schedule 17/12/20-A.09	Barbra Tarnawski Architects	B	6 April 2019
Schedules of finishes and fixtures 17/12/20-A.10	Barbra Tarnawski Architects	B	6 April 2019
Landscape Plan 17/12/20-A.12	Barbra Tarnawski Architects	B	6 April 2019

b) Document Reference:

Document	Prepared By	Date
Arboricultural Impact Assessment	Creative Planning Solutions Pty Ltd	18 April 2019

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. Appointment of a Principal Certifying Authority

No work shall commence until:

- a) A Building Construction Certificate is issued by:
  - (i) Council; or
  - (ii) An Accredited Certifier;
- b) A Principal Certifying Authority is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:

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

### 3. Section 6.16(1) Certificates Required

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

Note: A registration fee applies.

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

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

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

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

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

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

No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council or other relevant authority. In this regard the person



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having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

### 7. Prescribed Conditions - Compliance with National Construction Code

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

### 8. Excavation - Archaeology

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

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

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

### 9. Excavation - Aboriginal Relics

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

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

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

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

### 10. Tree Pruning and Removal

Tree pruning and removal works are to be carried out by an experienced Arborist with minimum AQF Level 3 qualifications in accordance with Australian Standard *AS4373 - 2007 Pruning of Amenity Trees, Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal Work (2016)* and other applicable legislation.

Trees numbered 1, 2, 3, 4, 5, 8 and 9 in the Arboricultural Impact Assessment listed in this consent must be protected and retained in accordance with the recommendations of this report.

### 11. Tree Planting – Landscaping

In order to compensate for the loss of amenity resulting the proposed tree removal two small growing (5-8m) native canopy tree plantings should be planted on the site.

The trees must have a minimum pot size of 45 Litres or have a minimum height of 1.5 metres at the time of planting. The following species should be considered for replacement planting:

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- *Ceratopetalum gummiferum* (NSW Xmas Bush)
- *Tristaniopsis laurina* (Water Gum)
- *Elaeocarpus reticulatus* (Blueberry Ash)

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

### Prior to the Issue of Construction Certificate

#### 12. Long Service Levy Payment

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

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

#### 13. Access for Persons with a Disability

Details demonstrating compliance with Australian Standard AS 1428.1 - 'Design for Access and Mobility and Disability (Access to Premises - Buildings) Standards 2010' in relation to the development are to be submitted to the Certifying Authority prior to issue of a Construction Certificate.

#### 14. Vermin and Pest Management

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

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

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

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

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

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

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### Prior to Any Works Commencing on Site

#### 16. Principal Certifying Authority - Details

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

#### 17. 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.

#### 18. Notice of Commencement

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

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

#### 19. 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.

#### 20. 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.

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### 21. Demolition - General

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

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

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

### 23. Demolition - Work Plans

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

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

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

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

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

Please refer to Sydney Water's website.

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

### 26. Support and Protection for Neighbouring Buildings

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

- a) protect and support the adjoining premises from possible damage from the excavation;

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

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

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

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

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

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

### During Construction

### 28. Construction Hours

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

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

### 29. Site Management During Construction

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the principal certifying authority:
  - (i) the place to which waste materials were transported;
  - (ii) the name of the contractor transporting the materials; and
  - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their

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operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

- e) During construction:
  - (i) all vehicles entering or leaving the site must have their loads covered;
  - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
  - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

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

### 30. Loading and Unloading During Construction

The following requirements apply.

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

### 31. Critical Stage Inspections

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

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

### 32. Termite Treatment

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

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

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

Erosion and sediment control devices are to be installed and maintained until the site is fully

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stabilised in accordance with the approved Erosion and Sediment Control Plan.

### 34. **Asbestos Handling**

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

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

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

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

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

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

### 35. **Survey Certificate at Completion**

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

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

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

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

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

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

### 37. **Suitability of Glazing - Balustrades**

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

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

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

Evidence of the type of timber installed indicating both species and durability as required by



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Australian Standard AS 1684 - 'Residential Timber-Framed Construction' is required to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

### 39. Termite Protection - Certificate of Treatment

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

### 40. Termite Protection - Notice

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

## Operational Conditions

### 41. Centre-based Child Care Facility

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

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

### 42. Hours of Operation - Centre-based Child Care Facility

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

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

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

### 43. Signage

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

### 44. 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.

### 45. Annual Fire Safety Statement

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures

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required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.

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

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

### Advisory Notes

#### (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 public land

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

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

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

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

### **Reasons for Decision**

The Panel considers the proposal is acceptable and that the proposed development be approved based for the following reasons:

- The proposal is acceptable having regard to the statutory requirements applying to the development.
- The proposal adequately satisfies the objectives and provisions of the Hawkesbury Local Environmental Plan 2012.
- The amended proposal has adequately addressed the resolution made by the Local Planning Panel on 20 December 2018.
- The proposal was notified in accordance with the Hawkesbury Development Control Plan 2002. Submissions received raised concerns in respect to traffic safety, noise, stormwater and loss of vegetation which have been considered as part of the assessment of the proposal.

It is considered that the proposal will not result in any adverse impacts in terms of noise, stormwater, traffic or tree removal.

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

### **Voting**

<b>For the Decision</b>	<b>Against the Decision</b>
Steve Kennedy	NIL
Michael Harrison	
Helen Mulcahy	
Paul Rogers	

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**Item: 006** CP - DA 0237/18 - Lot 15 DP 753766, Intensive Livestock Agriculture - Poultry Farm - 3787 Putty Road, Colo Heights - (95498)

**Directorate:** City Planning

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This application: DA 0237/18 – 3787 Putty Road, Colo Heights is for the establishment of a poultry farm for the raising of chickens for meat.

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

The Panel was addressed by Mr Greg Hall and Mr Matthew Johnson.

It was requested that Condition 26 be amended to replace the words 'approved by Council' with 'to the satisfaction of the Principal Certifying Authority'. Council Officers did not have any objection to this change.

The applicant was asked if the following amendments to the conditions of consent were acceptable to them:

- Condition 18 be amended to require that tree and vegetation removal along the Putty Road road reserve to provide a minimum sight distance for vehicles of not less than 153 metres in either direction.

The applicant advised the Panel that they had no objection to the above conditions being included in the determination.

Reason:

To address prevailing site conditions on Putty Road.

- Condition 43 be amended to include the provision of screen planting along the eastern property boundary (Putty Road frontage), to a minimum depth of 10 metres, of a density and species consistent with the existing planting within the immediately adjacent road reserve.

Reason:

To provide increased visual screening and preservation of natural habitat.

### **PANEL DETERMINATION:**

That Development Application DA0237/18 at Lot 15 DP 753766, Intensive Livestock Agriculture Poultry Farm 3787 Putty Road Colo Heights is approved subject to conditions and the amendments listed above.

### **General Conditions**

#### **1. Integrated Development - General Terms of Approval**

The general terms of approval from the NSW Natural Resource Regulator, reference No. IDAS1107820, dated 30 July 2018 are attached and form part of this consent.

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### 2. Approved Plans and Supporting Documentation

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

a) Plans Reference:

Drawing Name	Prepared by	Date
Plan of proposed earthworks for poultry sheds Sheet 1 of 5	McKinlay Morgan and Associates	21 September 2017
Plan of proposed earthworks for poultry sheds Sheet 3 of 5	McKinlay Morgan and Associates	17 April 2019
Sections through proposed earthworks Sheet 4 of 5	McKinlay Morgan and Associates	9 April 2019
Sections through proposed earthworks Sheet 5 of 5	McKinlay Morgan and Associates	21 September 2017
Vehicle Crossing and Driveway Design Plans SY17066C102, SY17066C103, SY17066C104 and SY17066C105.	Barker Ryan Stewart	16 April 2019
Plainview & elevations Sheet 1 of 9	R&DG Sanday	7 March 2018
Elevation & schedule & detail Sheet 2 of 9	R&DG Sanday	7 March 2018
Section & detail Sheet 3 of 9	R&DG Sanday	7 March 2018
Overview Sheet 4 of 9	R&DG Sanday	7 March 2018
Typ. portal detail Sheet 5 of 9	R&DG Sanday	7 March 2018
Typ. post detail Sheet 6 of 9	R&DG Sanday	7 March 2018
Typ. beam detail Sheet 7 of 9	R&DG Sanday	7 March 2018
Typ. coolcell beam detail Sheet 8 of 9	R&DG Sanday	7 March 2018
Drop post and general notes Sheet 9 of 9	R&DG Sanday	7 March 2018
Plan of bywash outlet and longitudinal section Sheets 1-2	Toby Fiander and Associates	08 April 2019
Silo elevation plan	Prepared by Applicant	April 2019
Plan of proposed large rigid truck deliveries	Barker Ryan Stewart	15 April 2019

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b) Document Reference:

Document	Prepared By	Date
Environmental impact statement	Urban City Planning	May 2018
Flora and fauna assessment	Fraser Ecological Consulting	10 April 2019
Bushfire hazard assessment report	Control Line Consulting	23 March 2017
Traffic and parking impact assessment report	Barker Ryan Stewart	May 2018
Hydrological assessment report	Toby Fiander	28 May 2018
Draft operational management plan	Urban City Planning	May 2018
Assessment of federal and state guidelines for poultry	Urban City Planning	May 2018
Odour impact assessment report	Pacific Environment	17 May 2018
Environmental noise assessment	Day Design	17 May 2018

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

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

- (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.

### 3. Appointment of a Principal Certifying Authority

No work shall commence until:

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

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- d) The person having benefit of the consent (if not carrying out work as an owner-builder) has:
  - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
  - (ii) notified the Principal Certifying Authority of the appointment of the principal contractor;
  - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work;
- e) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

### 4. **Section 6.16(1) Certificates Required**

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

Note: A registration fee applies.

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

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

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

### 6. **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 an Accredited Certifier.

### 7. **Sewer Authority - Hawkesbury City Council**

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

### 8. **Works on Public Land - Not Permitted Without Approval**

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

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

### 9. **Excavated Soil - Classification**

Any soils excavated from the subject site are to be classified under the NSW DECC Waste Classification Guidelines. Testing is required to be undertaken by a suitably qualified consultant prior to offsite disposal.

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All waste materials must be removed to appropriately licensed waste facilities by a suitably qualified contractor in accordance with NSW DECC Waste Classification Guidelines.

Details of soil excavation, transportation and disposal works must be provided to the Principal Certifying Authority as part of the validation reporting for the development.

### 10. 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).

### 11. Tree Protection – Removal of Trees

Vegetation that is to be retained on site must be fenced off during works to prevent damage to vegetation.

Vegetation removal shall be undertaken in accordance with the recommendations included under Part 6 of the Flora and Fauna assessment report dated 10 April 2019.

### 12. Excavation - Archaeology

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

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

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

### 13. Excavation - Aboriginal Relics

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

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

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

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

### Prior to the Issue of Construction Certificate

#### 14. Water Licence

Prior to the commencement of any works or issue of a Construction Certificate the applicant must obtain a water use approval under the *Water Management Act 2000* for the use of the existing dams to service the proposed facility.



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### 15. Controlled Activity Approval

Prior to the commencement to any works or issue of a Construction Certificate the applicant must obtain a controlled activity approval under the *Water Management Act 2000*.

### 16. NSW Roads and Maritime Services - Main Arterial Road

The applicant is required to obtain approval under Section 138 of the Roads Act 1993 prior to the issue of a Construction Certificate. The Construction Certificate Plans must demonstrate compliance with the following requirements specified by the NSW Roads and Maritime Services in their correspondence SYD18/00967/01 (A23445291) dated 12 March 2019;

- a) the subject property is affected by a road proposal for road widening. Any new building or structures together with any improvements integral to the future use of the site, are to be erected clear of the land required for road or road widening (unlimited in height or depth).
- b) all vehicles are to enter and exit the site in a forward manner.
- c) all vehicles are to be wholly contained on site before being required to stop.
- d) adequate vehicular sight distance allowances from the proposed vehicular crossing to vehicles on Putty Road are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distances) and AS 2890.2 design guidelines (whichever is the greater) for a 100km/h speed zone. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists. It is noted that the western shoulder and road reserve along Putty Road must be maintained and kept clear to ensure good site distance to the north.
- e) the redundant driveway/s on the Putty Road boundary shall be removed and replaced with kerb and gutter, where applicable, to match existing.
- f) Any changes to the site access will be required to be constructed as a sealed all weather access driveway.

The design and construction of the proposed gutter/vehicle crossing on Putty Road shall be in accordance with the Roads and Maritime Requirements, Details of these requirements should be obtained by email to [DeveloperWorks.Sydney@rms.nsw.gov.au](mailto:DeveloperWorks.Sydney@rms.nsw.gov.au).

Detailed design plans of the proposed gutter/vehicle crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime Services.

- g) No stormwater discharge from the development site will be permitted into the Roads and Maritime Services Putty Road reserve.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the Roads and Maritime Services for approval, prior to the commencement of any works. Documents should be submitted to [Development.Sydney@rms.nsw.gov.au](mailto:Development.Sydney@rms.nsw.gov.au).

A plan checking fee will be payable and a performance bond is required before Roads and Maritime approval is issued.

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

### 17. Stormwater Discharge to Natural Watercourse

Stormwater discharge point to the natural watercourse must be protected against erosion. Details demonstrating compliance with this requirement must be submitted to the Certifying Authority prior to issue of a Construction Certificate.

### 18. Vegetation Clearing for Sight Distance

The plans submitted for Construction Certificate must clearly identify trees and vegetation required to be removed along the Putty Road reserve to achieve required minimum sight distance as per the traffic impact report.

### 19. Security Bond

Prior to issue of a Construction Certificate or approval under the Roads Act 1993 or Local Government Act 1993, a security bond of \$10,000 is to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site.

The Bond is recoverable upon written application to Council on completion of the works, subject to satisfactory restoration as required. Fees for the lodgement of the bond apply.

### 20. Long Service Levy Payment

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

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

### 21. Section 94A (Monetary) Contributions

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

#### b) Amount of Contribution

The contribution amount of:

- i) \$38 094.19 prior to the issue of a construction certificate for stage 1 of the development.
- ii) \$18 977.45 prior to the issue of a construction certificate for stage 2 of the development.

This fee is based on the supplied value-of-works of \$3 80 9419.00 for stage 1 and \$1 897 745.00 for stage 2.

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

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

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

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

### 22. **Engineer Designed Pavement Commercial**

The car park pavement must be designed by a qualified civil 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.

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

### 23. **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 shall be provided to the Certifying Authority.

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

The vehicular crossing must:

- a) have a minimum width of six metres within the road reserve;
- 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.

### 24. **Redundant Driveway and Layback**

The redundant vehicular driveway and layback must be removed and the area appropriately turfed, paved and landscaped with native vegetation 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.

Landscaping of the redundant driveway must consist of a minimum of 6 mature trees and a mixture of small shrubs and grasses endemic to the area in order to offset the removal of vegetation required for the new driveway. Landscaping should be designed by a suitably qualified and experienced person.

Trees to be planted are to be mature native species with a minimum pot size of 45 litres or 1.5 metre height at planting and have a height of no less than 20 metres at maturity.

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This work must be carried out at the developer's expense, including all alterations of public infrastructure where necessary. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

### 25. Verification of Driveway Grades with Council Standards

To verify that vehicular access driveway will comply with *AS2890.1:2004 Parking Facilities Part 1 Off Street Parking* requirements, a scaled long section of the proposed driveway from the boundary to the car park and garage must be submitted prior to issue of a Construction Certificate and shall include:

- a) existing natural surface levels;
- b) proposed grades and finished surface levels of the driveway;
- c) details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway.

Access driveways must be widened and pavement constructed along the truck turning path as shown in the plan number SY17066C102 Rev C dated 16/04/2019 prepared by Barker Ryan Stewart.

### 26. Detailed Drainage Design

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

- a) be generally in accordance with approved plan prepared by McKinlay Morgan & Associates;
- b) drain to the existing dam;
- c) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all areas, estimated flow rates, invert levels and sizes of all pipelines;
- d) be to the satisfaction of the Certifying Authority;
- e) be designed to cater for a 1 in 20 year Average Recurrence Interval storm event;
- f) 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
- g) 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.

### 27. Dam Design

Design of the dam is to be undertaken in accordance with the Dam Construction Chapter in the Hawkesbury Development Control Plan 2002.

Details satisfying the design requirements are to be submitted and approved by the Certifying Authority prior to the 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 shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

**29. Stormwater Discharge to Natural Watercourse**

Stormwater discharge point to the natural watercourse must be protected against erosion. Details demonstrating compliance with this requirement must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

**30. Water Quality Infrastructure**

Detailed design of the water quality elements is to be provided, together with modelling to demonstrate that the water quality targets required by Section 8.24 of Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 are achieved prior to issue of a Construction Certificate by the Certifying Authority.

**31. No Fill Permitted**

It must be clearly noted on plans submitted to the Certifying Authority prior to issue of the Construction Certificate that no fill shall be imported onto the site and or exported from site as part of this development.

**32. Internal Roads – Design Requirements**

Internal roads/driveways shall comply with Section 4.2.7 of *Planning for Bush Fire Protection* 2006.

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

**33. Traffic Control Plan**

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

The Traffic Management Plan is to be approved by Roads and Maritime Services before submission to Council for approval.

**34. Soil and Water Management Plan**

The applicant must submit to and obtain approval from the Certifying Authority of a Soil and Water Management Plan (SWMP) prior to issue of a Construction Certificate. The SWMP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' and shall contain, but not be limited to:

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- a) clear identification of site features, constraints and soil types;
- b) details of a strategy for phasing of construction works so that land disturbances are confined to areas of a manageable size and kept to a minimum;
- c) an 'Unexpected Finds Protocol', including stop work procedures, is to be developed for the earthworks phase of the development to manage any unexpected finds of potential farm waste or asbestos-containing materials, such as irrigation piping;
- d) erosion and sediment control plans shall be provided for three phases of construction:
  - (i) prior to commencement of works;
  - (ii) during bulk earthworks;
  - (iii) post drainage construction;
- e) any temporary sediment basins shall be as a minimum designed to a five day 85th percentile rainfall event and soil type in calculations shall be confirmed by a geotechnical engineer;
- f) erosion and sediment control plans shall provide site-specific management measures, including details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary sediment basins, sediment filters, filter barriers and other controls;
- g) a strategy for progressive revegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after completion of earthworks;
- h) identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;
- i) measures to handle, test, treat, re-use and dispose of stormwater and contaminated water and soil;
- j) procedures for the re-use, treatment and disposal of water from sedimentation basins; and
- k) a program for reporting on the effectiveness of the operational and construction sedimentation and erosion control system against performance goals.

### 35. Waste Management Plan Required

A waste management plan is required to be prepared:

- a) identifying all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site;
- b) identifying the quantity of waste material to be:
  - (i) reused on-site;
  - (ii) recycled on-site and off-site;
  - (iii) disposed of off-site;
- c) if waste materials are to be reused or recycled on-site - specify how the waste material will be reused or recycled on-site; and

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- d) if waste materials are to be disposed of or recycled off-site - specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.

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 and be suitable for the reception of food scraps and papers.

The waste management plan is to be prepared and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

### 36. **Structural Engineers Design - Concrete and Structural Steel**

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

### 37. **Structural Engineers Design - Retaining Walls**

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

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

### 38. **Bush Fire Protection - Construction Requirements**

The building shall comply with the recommendations of the Bushfire hazard assessment report, prepared by Control Line Consulting dated 23 March 2017, including:

- a) no future landscaping features, planting of shrubs, trees or other vegetation shall occur in such a manner as to compromise the integrity of the bushfire asset protection zones,
- b) the poultry sheds are constructed using non-combustible materials,
- c) the internal driveway to each of the poultry sheds must comply with Section 4.3.1 Access (2) Property Access of *Planning for Bush Fire Protection 2006*,
- d) the perimeter of the asset protection zone comply with Section 4.1.3 Access (3) Fire Trails of *Planning for Bush Fire Protection 2006*,
- e) the poultry farm shall maintain a reserve Static Water Supply (SWS) for use during a bushfire event not less than 50, 000 litres within the recommended asset protection zone. This may include water within the dam, and
- f) that all plumbing associated with the reserve water supply above the ground or for a depth of not less than 300mm below ground shall be metal.

Details of compliance with the above are to be provided in the plans and specifications for the Construction Certificate.

### 39. **Bushfire Protection - Bushfire Attack Level**

The building must be constructed in accordance with Bushfire Attack Level (BAL) 29 type construction in accordance with Australian Standard AS 3959 - 'Construction of buildings in bushfire prone areas'.

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

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### 40. **Acoustic Construction Requirements**

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with "Option 1" or Option 3" of the measures specified under part 7 of the Environmental noise assessment report prepared by Day Design, dated 17 May 2018.

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

### 41. **Odour Impact Construction Requirements**

The development must be designed and constructed in accordance with the measures specified under part 7 of the odour impact assessment report prepared by Pacific Environment dated 17 May 2018.

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

### 42. **Shed floors to be impervious**

Details are required to be provided demonstrating that the floors of the poultry sheds will be impervious to water and comply with the recommendations of the Hydrological assessment report prepared by Toby Fiander dated 28 May 2018. The plans must show:

- a) The type of material that will be used for the floors of each poultry shed.
- b) The treatment that that material has received such as compaction and/ or chemical treatment/sealant.
- c) A statement that the floors would be capable of being impervious.

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

### 43. **Native vegetation screen planting**

The landscape buffer around the poultry sheds must consist of native vegetation endemic to the area and provide a height that will aid in minimising dust deposition and odour dispersion as recommended in the odour impact assessment report prepared by Pacific Environment dated 17 May 2018.

The planting must consist of a combination of trees and shrubs planted at 1-1.5m centres so as to provide a continuous vegetated screen to the poultry farm.

The landscape plan must be prepared by a suitably qualified person and must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

### **Prior to Any Works Commencing on Site**

### 44. **Principal Certifying Authority - Details**

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

### 45. **Toilet Facilities**

Toilet facilities must be available or provided at the work site before works begin and must be



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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.

### 46. **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) at the completion of earthworks and prior to the placement of any footings showing the completed level of the building platform and its relationship to the boundaries.

Progress certificates shall be submitted to the Principal Certifying Authority 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.

### 47. **Notice of Commencement**

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

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

### 48. **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.

### 49. **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.

### 50. **Asbestos Material Handling**

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or

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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.

### 51. Removal of Vegetation

Prior to the commencement of any works a pre-clearing survey of the area proposed to be cleared is required to be undertaken by a suitably qualified and experienced ecologist in accordance with the general mitigation measures specified in the Flora and fauna assessment prepared by Fraser Ecological dated 10 April 2019.

Trees that contain hollows are to be inspected by a suitably qualified fauna ecologist and the following measures are required to be undertaken:

- a) tree removal to take place outside of breeding season for that species;
- b) all hollows identified for removal are to be inspected prior to removal. Where any threatened or non-threatened species are identified the fauna ecologist is to advise of best course of action;
- d) the felling of all hollow-bearing trees is to be conducted under the supervision of a fauna ecologist. Hollows of high quality or with fauna residing within shall be sectionally dismantled and all hollows are to be inspected for occupation, activity and potential for reuse; and
- e) re-used hollows or those with likely occupation are to be relocated to natural areas within close proximity to the site.

Details of the results of this inspection and compliance with the requirements of this condition shall be submitted to Council prior to and following any tree removal work taking place.

Note: Removal of trees containing hollows that provide habitat for wildlife may require a license from NSW Office of Environment & Heritage.

### During Construction

#### 52. Construction Hours

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

- a) between 7am and 6pm, Mondays to Fridays inclusive;

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- 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.

### 53. Acoustic Construction Requirements

The recommendations contained under part 8 of the acoustic report prepared by Day Design, dated 17 May 2018 shall be followed during construction.

### 54. Site Management During Construction

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

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

### 55. Loading and Unloading During Construction

The following requirements apply.

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

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

### 56. Critical Stage Inspections

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

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

### 57. Installation of Traffic Management Devices

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

### 58. Implementation and Maintenance of Soil and Water Management Plan (SWMP)

The measures required in the Soil and Water Management Plan must be implemented as a priority over general construction works. The controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a) all sediment fences, sediment traps and socks are properly placed and are working effectively and,
- b) drains, gutters and roads are maintained clear of sediment at all times.

Note: It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

### 59. Management of Overland Flows

The works associated with the development shall ensure that:

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

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### 60. Earthworks - General Requirements

All earthworks on site must comply with the following:

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

### 61. Compaction – Landfill

All fill including existing fill must be compacted in accordance with a compaction ratio of 98% as specified in Table 5.1 of Australian Standard AS 3798 - 'Guidelines on Earthworks for Commercial and Residential Developments'.

### 62. Topsoil and Stockpiles of Materials

Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface.

Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action.

### 63. Reuse of Cleared Vegetation

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

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

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### 64. Replacement Trees and Landscaping Required

Replacement trees and landscaping required to be undertaken in relation to the redundant driveway as specified in this consent should be planted no later than three months after tree removal has taken place.

Trees shall be protected and maintained so as to ensure that they reach maturity.

### Prior to Issue of Occupation Certificate

### 65. Completion of Civil Construction Certificate Works

A Part 4A Compliance Certificate is required to be obtained for the civil works prior to the issue of an Occupation Certificate.

The Compliance Certificate is required to confirm that all the civil works for the relevant stage have been completed in accordance with the approved Construction Certificate Plans, approved supporting documentation and to the satisfaction of the Certifying Authority.

### 66. Detailed Works As Executed Plans

A 'Works As Executed' plans must be submitted to the Certifying Authority prior to issue of a Compliance Certificate for civil works by a registered surveyor certifying compliance with the approved design plans. The 'Works As Executed' dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. The plans must verify:

- a) finished surface levels;
- b) extent and depth of fill material;
- c) surface and invert levels of any pits;
- d) invert levels and sizes of any pipelines; and
- e) floor levels of all buildings.

All levels must relate to the datum level of the approved design plans.

### 67. Bush Fire Protection - Construction Requirements

Prior to the issue of an Occupation Certificate the applicant must be able to demonstrate that the development complies with the recommendations of the Bushfire hazard assessment report, prepared by Control Line Consulting dated 23 March 2017, including:

- a) the reserve Static Water Supply (SWS) shall be permanently plumbed to a diesel fire fighting pump with a capacity determined by a hydraulic expert having consideration for simultaneous usage of all outlets. The pump must be located in such a position to be shielded from the direct mechanisms of bushfire attack,
- b) that a water delivery line of not less than 50 mm diameter be plumbed from the fire fighting water pump to the reserve SWS tank, to an outlet point located within 4 metres of the junction of access driveways shown directly south of the dam to be used as the SWS within the subject allotment to enable fire fighting tankers to refill. The outlet of this line shall be fitted with a ball or gate valve and a 65 to 38mm reducer Stortz fitting,
- c) the development must provide and have readily available kink resistant hoses with a diameter not less than 19mm and a fire fighting nozzle, capable of reaching all elevations of the poultry farm sheds, and fittings suitable for connection to the fire fighting water pump,

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- d) that approved NSW Rural Fire Service SWS signage is installed at approved locations for the proposed development, and
- e) that if the supply of gas to the subject buildings is undertaken it shall be installed and maintained in accordance with AS1596/2002 and requirements of relevant authorities.

### 68. **Acoustic Certification**

Prior to the issue of an Occupation Certificate an acoustic consultant shall certify that the development complies with the acoustic details provided in conjunction with the Construction Certificate and the recommendations of the environmental noise assessment report prepared by Day Design, dated 17 May 2018.

### 69. **Landscaping - Works to be Completed**

All landscaping works, including the landscape buffers around the poultry sheds and planting within the redundant driveway, approved under this consent are to be completed prior to the issue of an Occupation Certificate.

### 70. **Energy Provider Certificate**

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

### 71. **Operational conditions**

A detailed Plan of Management shall be prepared for the poultry farm and provided to Council for approval prior to the release of the Occupation Certificate. This plan shall be prepared in accordance with the requirements of the Department of Primary Industries and best practice guidelines including:

- a) Department of Primary Industries' 'Best Practice Management for Meat Chicken Production in NSW (Manual 2 - Meat Chicken Growing Management)
- b) CSIRO's 'Model Code of Practice for the Welfare of Animals (Domestic Poultry, 4th Edition)'
- c) Rural Industries Research and Development Corporation's 'National Environmental Management System for the Meat Chicken Industry (2003)'
- d) Department of Primary Industries' 'Odour Management Options for Meat Chicken Farms (2004)'
- e) Department of Primary Industries Standing Committee - Model code of practice for the welfare of animals for domestic poultry, land transport of poultry,
- f) Australian Government Department of Agriculture Fisheries and Forestry - National Farm Biosecurity Manual and National Water Biosecurity Manual for Poultry Production; and
- g) RSPCA Approved farming Scheme standards of meat chickens.

The plan must clearly specify details in relation to the following:

- farm description including poultry numbers and stocking densities specifying that the poultry farm shall be limited to no more than 40, 000 birds within each shed and a maximum of 240,000 birds for the site;
- in-shed litter management including dripper and fogger (where fitted) maintenance
- waste management;

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- stock water supply quality and management;
- feed storage and management;
- used litter management;
- dead bird management;
- dust management including unsealed roads;
- noise management – stationary plant;
- noise management – pick-ups and service vehicles;
- sampling, monitoring and reporting of the waste water treatment plant (anaerobic, aerobic, maturation and holding ponds and irrigation areas) against the relevant environmental criteria;
- contingency plans for the failure of the waste water treatment system or periods of high rainfall;
- pest management;
- chemical management;
- protection and management of the landscape buffers;
- environmental monitoring of the dam;
- community liaison; and
- complaints handling.

### **Operational Conditions**

#### **72. Maintenance of Landscaping**

All 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.

#### **73. Public Complaints Management**

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

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

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

#### **74. 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.

#### **75. Dust Management - Trafficable and Vehicle Manoeuvring Areas**

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



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### 76. **Odour Impact Operational Requirements**

The development must be operated in accordance with the measures specified under the odour impact assessment report prepared by Pacific Environment dated 17 May 2018, including the following:

- a) daily monitoring of bedding material must be completed to identify, removal and replace and caked materials beneath drinking lines or areas with excessive moisture;
- b) poultry litter must be removed from the sheds and immediately transported off-site in covered trucks during the clean-out phase. Handling of poultry litter should be avoided during adverse weather conditions, early mornings, nights or during strong wind;
- c) poultry manure cleared from the sheds should be removed immediately from the site except in the case of an emergency. In such an emergency, poultry manure/litter should not be stored at the site longer than 24 hours;
- d) ventilation systems must not be used during the clean-out stage of the sheds;
- e) deceased birds must be removed daily;
- f) insides and outsides of the sheds are to be kept in a clean and sanitary manner;
- g) during sanitation, the amount of air released from the sheds is to be minimised while using any sanitiser that produced a scent and a low scent sanitiser be used where possible;
- h) internal access roads must be maintained in a condition that will minimise the generation or emission of windblown or traffic generated dust at all times; and
- i) a complaints and incidents management strategy should be improvements to ensure that all complaints and incidents relating to poultry operation are promptly and effectively addressed.

### 77. **Noise Generating Activities - Daytime and evening hours**

During the hours of 7am to 10pm, or 8am to 10pm on a Sunday or Public Holiday, the development shall be conducted in such a manner that the LA(eq) noise levels, do not exceed 5 dB(A) (LAeq) above background noise levels at any property boundary when measured and calculated in accordance with the NSW EPA's Noise Policy for Industry (2017).

### 78. **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 as defined by the Protection of the Environment Operations Act 1997.

### 79. **Pesticides - Storage and Use**

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

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

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

### 80. Hazardous Substances - Safety Data Sheets

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

### 81. Bunding - Chemicals, Fuels and Oils

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

### 82. Environmental Monitoring – Air, Noise and Water Quality

Hawkesbury City Council is the Appropriate Regulatory Authority under the Protection of the Environment Operations Act 1997.

A suitably qualified person shall undertake an environmental monitoring program in respect of air, noise and water quality after 12 months from the commencement of use. Where Council receives a pollution complaint, the proponent shall be notified and a suitably qualified person shall undertake and implement environmental monitoring program in respect of air, noise and water quality.

### 83. Waste Generated On-site

Deceased stock is to be disposed of in an approved compost bin which is protected from rain, surface water, and extreme heat. Disposal of composted waste is to be done in such a manner as to not impact on water pollution or odour experienced by nearby receivers.

All other liquid and/or non-liquid waste generated on the site shall be assessed and classified in accordance with the Waste Classification Guidelines (NSW EPA, 2014), or any superseding document, to safeguard protection of the environment and human health. Waste generated on the site can only be taken to, and accepted at, a waste facility which is lawfully authorised to receive, re-use and/or dispose of that type of waste.

### 84. Lighting

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

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

### 85. Farm Management Plan

The operation of the poultry farm is to be carried out in accordance with the approved Plan of Management and shall be reviewed on a regular basis.

### 86. Bush Fire Protection – Operation Requirements

The poultry farm must be managed in accordance with the recommendations of the Bushfire hazard assessment report, prepared by Control Line Consulting dated 23 March 2017, including:

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- a) an Emergency/Evacuation Plan is prepared in accordance with the NSW Rural Fire Service document *A guide to developing a Bush Fire Emergency Management and Evacuation Plan 2014*,
- b) an emergency plan is developed in accordance with the NSW Department of Primary Industries document, *Planning for emergencies - a guide for animal holding establishments 2007*, and
- c) inner protection areas should be maintained around the constructed sheds in accordance with the recommendations of the Bushfire hazard assessment report, prepared by Control Line Consulting dated 23 March 2017.

### 87. Use of Existing Dwelling

Services in the existing dwelling must be made available to the employees.

### 88. Use of Existing Sheds

The existing farm buildings are required to be limited to being used for the storage of plant, machinery and equipment associated with the Poultry Farm. Any proposal to provide amenities or change the floor layout of these buildings would require separate approval.

### 89. Environmental Monitoring – Air, Noise and Water Quality

A suitably qualified person shall undertake an environmental monitoring program in respect of air, noise and water quality after 12 months from the commencement of use.

Where Council receives a pollution complaint, the operator will be notified and Council will require a suitably qualified person to undertake and implement environmental monitoring program in respect of air, noise and water quality.

### 90. Signage

No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.

### 91. Use of Outdoor areas

The storage of goods or materials associated with the poultry farm shall be confined within the buildings located on the subject property.

### Advisory Notes (if applicable)

#### (i) Approval Authority

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

#### (ii) Equitable Access

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

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

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

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- 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) **Utilities and Services**

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

### (viii) **Incident Reporting - Environmental Management**

The proprietor shall notify, immediately after occurrence, Council and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment.

### **Reasons for Decision**

The Panel considers the proposal is acceptable and the proposed development is approved for the following reasons:

- The proposal is acceptable having regard to the statutory requirements apply to the development.
- The proposal adequately satisfies the objectives the Hawkesbury Local Environmental Plan 2012 in that the proposal will promote the agricultural use of the land.

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- The site is considered suitable for the proposed land use due to the sites location and distances to adjacent properties.
- The development will be able to be operated in a manner that does not have any significant adverse impacts on adjacent development in terms of noise, traffic, odour, waste, visual appearance or water pollution.
- That support of variation to the maximum building height control will not set any undesirable precedents and strict compliance with the control would be unreasonable due to the specific nature of the proposed land use.
- The Clause 4.6 Objection for exceedance of the permissible height plane is justified because it has been demonstrated that the proposed variation has 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.

### Additional Recommendation

The Panel recommends that Council seek the necessary approvals for the placement of appropriate signage within Putty Road road reserve identifying the location of the driveway and that trucks will be entering and exiting from it and, on receipt of such approval, that signage be installed.

### Voting

For the Decision	Against the Decision
Steve Kennedy	NIL
Michael Harrison	
Helen Mulcahy	
Paul Rogers	

The meeting terminated at 2.27pm

Submitted to and confirmed at the meeting of the Hawkesbury Local Planning Panel held on 20 June 2019.

