



Hawkesbury City Council

hawkesbury
local
planning
panel
meeting
business
paper

date of meeting: 20 December 2018

location: council chambers

time: 11:30 a.m.

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SECTION 3 – Reports for Determination

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

Directorate: City Planning

DEVELOPMENT INFORMATION

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

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

Recommendation: Approval

REPORT:

Executive Summary

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

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

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

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

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

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

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

Details of the proposal are summarised below:

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

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

The application is supported by:

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

Site and Locality Description

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

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

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

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

History of the Application

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

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13 August 2018

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

1 November 2018

Application renotified until 15 November 2018.

Council Policies, Procedures and Codes to which the matter relates

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

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

State Environmental Planning Policy (Coastal Management) 2018

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

Hawkesbury Local Environmental Plan 2012 (LEP 2012)

Hawkesbury Development Control Plan 2002 (DCP 2002)

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

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

a) The provisions (where applicable) of any:

i. Environmental Planning Instrument:

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

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

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

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

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

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

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

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

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

Table 1 – Unencumbered indoor and outdoor areas

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

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

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

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

State Environmental Planning Policy (Coastal Management) 2018

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

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

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

Hawkesbury Local Environmental Plan 2012

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

Clause 2.2 Zoning of land to which Plan applies

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

Clause 2.3 Zone objectives and Land Use Table

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

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

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

Clause 4.3 Height of Buildings

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

Clause 5.10 – Heritage Conservation

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

Clause 6.1 – Acid Sulfate Soils

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

Clause 6.3 – Flood Planning

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

Clause 6.6 – Development in areas subject to aircraft noise

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

Clause 6.7 – Essential Services

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

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

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

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

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

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Part A Chapter 3 – Notification

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

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

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

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

Part C Chapter 1 – Landscaping

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

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

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

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

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

Part C Chapter 2 – Car parking and Access

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

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

Part C Chapter 3 – Signs

No signage is proposed as part of the application.

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Part C Chapter 4 – Soil and sediment erosion

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

Part C Chapter 10 – Heritage Conservation

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

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

Not applicable.

iv. Matters prescribed by the Regulations:

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

The Regulations also require that the development is to:

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

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

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

The following impacts have been identified and assessed:

Traffic generation

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

Noise and vibration impacts

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

Context and Setting

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

Public Domain

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

Waste

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

Natural Hazards

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

Technological Hazards

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

Safety, Security and Crime Prevention

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

Economic Impact in the Locality

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

Construction

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

Cumulative Impacts

There are no cumulative impacts associated with the proposed development.

c) Suitability of the site for the development:

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

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

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

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

- **Traffic safety on the site**

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

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

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

- **Loss of trees**

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

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

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

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

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

e) The Public Interest:

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

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

Conclusion

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

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

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RECOMMENDATION:

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

General Conditions

1. Approved Plans and Supporting Documentation

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

a) Plans Reference:

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

b) Document Reference:

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

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

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

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

2. Appointment of a Principal Certifying Authority

No work shall commence until:

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

3. Section 6.16(1) Certificates Required

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

Note: A registration fee applies.

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

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

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

5. Commencement of the Use of the Land

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

6. Works on Public Land - Not Permitted Without Approval

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

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

7. Prescribed Conditions - Compliance with National Construction Code

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

8. Excavation - Archaeology

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

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

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

9. Excavation - Aboriginal Relics

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

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

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

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

10. Tree Planting – Landscaping

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

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

Prior to the Issue of Construction Certificate

11. Long Service Levy Payment

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

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

12. Access for Persons with a Disability

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

13. Vermin and Pest Management

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

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

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

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

14. Structural Engineers Design - Concrete and Structural Steel

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

Prior to Any Works Commencing on Site

15. Principal Certifying Authority - Details

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

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16. Toilet Facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

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

17. Notice of Commencement

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

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

18. Principal Certifying Authority (PCA) Site Sign

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

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

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

19. Safety Fencing

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

20. Demolition - General

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

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

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

21. Demolition - Notice

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

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

22. Asbestos Material Handling

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

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

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

23. Demolition - Work Plans

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

24. Erosion and Sediment Control for Minor Development

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

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25. Sydney Water - Endorsement of Approved Plans

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

Please refer to Sydney Water's website.

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

26. Support and Protection for Neighbouring Buildings

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

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

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

27. Sydney Water - Section 73 Compliance Certificate

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

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

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

During Construction

28. Construction Hours

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

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

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- d) works may be undertaken outside these hours where:
 - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - (iii) a variation is approved in advance in writing by Council.

29. Site Management During Construction

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

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

30. Loading and Unloading During Construction

The following requirements apply.

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

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

31. Critical Stage Inspections

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

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

32. Termite Treatment

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

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

33. Implementation of Erosion and Sediment Control Plan

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

34. Asbestos Handling

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

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

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

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

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

Prior to Issue of Occupation Certificate

35. Survey Certificate at Completion

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

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

36. Suitability of Glazing - Windows and Doors

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

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

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

37. Suitability of Glazing - Balustrades

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

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

38. Suitability of External Use of Timber

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

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

39. Certification of Smoke Detection and Alarm System

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

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

40. Termite Protection - Certificate of Treatment

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

41. Termite Protection - Notice

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

Operational Conditions

42. Centre-based Child Care Facility

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

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

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

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

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

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

44. Signage

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

45. Loading Within Site

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

46. Annual Fire Safety Statement

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

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

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

Advisory Notes (if applicable)

(i) Equitable Access

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

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

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

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

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

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

(iii) Site Contamination Discovered During Demolition or Construction

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

(iv) Dial Before You Dig

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

(v) Requirements of 88B Instrument

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

(vi) Works on Public Land - Public Liability Insurance

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

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

(vii) Utilities and Services

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

Proposed Statement of Reasons for Determination

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

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

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

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

ATTACHMENTS:

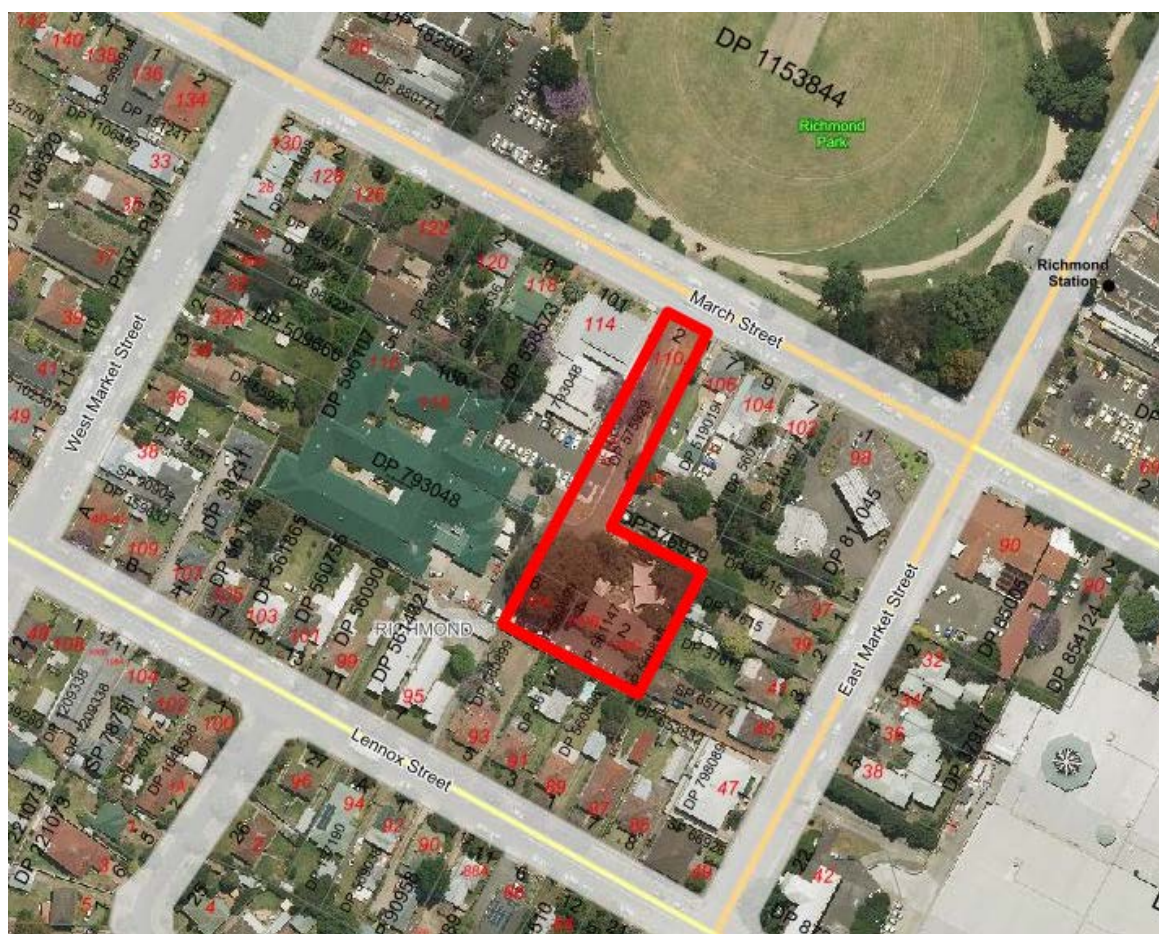
- AT - 1** Locality View
- AT - 2** Location of the Centre-Based Child Care Facility additions
- AT - 3** Site Plan of proposed development
- AT - 4** Floor Plan of proposal
- AT - 5** Elevations of proposed works

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AT - 1 Locality View



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



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Item: 015 CP - DA0128/18 - Lot 21 DP 1106184 - 20 North Street Windsor NSW 2756

Directorate: City Planning

DEVELOPMENT INFORMATION

File Number: DA0128/18
Property Address: Lot 21 DP 1106184 20 North Street WINDSOR NSW 2756
Applicant: Mr BV Garrow
Owner: Mr BV Garrow & Mrs E Garrow
Proposal Details: Structure Ancillary to Dwelling - Outbuilding
Estimated Cost: \$63,000
Zone: R2 Low Density Residential & RU2 Rural Landscape under *Hawkesbury Local Environmental Plan 2012*
Date Received: 20/03/2018
Recommendation: Approval

REPORT:

Executive Summary

The application proposes an outbuilding ancillary to the existing dwelling located on 20 North Street Windsor.

As part of the assessment of the proposal the applicant was asked to have the building located closer to the existing dwelling in order to cluster buildings on site and provide a more generous setback from the road.

The applicant amended the location of the building and the new location is considered to be acceptable having regard to the overall appearance of the development.

It is recommended that the proposal be supported as the development is permitted on the land and considered acceptable having regard to the planning controls applicable to the proposal.

Planning Decision

This application seeks approval for the construction of an outbuilding and associated retaining wall that will be ancillary to the existing dwelling house situated on an allotment of land having an area of 9885sqm.

The outbuilding will have a total floor area of 240sqm which incorporates 180sqm of enclosed and 60sqm of an open sided awning. The outbuilding will have a ridge height of 5.43m above ground level. The site falls to the east, as a result there will be approximately 600mm of cut and 200mm of fill required to create a level building platform.

The outbuilding will be constructed from lightweight 'Colorbond' cladding being 'Woodland Grey' in colour. No trees are proposed to be removed.

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Image 1 – Location of proposed outbuilding

History

The application was lodged on 20 March 2018. Additional information was requested on 4 April 2018. A response was received on 31 July 2018. Further negotiations occurred with the applicant regarding the setbacks of the outbuilding and a meeting was held on 18 September 2018 to discuss Council's concerns. Amended plans were received on 25 September addressing the issues and amending the setback from 5m to 15m thereby clustering the outbuilding with the existing dwelling.

Council Policies, Procedures and Codes to which the matter relates

Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
Sydney Regional Environmental Plan No 20 (SREP No. 20)
Hawkesbury Development Control Plan (HDCP 2002)
Development of Flood Liable Land Policy

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

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

a) The provisions (where applicable) of any:

i. Environmental Planning Instrument:

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

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

The site is not located within a scenic corridor of local significance. The proposed works however comply with the aims, objectives and recommended strategies of this plan.

Hawkesbury Local Environmental Plan 2012

The development is consistent with the zone objectives and the following clauses of this plan:

- The property is zoned RU2 Rural Landscape and R2 Low Density Residential.
- 'Dwelling houses' are permissible within the RU2 & R2 zone. The outbuilding is permissible by virtue of this structure being ancillary to the existing dwelling house.
- *Clause 4.3 - Height of Buildings* – The new works are below 10m.

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- *Clause 5.10 Heritage Conservation* – The property is not affected by heritage conservation controls, however the land is in close proximity to locally listed heritage items. The new location of the outbuilding will ensure that buildings on site would be clustered in one location of the site and that the development does not detract or have any adverse impacts on the sitting of nearby heritage items.
- *Clause 6.1 - Acid Sulfate soil controls* – Class 5 (Building Site) – Low impact – The area for proposed construction is not likely to lower the water table or expose acid sulfate soils.
- *Clause 6.3 – Flooding* – The land is subject to flood related development controls however the development is permissible via Clause 3.5 of the Development of Flood Liable Land Policy. The outbuilding is a minor non-habitable structure which may be erected on land below the 1 in 100 ARI. The outbuilding will be constructed from flood compatible materials. The proposal will not increase the risk to life and the risk of impact to the surrounding properties is minimal as the majority of the surrounding area is farming land.
- *Clause 6.4 - Biodiversity controls* - The land is not affected by biodiversity controls and there is no removal of native vegetation.
- *Clause 6.6 – Aircraft Noise* – Not applicable
- *Clause 6.7 – Essential services* – The services are considered suitable for the proposed development.

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

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

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

Hawkesbury Development Control Plan 2002

The proposal is generally consistent with the aims and objectives of the HDCP 2002. An assessment of the proposal against the relevant provisions of this Plan follows:

Part D: – Chapter 8 - Farm Buildings and Outbuildings

The proposal complies with the following requirements of the Farm Buildings and Outbuildings chapter of the HDCP 2002.

Section	Matters	Compliance/Non-compliance
Sec 8.5.1	Siting and Orientation	Complies
Sec 8.5.2	Building Design and Form	Complies
Sec 8.5.3	Building Materials, Finishes and Colours	Complies
Sec 8.5.4	Size, Setbacks and Height	Complies
Sec 8.5.5	Landscaping	Complies

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

Not applicable.

iv. Matters prescribed by the Regulations:

In accordance with the Environmental Planning and Assessment (EP&A) Regulation 2000 the development would be required to comply with the following:

- The National Construction Code – Building Code of Australia (BCA).
- Council's S94A Contributions Plan. It is noted that developer contribution plans are not applicable to this development as the estimated cost of works is below the minimum levy threshold.
- Fulfilment of BASIX commitments – N/A.
- Fire Upgrade – Not required in Class 1 & 10 buildings.

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

It is considered that the proposed development would not have any adverse environmental, visual, economic or social impacts on the locality.

The proposed works are compatible with the surrounding developments in the locality.

c) Suitability of the site for the development:

There are no constraints from surrounding land uses that would make this development unsuitable and it is considered that the development would not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

The land is not identified as being bushfire prone.

The Deposited Plan is clear of any easements or restrictions that may affect the proposal. OSD is not required for this development. No Council owned sewer or stormwater line exists within the property boundary. Stormwater will be connected to the existing lawful point of discharge.

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

The application was not required to be notified and no submission received in response to the application.

External Referral

The proposal was sent to the Planning & Environment – Geoscience Information Services – GSNSW who have not raised any issues in regards to this application in regards to mineral resource issues.

e) The Public Interest:

The proposed development would provide appropriate facilities for the residents of the property and support the continued use of the land for rural/residential purposes.

It is considered that the proposal is consistent with the overall objectives of the zone and is unlikely to result in any negative impacts on the locality. It is therefore considered that the proposal is consistent with the public interest.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 4.15 having been taken into consideration. The development is permissible and the site is considered suitable for the proposed use. The proposal is therefore recommended for conditional approval.

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RECOMMENDATION:

That development application DA0128/18 at Lot 21 DP 1106184, 20 North Street, Windsor, for the Construction of a Structure Ancillary to the Dwelling, be approved subject to the following conditions:

General Conditions

1. Approved Plans and Supporting Documentation

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

a) Plans Reference:

Drawing Number/Name	Prepared by	Date
Site Plan - Dwg No. DA1 -1186G.4	Graham Zerk	25/09/2018
Floor, Elevation & Section Plan - Dwg No. DA2 -1186G.4	Graham Zerk	25/09/2018

b) Document Reference:

Document	Prepared By	Date
Colour Schedule	Not authored	Not dated
Waste Management Plan	Not authored	Not dated

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:
 - (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,

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- 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. 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).

Prior to the Issue of Construction Certificate

5. 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.

6. Driveway Construction - Residential in Council Road Reserve

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

The vehicular crossing must:

- a) Have a minimum width of 3.5 metres within the road reserve;

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

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

7. Driveway Construction - Residential Within Property

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

- a) have a minimum width of 3.5 metres within the property;
- b) have a sealed finish; and
- c) be constructed in accordance with Hawkesbury Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

Details of the driveway are to be included on plans submitted to the Certifying Authority prior to issue of a Construction Certificate.

8. Flood Compatible Construction

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

A written specification of the proposed materials to be used shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

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

9. 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.

10. 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.

11. Council Sewer Authority - Inspection Fees

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

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construction certificate. Evidence of this payment must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Prior to Any Works Commencing on Site

12. 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*.

13. 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.

14. 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.

15. 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.

16. Prescribed Conditions - Residential Building Work

- a) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

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b) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information.

(i) In the case of work for which a principal contractor is required to be appointed:

- the name and licence number of the principal contractor; and
- the name of the insurer by which the work is insured under Part 6 of that Act.

(ii) In the case of work to be done by an owner-builder:

- the name of the owner-builder; and
- if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

17. 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.

18. 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.

19. 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)'.

20. 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.

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

During Construction

21. 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.

22. 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.

23. 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.

24. 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*.

25. Inspection and Compliance certificates for sewer works

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

In the case of internal and external (house service connection) drainage, the inspection must be conducted by Council's Development Services Branch, please phone (02) 4560 4444 to arrange inspections and payment of required fees.

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

26. Stormwater Drainage Management

Roofwater (including overflow from water storage vessels) shall be connected to the existing lawful point of discharge.

27. 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;

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

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

Prior to Issue of Occupation Certificate

28. 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.

29. Occupation Certificate - Prior to Commencement of Use

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

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

30. Road Infrastructure - Driveway Construction

The approved vehicular crossing(s) must be constructed prior to issue of an Occupation Certificate.

31. Compliance Certificate - Connection to Council Sewer

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

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Operational Conditions

32. Limitation of Use

The outbuilding shall only be used for the storage of possessions of the owners/occupiers of the land.

Advisory Notes (if applicable)

(i) 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.

(ii) 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.

Proposed Statement of Reasons for Determination

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

- The proposal is acceptable having regard to the statutory requirements applying to the development.
- The proposed development adequately satisfies the objectives and provisions of the Hawkesbury Local Environmental Plan 2012 (LEP 2012).
- The proposed works are consistent with the outbuilding requirements of Hawkesbury Development Control Plan 2002 and the application proposes the building close to existing structures on the land.
- The proposal was not required to be notified under Hawkesbury Development Control Plan 2002 and no community submissions were received.
- The proposal is ancillary to the normal domestic use of the land.

ATTACHMENTS:

AT - 1 Location Map

AT - 2 Aerial photograph

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AT - 1 Location Map



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AT - 2 Aerial photograph



oooO END OF REPORT Oooo

HAWKESBURY LOCAL PLANNING PANEL MEETING

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Item: 016 CP - DA0293/18 - Lot 50 DP 1035291 Johnson Wing 4 Christie Street Windsor NSW 2756

Directorate: City Planning

DEVELOPMENT INFORMATION

File Number: DA0293/18
Property Address: Lot 50 DP 1035291, Johnson Wing 4 Christie Street WINDSOR NSW 2756
Applicant: Troy Anthony Myers
Owner: Hawkesbury City Council
Proposal Details: Business Premises - Internal Alterations Involving the Provision of Accessible Toilet Facilities
Estimated Cost: \$45,000.00
Zone: B2 Local Centre under *Hawkesbury Local Environmental Plan 2012*
Date Received: 3/07/2018

Recommendation: Approval

REPORT:

The subject application seeks consent for the internal alterations to an existing office building known as the Johnson Wing at 4 Christie Street Windsor.

The internal works are sought to reconfigure the existing first floor bathroom to create an accessible toilet facility for employers at the office.

It is recommended that the proposal be approved as it will allow for the upgrade of staff amenities and the proposal is considered acceptable having regard to the relevant planning controls applicable to the development.

Description of Proposal

Pursuant to Clause 4.15 of the Environmental Planning and Assessment Act 1979 this application seeks consent for the internal alterations to an existing business premise located at 4 Christie Street Windsor.

The internal alterations are sought in order to reconfigure the first floor male bathroom to provide greater accessibility, particularly to cater for persons with a disability. The specific works entail the removal of two internal bathroom walls, one sink and the widening of the bathroom doorway to 920mm in width.

Description of the site

The subject site is known as Lot 50 DP 1035291 and contains a number of community facilities and buildings including Council's library, a café, office buildings, disability service building and The Old Hawkesbury Hospital. The later item is specifically identified as having heritage significance in Schedule 5 of the Hawkesbury Local Environmental Plan 2012. The subject site is owned by Hawkesbury City Council and is listed as a heritage item. Image 1 below identifies the location of the office building on the site subject to this application.

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The proposed works are for internal alterations only and does not include any external additions to the existing building or site. In this regard the proposal does not affect height of buildings, acid sulfate soils and biodiversity. Furthermore the existing services are considered adequately able to support the proposal.

The subject site is heritage listed and adjoins heritage items. Schedule 5 of the HLEP 2012 lists the old hospital as a heritage item under the address 320 George St Windsor. The subject building of this application is a modern detached section of the hospital which is not of the same significance as the main hospital building. Councils Heritage Advisor has reviewed the application and raises no objection to the internal works as it is within a modern detached section of the hospital with no exterior changes. The applicant has submitted a Heritage Impact Assessment which concludes that the internal works do not adversely impact the heritage significance of the site.

It is considered that the proposal would not impact upon the fabric, settings and views of the heritage site. The works are of a minor nature that would provide suitable facilities to the existing commercial premise while retaining the heritage significance of the site. In this regard the proposal is considered to be consistent with clause 5.10 '*Heritage Conservation*' under the HLEP 2012.

The northern half of the lot is affected by the 1 in 100 year flood level however; the subject building is located to the south of the lot where there is no impact of flooding. Furthermore the subject building has flood free access to Christie Street and as such the proposed internal works are consistent with clause 6.3 flooding under the HLEP 2012.

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

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

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

The proposal is generally consistent with the aims, objectives and rules of the HDCP 2002. The development was not required to be notified in accordance with Part A: Chapter 3 Notification. The proposed works would not result in increased floor space or any increase to staffing or customers. As such the works would not generate the need for additional parking above the existing arrangement and is consistent with Part C: Chapter 2 Car Parking and Access of the HDCP 2002.

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

Not applicable.

iv. Matters prescribed by the Regulations:

In accordance with the Environmental Planning and Assessment (EP&A) Regulation 2000 the development would be required to comply with the following:

- i. The National Construction Code – Building Code of Australia (BCA).
- ii. The development is exempt from contributions under Council's Section 94A Contributions Plan as the cost of works are below the levy threshold.

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

It is considered that the proposed development would not have any adverse environmental, visual, economic or social impacts on the locality.

The works are internal only and would not affect the heritage fabric of the buildings on-site or visual impacts to surrounding heritage buildings. The heritage significance of the site and locality is preserved and as such the proposal is acceptable from a heritage perspective.

The proposed alterations are compatible with surrounding developments in the locality.

c) Suitability of the site for the development:

There are no constraints from surrounding land uses that would make this development unsuitable and it is considered that the development would not impact upon any biodiversity.

The land is not identified as being bushfire prone. The land is clear of any easements or restrictions that may affect the proposal. Comments from Council's Building Surveyor have raised no objections to the proposal subject to conditions.

The proposal would alter an existing toilet into an accessible toilet facility and would not impact on the overall existing design, function and capacity of the site. As such the proposal is considered suitable to the site.

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

The development was not required to be notified in accordance with Part A: Chapter 3 Notification and no submissions were received for the application.

e) The Public Interest:

The proposed development would provide appropriate facilities for the business use of the property and support the continued use of the land for commercial purposes.

It is considered that the proposal is consistent with the overall objectives of the zone and is unlikely to result in any negative impacts on the locality. It is therefore considered that the proposal is consistent with the public interest.

Conclusion

An assessment of the proposal against Section 4.15 of the EP&A Act 1979 has been undertaken and the proposal is consistent having regard to the relevant environmental planning instruments and regulations which apply to the development. The proposed alterations are relatively minor and are seen to be acceptable from a heritage perspective and within the commercial context of the locality.

It is recommended the proposal be supported and approved subject to conditions.

RECOMMENDATION:

That development application DA0293/18 at Lot 50 DP 1035291, Johnson Wing, 4 Christie Street, Windsor, for Internal Alterations Involving the Provision of Accessible Toilet Facilities, be approved subject to the following conditions:

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General Conditions

1. Approved Plans and Supporting Documentation

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

a) Plans Reference:

Drawing Number/Name	Prepared by	Issue No.	Date
Site Plan	Applicant	-	May 2018
Floor Plan	Apted Plan	-	April 2018

b) Document Reference:

Document	Reference	Prepared By	Date
Waste Management Plan		Urban City Planning	2018
Heritage Impact Statement (2/4 Christie Street, former Johnson Wing, Windsor)	180142	Urban City Planning	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.

2. Appointment of a Principal Certifying Authority

No work shall commence until:

- a) A Building Construction Certificate is issued by:
 - (i) Council; or
 - (ii) An Accredited Certifier;
- b) A Principal Certifying Authority is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
 - (i) name and licence number of the builder undertaking the construction works;
or
 - (ii) name and permit number of the owner-builder (if relevant);
- c) The Principal Certifying Authority has:
 - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
 - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;

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- (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. 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.

6. Asbestos Removal

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

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

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

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

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

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).

Prior to the Issue of Construction Certificate

8. Structural Engineers Design - Concrete and Structural Steel

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

Prior to Any Works Commencing on Site

9. 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*.

10. 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.

11. 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.

12. Demolition - General

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

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- a) all demolition work shall be carried out strictly in accordance with Australian Standard AS 2601 - 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover 'Demolition License' and WorkCover 'Class 2' (Restricted) Asbestos License and comply with WorkCover's 'Guide to Working with Asbestos';
- c) site safety/security fencing shall be provided prior to commencement of any work on-site and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
 - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
 - (ii) Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
 - (iii) Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';
- d) demolition work shall be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) no trees shall be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;
- f) erosion and sediment control measures shall be installed prior to any demolition works commencing and maintained in accordance with the requirements contained in the Hawkesbury Development Control Plan 2002;
- g) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- h) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- i) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- j) demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings;
- k) waste must be transported to a place which can lawfully accept it. All non-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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13. Demolition - Notice

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

14. 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.

During Construction

15. 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.

16. Site Management During Construction

- a) All materials and equipment must be stored wholly within the work site unless an

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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.

17. 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.

18. 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*.

Operational Conditions

19. Annual Fire Safety Statement

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

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

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

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.

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

(ii) Equitable Access

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

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

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

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

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

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Proposed Statement of Reasons for Determination

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

- The proposal is acceptable having regard to the statutory requirements applying to the development.
- The proposed development adequately satisfies the objectives and provisions of the Hawkesbury Local Environmental Plan 2012 (LEP 2012).
- The proposed works are minor and will have no adverse impact on the Heritage significance of the site.
- The proposal is not required to be notified in accordance with the Hawkesbury Development Control Plan 2002 and no community submissions were received.

ATTACHMENTS:

AT - 1 Site Plan

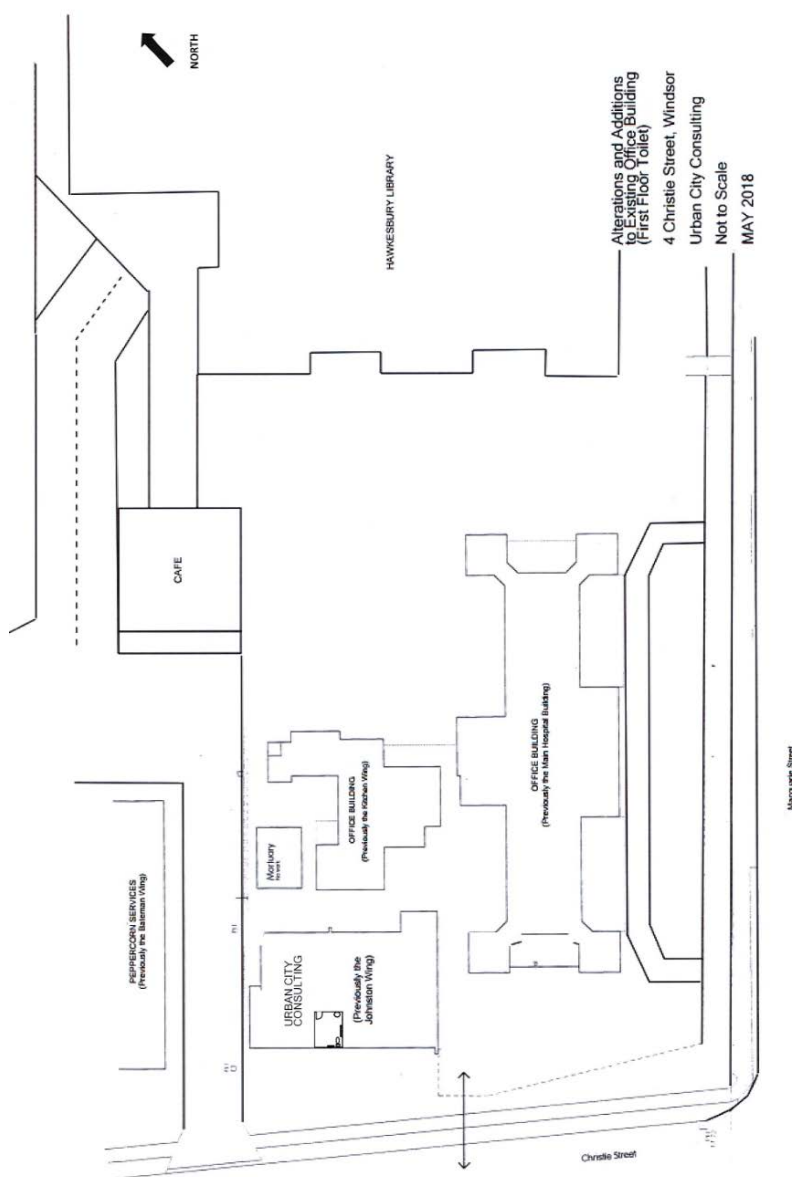
AT - 2 Floor Plan

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AT - 1 Site Plan

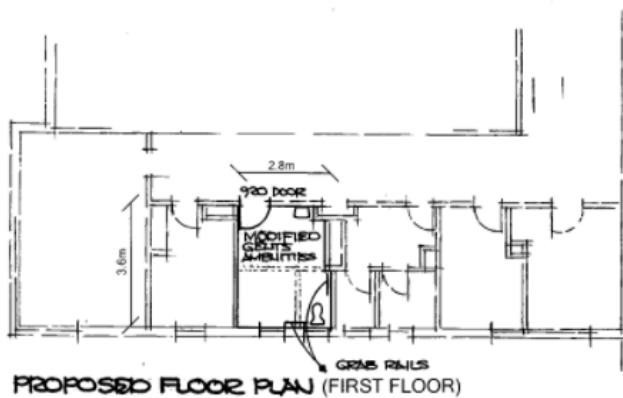
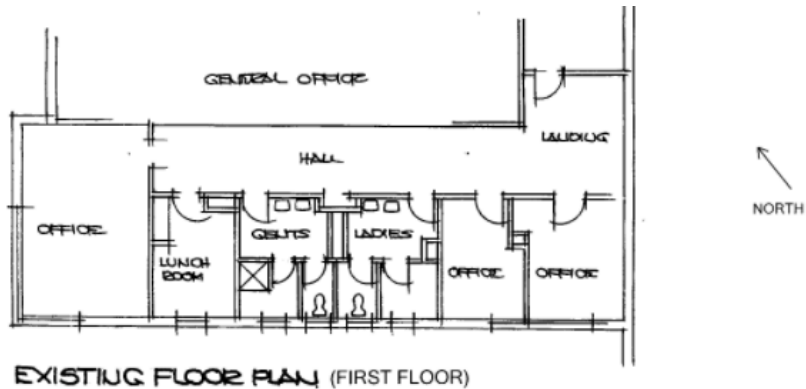


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AT - 2 Floor Plan



- ALTERATIONS TO EXISTING GENTS AMENITIES,
- ALL WORK TO BE MADE GOOD AS REQUIRED
- ALL WORK IN ACCORDANCE WITH BUILDING CODES
- REMOVE PORTED WALLS AND OUR HAND RAILS
- INSTALL REQUIRED GRAB RAILS
- INSTALL 920 ENTRY DOOR

PROPOSED ALTERATIONS TO
EXISTING AMENITIES
FOR:
URBAN CITY
AT:
N° 4 CHRISTIE STREET
WINDSOR
SCALE 1:100 APRIL 2018
APPRO PLAN SERVICES 0409727276

oooO END OF REPORT Oooo



hawkesbury
local
planning
panel
meeting

end of
business
paper

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