
MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 19 December 2017

ITEM	SUBJECT	PAGE
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1 PRESENT

Mayor Dr M R Byrne (In the Chair)
General Manager - Michael Edgar

2 IN ATTENDANCE

Group Manager – Environment & Planning Cameron McKenzie
Acting Group Manager Strategic Planning– Ken Willimott

3 TIME OF COMMENCEMENT

10.00 am

4 TIME OF COMPLETION

10.02am

5 DECLARATIONS OF INTEREST

Nil.

6 ARRIVALS AND DEPARTURES

Nil.

7 DISSENT FROM COUNCIL'S DECISIONS

Nil.

8 ADJOURNMENT & RESUMPTION

Nil.

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ITEM-1 **DA 421/2018/HA - A TWO STOREY DWELLING WITH A DETACHED SECONDARY DWELLING UNDER SEPP (AFFORDABLE RENTAL HOUSING) 2009 - LOT 29 DP 1201300 FREE SETTLERS DRIVE, KELLYVILLE**

A MOTION WAS MOVED BY GENERAL MANAGER MICHAEL EDGAR AND SECONDED BY THE MAYOR THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

9 RESOLUTION

The Development Application be approved subject to the following conditions of consent.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent.

The amendments in red include:

- To soften the appearance of the proposed fence as perceived from Free Settlers Drive, the area marked in red on the landscape plan shall be planted with hedge screen planting.
Hedge planting shall be minimum 1.5m high at maturity planted at maximum 1m centres and selected from the following species:
 - Syzigium australe 'Select' or 'Resilience' (Lilly Pilly)
 - Callistemon 'Captain Cook' (Bottlebrush)
 - Murraya paniculata (Orange Jessamine)
 - Dodonae viscosa purpurea (Burgundy Hop Bush)
 - Photinia glabra (Red Photinia)
 - Viburnum odoratissimum (Viburnum)
- Relocate the proposed clothes line outside of the easement.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	REVISION	DATE
29911635	Cover Sheet	1	K	26/10/2017
29911635	BASIX	1.1	K	26/10/2017
29911635	Site Plan	2	K	26/10/2017
29911635	Ground Floor Plan	3	K	26/10/2017
29911635	First Floor Plan	4	K	26/10/2017
29911635	Elevations	5	K	26/10/2017
29911635	Elevations	6	K	26/10/2017
29911635	Section	7	K	26/10/2017
LP 01	Landscape Plan	1 of 3	A	01/11/2017
29911635	Schedule of Materials and Finishes	-	-	21/04/2017

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

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2. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

3. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted to and approved by Council must be implemented during the construction and/or demolition phases of the development, as well as the ongoing management phase. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

4. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

5. Commencement of Domestic Waste Service

The property owner or agent acting for the owner must ensure to arrange the commencement of a domestic waste service with Council. The service is to be arranged no earlier than two days prior to occupancy and no later than two days after occupancy of the development. All requirements of Council's domestic collection service must be

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complied with at all times. Please telephone Council on (02) 9843 0310 for the commencement of waste services.

6. Provision of Domestic Waste Storage Area

Sufficient space must be allocated onsite to store a minimum of three 240 litre mobile bins (for waste streams as determined by Council). Note two separate areas are required for dual occupancies. The location is required to ensure that the bins are not visible from any adjoining property or public place, are easily accessible by future occupants and allow the bins to be wheeled to the street over flat or ramped surfaces, grade not to exceed 1:14, and not over steps, kerbs, landscape edging or through a habitable area of the dwelling.

7. House Numbering

The responsibility for house/unit numbering is vested solely in Council in order to provide a consistent and accurate system of street numbering throughout the Shire.

Until house numbers are able to be allocated, this property will be addressed as Lot 29 Free Settlers Drive Kellyville.

Should an additional house number be needed for the secondary dwelling, you are required to contact Council's Land Information Section on 9843 0397.

The use of an additional address is not granted until Council has been contacted. At that time, Authorities will be advised that the second house number is valid.

The street numbers as issued are to be displayed at the entrance to the property for mail delivery and service providers including emergency services.

8. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

9. Tree Removal

Approval is granted for the removal of two (2) trees as shown on Site plan prepared by Clarendon Homes dated 10/11/16.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

10. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

11. Reflective Qualities

Construction materials are to exhibit low reflective qualities and are to blend in with the surrounding environment.

12. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

13. Air Conditioner Location

Air-conditioning unit location is to be a minimum 450mm from the side/rear boundary, and is to comply with SEPP (Exempt and Complying Development Codes) 2008 requirements.

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PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

14. Obscure Glazing for Privacy in Wet Areas

All bathroom, ensuite and toilet windows shall be installed with obscure glazing.

15. Section 94A Contribution

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 94A Contributions Plan, a contribution of **\$589.59** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Section 94A Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate.

You are advised that the maximum percentage of the levy for development under section 94A of the Act having a proposed construction cost is within the range specified in the table below;

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

16. Special Infrastructure Contribution – Growth Centres

A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011, as in force when this consent becomes operative.

Information about the special infrastructure contribution can be found on the Department of Planning and Environment website:

<http://www.planning.nsw.gov.au/>

Please contact the Department of Planning and Environment regarding arrangements for the making of a payment.

PRIOR TO WORK COMMENCING ON THE SITE

17. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

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The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

18. Sydney Water Building Plan Approval

A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval and receipt from Sydney Water Tap in™ (if not already provided) must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

19. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

20. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

21. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

22. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

23. Management of Building Sites – Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

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24. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

25. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

DURING CONSTRUCTION

26. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

27. Location of Works

The total extent of the development shall be contained wholly within the confines of the allotment boundaries including the footings and any associated drainage lines. A survey report from a registered land surveyor may be required for confirmation of the same.

28. Roof Water Drainage

Gutter and downpipes to be provided and connected to an approved drainage system upon installation of the roof covering.

29. Survey Certificate

A survey certificate signed and dated (including contact details) from a registered land surveyor may be requested by the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building/structure in relation to all boundaries, and shall confirm the floor/coping level prior to any work proceeding on the building/structure.

30. Dropped Edge Beam

All fill is to be contained within the dropped edge beam as shown on the approved plans. The dropped edge beam is to extend to natural ground level. No fill is to be placed to the exterior of the building unless otherwise shown on the approved plans.

31. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 847699S are to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

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32. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

33. Landscaping Works

Landscaping works, associated plantings and the construction of any retaining walls are to be undertaken generally in accordance with the approved plans.

34. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

THE USE OF THE SITE

35. Maintenance of Landscaping Works

The landscaping works, associated plantings and construction of retaining walls are to be effectively maintained at all times and throughout the life of the development.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

General Manager Michael Edgar
Dr M R Byrne Adjunct Professor

VOTING AGAINST THE MOTION

Nil

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ITEM-2 **DA 117/2018/HA - AN ATTACHED SECONDARY DWELLING - LOT 1 DP 1185785, NO. 5 BELLERIVE AVENUE, KELLYVILLE**

A MOTION WAS MOVED BY GENERAL MANAGER MICHAEL EDGAR AND SECONDED BY THE MAYOR THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

10 RESOLUTION

The Development Application be refused on the following grounds:

1. The proposed development does not comply with the minimum lot size required by State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The minimum lot size required for secondary dwellings is 450m² and the subject lot is 360m².
(Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
2. The proposed development does not comply with the solar access requirements of the North Kellyville Development Control Plan which require 50% of the area of the required principal private open space (of both the proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June).
(Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).
3. The first floor of the proposed development exceeds the maximum first floor site coverage control in the North Kellyville Development Control Plan. Clause 4.3 of the DCP states that the maximum 30% first floor site coverage can only be exceeded if privacy of adjoining properties is not compromised. The access stairs and landing proposed for the secondary dwelling will permit overlooking into private open space area of the adjoining property.
(Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).
4. The proposed works will impact adversely on the amenity of adjoining properties and are considered to be an overdevelopment of the site.
(Section 79C(1)(b) and (c) of the Environmental Planning and Assessment Act 1979).

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

General Manager Michael Edgar
Dr M R Byrne Adjunct Professor

VOTING AGAINST THE MOTION

Nil

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The Minutes of the above Meeting were confirmed at the Delegated Authority Meeting held on 23 January 2018.

MAYOR

GENERAL MANAGER