



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 27 November 2007

location: council chambers

time: 5:00 p.m.



**ORDINARY MEETING**

**Table of Contents**

**Meeting Date: 27 November 2007**

**AGENDA**

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **PRESENTATION BY COUNCIL'S AUDITOR, MR DENNIS BANICEVIC OF PRICEWATERHOUSECOOPERS, IN RESPECT OF COUNCIL'S AUDITED 2006/2007 FINANCIAL STATEMENTS**
- **SECTION 1 - Confirmation of Minutes**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**
  - General Manager**
  - City Planning**
  - Infrastructure Services**
  - Support Services**
- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 27 November 2007

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 27 November 2007

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>SECTION 4 - Reports for Determination</b>		<b>7</b>
<b>CITY PLANNING</b>		<b>7</b>
Item: 256	CP - Modification to Development Consent - Shed greater than 170m2 - Lot 1 DP 733243, 457 East Kurrajong Road, East Kurrajong - (MA1305/01A, 17250, 75950, 95498)	7
Item: 257	CP - Approval Sought in Retrospect - Shed less than 170m2 - Lot 112 DP 214752 Vol 9472 Fol 110, 514 Tennyson Road, Tennyson NSW 2754 - (DA0396/07, 106965, 24741, 24740, 95498)	23
Item: 258	CP - Approval Sought in Retrospect - Alterations and Additions to an Existing Building to include an additional Industrial Building - Lot B DP 392112, Lot C DP 365457, Lot B DP 365457, Lot 1 DP 577486, 13A Windsor Street, Richmond - (DA0247/07, 89725, 28	31
<b>INFRASTRUCTURE SERVICES</b>		<b>55</b>
Item: 266	IS - Road Naming Proposals - Future Subdivisions at Pitt Town - (95495)	55

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 27 November 2007

ordinary

section 4

reports  
for determination

**ORDINARY MEETING**  
Reports of Committees

**SECTION 4 - Reports for Determination**

**CITY PLANNING**

**Item: 256**      **CP - Modification to Development Consent - Shed greater than 170m<sup>2</sup> - Lot 1 DP 733243, 457 East Kurrajong Road, East Kurrajong - (MA1305/01A, 17250, 75950, 95498)**

---

**Development Information**

**Applicant:** Robert George Hromek  
Melissa Maree Langham  
**Owner:** Mr RG Hromek & Ms MM Langham  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
Hawkesbury Development Control Plan  
**Area:** 4.100H  
**Zone:** Rural Living under Hawkesbury Local Environmental Plan 1989  
**Advertising:** 17 October 2006 to 2 November 2006  
One submission received  
**Date Received:** 18 September 2006

**Key Issues:**

- ◆ Non compliance with Development Consent
- ◆ Non compliance with Hawkesbury Development
- ◆ Visual impact
- ◆ Privacy

**Recommendation:** Approval

---

**REPORT:**

**Introduction**

This application seeks to modify Development Consent MA1305/01, which gave approval for the construction of a rural shed on the subject land.

The application is being reported to Council in accordance with the Council resolution regarding retrospective approvals.

Photographs of the existing shed will be displayed on the noticeboard at the Meeting.

**Background**

At the General Purpose Committee Meeting of 22 October 2002, Council considered an application seeking approval for a rural shed at 457 East Kurrajong Road, East Kurrajong. The proposed shed was to have an enclosed floor area of 216m<sup>2</sup> (18m by 12m), a 6m wide side awning and a 3m wide awning along the front elevation. Including the awnings, the shed would have a building footprint of 24m by 15m. The proposed shed was to have a maximum height of 5m. The report to Council recommended that the application be refused, as the proposed shed did not comply with the requirements of Hawkesbury Development Control Plan and would have an adverse impact on neighbouring properties. At this meeting Council resolved:

**ORDINARY MEETING**  
Reports of Committees

*"that a meeting be arranged between the applicant and staff before the Ordinary meeting (12/11/02) to discuss a reduction in size and to explore options for location of the shed on the property."*

A meeting between the applicants and Council Officers took place on 28 October 2002. Following this discussion, the applicants submitted amended plans which:

- Reduced the size of the proposed shed to 144m<sup>2</sup> with a side awning 72m<sup>2</sup> in size. The dimensions of the shed and awning are 12m by 12m and 6m by 12m respectively;
- Relocated the shed to have a setback of 10m from the shared boundary with the Thompson property;
- Reduced the amount of cut to 1.3m, and included 300mm of fill.

These amended plans were approved at Councils Ordinary Meeting of 12 November 2002.

The owners engaged a Private Certifier in respect to the issue of a construction certificate and compliance certificates. During construction a number of complaints were received in respect to non compliance with conditions of consent and the approved plans. These non compliances included:

- Construction works were carried out outside of the approved hours
- Erosion and sedimentation control not in place;
- The cut and fill area larger than approved and the depth of fill approximately 1.3m;
- The northern end of the shed is enclosed (not an awning area as approved);
- The colour of the shed is 'cream', and not the approved 'rivergum' colour
- An additional awning has been constructed on the front (eastern) elevation of the shed.

Following correspondence between Council and the owners, a S.96 application (the subject application) was submitted in respect to the enclosed northern elevation of the shed and the inclusion of a 3m awning along the eastern elevation. This application does not seek approval for, and has not addressed, the other non compliances listed above.

#### ***Statutory Framework - Unlawful Structures***

The Environmental Planning and Assessment Act 1979 does not make provisions for development consent to be granted retrospectively, but under section 109A of the Act there is a distinction between the *unlawful erection of a structure* and the *unlawful use of land or a structure*. Section 109A reads:

1. (a) *the use of a building, work or land which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except:*
  - (b) *the granting of development consent to that use.*

Therefore, the application is required to be considered on its merits and should the use of the structure be deemed consistent with relevant planning controls then an application for a Building Certificate is required to be submitted to Council.

As previously mentioned, the Act does not provide for retrospective approval for unlawful structures but a person may obtain a Section 149A Building Certificate from Council. The certificate differs from a development consent or building approval for a structure, in that it confers certain forms of legal immunity on the structure (Section 149E of the Act) rather than granting consent for the structure. It is important to note that the Section 149A certificate does not make an unlawful structure lawful, but simply makes it immune from certain types of legal action for a period of seven years from the date of issue.

#### **The Proposal**

The Section 96 modification seeks approval for works which have already been carried out, and include:

1. Front awning, along the eastern elevation, 3m wide and 18m long;
2. Enclosure of awning on the northern side of the shed;

## **Statutory Situation**

### **Assessment Of Section 96(2)**

This application is to be determined under the provisions of s96(2) - *Other Modifications* - of the EPA & A Act, 1979.

#### **S.96(2)**

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all) under this section, and*

*Comment:* It is considered that the development as modified is substantially the same as the approved development, albeit a modified enclosed size.

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

*Comment:* No approvals are required by a Minister, public authority or approval body.

- (c) *it has notified the application in accordance with:*

- (i) *the regulations, if the regulations so require, or*  
(ii) *a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and*

*Comment:* The application was notified in accordance with Hawkesbury Development Control Plan.

- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Comment:* One submission was received. The matters raised in this submission are addressed further in this Report.

#### **S.96(3)**

*In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79c(1) as are of relevance to the development the subject of the application*

*Comment:* The relevant matters for consideration under s.79C(1) of the EP&A Act are discussed below.

#### **S.96(4)**

*Modification of a development consent in accordance with this section is not to be construed as the granting of development consent under this Part but a reference in this or any other Act to a development consent is a reference to the development consent so modified.*

*Comment:* The application is for the modification of development consent MA 1305/01.

**s.96(5)**

*Development consent of the kind referred to in section 79B(3) is not to be modified unless the requirements of section 79B(3)-(7) have been complied with in relation to the proposed modification as if the proposed modification were an application for development consent.*

*Comment:* The proposed modification is not located on land that is, or is a part of, critical habitat, or is likely to significantly affect a threatened species, population, or ecological community, or its habitat. Therefore section 79B(3) - (7) do not apply.

**Matters for consideration under Section 79(c) of the Environmental Planning and Assessment Act 1979.**

**Environmental Planning and Assessment Act 1979 and Regulations 2000**

**a) the provisions of:**

**i) any environmental planning instrument ( ie LEPs, REPs & SEPPs)**

The relevant environmental planning instruments are:

**Hawkesbury Local Environmental Plan 1989 (HLEP 1989)  
General Provisions of HLEP 1989**

**Clause 2 - Aims, objectives etc,**

The proposed modified development is considered to be consistent with the general aims and objectives as outlined in Clause 2 of the Hawkesbury LEP 1989.

**Clause 5 - Definitions**

The proposed modified development is defined as 'rural shed', which means:

*"a building or structure used for the storage of the property of the occupiers of the subject land or property associated with an agricultural use or other permissible land use conducted on the same parcel of land, but does not include a building or structure elsewhere specifically defined in this clause or a building or structure used for a purpose elsewhere specifically defined in this clause."*

**Clause 9 - Carrying out development**

The subject land is zoned Rural Living under the provisions of Hawkesbury Local Environmental Plan 1989.

'Rural shed' is permissible within the Rural Living zone.

**Clause 9A - Zone objectives**

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the carrying out of the development is consistent with the objectives of the zone.

The objectives of the Rural Living zone are:

- (a) *to provide primarily for a rural residential lifestyle,*
- (b) *to enable identified agricultural land uses to continue in operation,*
- (c) *to minimise conflict with rural living land uses,*
- (d) *to ensure that agricultural activity is sustainable,*
- (e) *to provide for rural residential development on former agricultural land if the land has been remediated,*
- (f) *to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,*
- (g) *to allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflicts with other land uses in the locality,*
- (h) *to ensure that development occurs in a manner:*

## ORDINARY MEETING

### Reports of Committees

- i. that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and
  - ii. that satisfies best practice guidelines and best management practices,
- (i) to prevent the establishment of traffic generating development along main and arterial roads,
  - (j) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.

It is considered that the proposed modified development is not inconsistent with the above objectives.

#### **Specific Provisions of HLEP 1989**

##### **Clause 18 - Provision of water, sewerage etc. services**

Clause 18(1) states that development consent will not be granted unless satisfactory arrangements have been made for the provision of water, sewerage, drainage and electricity to the land.

*Comment:* Services to the property exist and are considered adequate for the proposal.

#### **Conclusion**

The proposed modified development is consistent with Hawkesbury Local Environmental Plan 1989 including the Rural Living zone objectives.

#### **Sydney Regional Environmental Planning Policy 20. (No.2 - 1997) - Hawkesbury - Nepean River (SREP No. 20).**

It is considered that the proposed modified development will not significantly impact on the environment of the Hawkesbury-Nepean River, either in a local or regional context and that the development is not inconsistent with the general or specific aims, planning considerations, planning policies, recommended strategies and development controls.

#### **ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

There are no relevant draft environmental planning instruments that affect the proposed modified development.

#### **iii) any development control plan applying to the land**

##### **Hawkesbury Development Control Plan**

The Hawkesbury Development Control Plan applies to the proposal. An assessment of the proposal against the relevant provisions of this Plan follow:

##### **General Information Chapter**

This Chapter provides an explanation of the development application process and provides the requirements for lodging a development application for different landuses.

It is considered the subject application provides adequate information for the assessment of the proposal and therefore is consistent with this Chapter.

##### **Notification Chapter**

The aim of this Chapter is to identify under what circumstances development proposals will need to be advertised and the means by which it will be advertised to provide for public participation.

*Comment:* The application was notified as per the requirements of this Chapter. As a result, one (1) submission was received. The matters raised in this submission are discussed below.

**ORDINARY MEETING**  
Reports of Committees

**Rural Sheds Chapter**

The aim of this Chapter is to enable the erection of sheds on rural properties in a manner, which compliments the rural character of the landscape and has minimal impact on the scenic qualities of an area and to provide design principles for the construction of these buildings.

The following is an assessment of the proposed modified shed against these design principles:

Design Principles	The Proposal	Compliance
<p><b>Siting</b> Cut and fill shall be limited to 2m of cut and 900mm of fill</p> <p>Sheds shall be located no closer to the road than the existing dwelling house.</p> <p>Sheds are not to be erected on land which has a slope in excess of 10%</p>	<p>Development Consent MA 1305/01 approved 1.3m cut and 300mm fill as per stamped approved plan sheet 2 of 5.</p> <p>The shed will be located further from the road than the proposed dwelling house</p> <p>The slope of the site is 10.9%</p>	<p>No The shed has been built on a level platform constructed using approximately 1.3m fill.</p> <p>Yes</p> <p>In the assessment of the original application, the variation to the slope requirement was supported for the following reasons:</p> <ul style="list-style-type: none"> <li>• the variation is of a minor nature;</li> <li>• the use of 1.3m of cut and 300mm of fill to created a level building platform is consistent with the requirements of the DCP;</li> <li>• the location of the proposed shed is considered appropriate as: <ul style="list-style-type: none"> <li>– it provides a satisfactory setback from the boundary of 453 East Kurrajong Road to minimise any impacts in terms of privacy, overshadowing and loss of views;</li> <li>– minimal cut and fill and land disturbance is required;</li> <li>– the removal of native vegetation will not be required.</li> </ul> </li> </ul>
<p>The erection of rural sheds should involve minimal disturbance to native vegetation.</p>	<p>The proposal will not involve disturbance to native vegetation.</p>	<p>Yes</p>

**ORDINARY MEETING**  
Reports of Committees

Design Principles	The Proposal	Compliance
<p><b>Size</b> The maximum size of sheds in the 1(c) and 1(c1) areas (includes Rural Living Zone) shall not exceed 150m<sup>2</sup>. The cumulative total of all outbuildings shall not exceed 150m<sup>2</sup> on any one property in these zones.</p> <p>In zones 1(a), 1(b), 7(d), 7(d1), 7(e), the applicant will need to justify the size of any shed exceeding 150m<sup>2</sup> in terms of the use of the shed and the land, as well as measures taken to minimise the impact on neighbours and the general area.</p>	<p>The proposed modified shed has an enclosed area of approximately 216m<sup>2</sup>.</p> <p>The land is zoned Rural Living.</p>	<p>No</p> <p>N/A</p>
<p><b>Height</b> The total height of a rural shed erected in Rural 1(c) and 1(c1) zones (includes Rural Living Zone) shall be no more than 5m or no higher than the height of the ridgeline of the dwelling house on the same property, whichever is less.</p> <p>In other zones the total height of a rural shed exceeding 5m shall be justified in terms of the use of the shed and the visual impact of the development.</p> <p>The total height of 'barn style' sheds may exceed 5m based on individual merit.</p>	<p>The total height of the shed is 5m</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p>
<p><b>Form</b> Rural sheds with standard roof form will be limited to rectangular shapes.</p> <p>Sheds of other roof forms, for example barn style, will be encouraged.</p>	<p>The shed has dimensions of 12m by 18m.</p>	<p>Yes</p> <p>N/A</p>
<p><b>Colour</b> The colour of a rural shed will match or blend in with those of existing buildings.</p>	<p>Development Consent MA 1305/01 approved:</p>	<p>No</p>

**ORDINARY MEETING**  
Reports of Committees

Design Principles	The Proposal	Compliance
On vacant land the colour for rural sheds shall be taken from the natural environment.	Walls - 'rivergum' Doors - Beige Roof - Beige  as per stamped approved plan sheet 3 of 5.	
<p><b>Type of Building Materials</b> Building materials used in the construction of rural sheds are to be new, repainted and non-reflective.</p> <p>The use of corrugated iron will be considered subject to the size, height, design and location of the rural shed.</p> <p>Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible materials.</p>	The building materials are new and are repainted.	<p>No The roof is zincalume</p> <p>N/A</p> <p>N/A</p>
<p><b>Landscaping</b> Plantings are to be a mix of trees, shrubs and ground cover.</p> <p>Trees shall include species that at maturity have a height above the ridgeline of the shed.</p> <p>Shrub mass shall provide adequate screening.</p> <p>Plants endemic to the area are to be chosen.</p>	Landscaping plan approved with issue of the Construction Certificate. Landscaping has not been fully carried out.	No

**Size**

**Enclosing of the 6m by 12m awning area on the northern side of the shed.**

**Applicants justification:**

1. *Environmental impact on the rest of the shed. Natural elements like wind, rain and debris can enter the entire shed from these openings. The entire security of the shed is compromised from these openings. The structural stability of the shed is compromised by wind being able to pressurise the structure.*
2. *There is no impact on any surrounding properties as the changes to be made are on the backside of the structure. It would be visually no different to the neighbours.*
3. *By closing in these walls the shed would comply with the councils DCP in visual aspects. (The current DCP does not allow for sheds that are built like a square. This change would enhance the shed visual appearance from the premises.*
4. *There are several shed structures in close vicinity that are much larger.*

5. *The current DCP allows sheds up to 170 square metres.*
6. *The current shed size is 144 square metres.*
7. *The changes would be more aligned with the current shed DCP in terms of rectangular appearance.*
8. *The shed has been cut into the ground to reduce any potential impact to neighbours.*
9. *Comprehensive landscaping has been approved to address screening of the entire structure.*
10. *The structure itself is set back from the road over 50 metres.*
11. *The original D.A. allowed for the back of the shed to be closed and this was agreed by council before the original approval.*

*Comment:* The approved shed comprised of a 12m by 12m enclosed area with an adjoining 6m wide awning. If constructed to the approved plans, wind, rain and debris could not affect the enclosed area of the shed through this awning. Likewise, it is considered that the awning does not compromise the security of the enclosed shed area. As the approved shed included an awning area, the design should have incorporated measures to ensure structural stability.

The enclosing of the awning area has resulted in a shed 216m<sup>2</sup> in size, with dimensions of 18m by 12m.

It is considered that the enclosed awning area has no adverse impact on adjoining properties in terms of the existing scenic quality or overshadowing of the building, due to distance from the dwelling house on the property to the west and due to the orientation of the enclosed area in respect to the property to the south.

The proposed modified shed is not inconsistent with the aims and objectives of Clause 8.2.2. Size of the Erection of Rural Sheds Chapter of the Development Control Plan, as the structure is not considered to be visually dominating in the landscape and the size is appropriate in relation to its predominantly residential use, and the size of the property.

#### **Additional 3m awning along front (eastern) elevation**

##### ***Applicants Justification:***

1. *In its original state the shed did not allow for any protection to the contents inside the shed while the roller doors are raised.*
2. *The 3 metre awning gives the contents of the shed protection from the elements.*
3. *There is no impact on any surrounding properties as the changes to be made are screened by native vegetation, heavily landscaped raised mound and a colour bond fence.*
4. *The addition does not compromise any visual aspect for the neighbours.*
5. *The change would make the shed structure more visually appealing from the front view and would add substantial character to the building.*
6. *The contents would be protected from the environmental elements.*
7. *The current DCP allows for awnings to be built under the conforming development scheme of up to 40 squares the awning proposed is 54 square metres.*

*Comment:* It is considered that the proposed awning along the eastern elevation of the shed has no adverse visual impact on the locality.

### **Additional Non Compliances**

In respect to the construction of the existing shed, it is noted that:

- The shed has been built on a level platform constructed using approximately 1.3m fill.
- The colour of the shed is 'cream', and the roof is 'zinclume'.
- The landscaping has not been fully carried out.

The major concern with the initial application was the location of the shed adjacent to the rear boundary of an adjoining property and the resulting loss of visual and acoustic privacy, and loss of scenic amenity. At this time, the applicant argued that the building platform would be constructed by 1.3m of cut and 300mm of fill, thereby resulting in the shed sitting lower in the landscape and allowing a view from the adjoining residence over the top of the shed. By using less cut and more fill, more of the shed is visible when viewed from the adjoining property.

The 'cream' colour of the shed is considered satisfactory, however, the roof is zincalume and therefore reflective. It is considered reasonable to require the roof to be painted to match the existing shed and reduce its reflectivity.

Only a small amount of landscaping has been carried out. It is considered that the completion of the landscaping would assist in reducing the existing impacts of the shed in respect privacy and visual amenity.

The applicant has provided no justification for these non compliances.

#### **iv) any matters prescribed by the regulations**

A Condition that the development is carried out in accordance with the Building Code of Australia was imposed on the original consent.

#### **b) the likely impacts the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The relevant matters for consideration under Section 79C of the EP & A Act follow:

#### **Context And Setting**

Surrounding development consists predominantly of rural residential uses.

The scale and design of the proposed amended building is typical of rural sheds in the locality. Surrounding properties will not be further impacted upon in terms of sunlight access, overshadowing, loss of visual and acoustic privacy, loss of views and vistas as the result on the modification. The impacts of the existing shed on the adjoining property to the south, in terms of loss of privacy and views, could be mitigated, with the completion of the landscaping.

#### **c) the suitability of the site for the development**

There are no constraints from surrounding landuses that would make this development prohibitive.

The proposed development will not lead to unmanageable transport demands. Access to the site is satisfactory for the intended use.

Adequate services and utilities are available to the site.

There are no known hazardous landuses/activities nearby.

Ambient noise levels are suitable for the development.

The site is not critical to the water cycle of the catchment.

The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

The land is flood free and the area has an extreme bushfire risk. These affectations are no prohibitive to the proposed modified development.

It is therefore concluded that the site is suitable for the proposed development as modified.

**d) any submissions made in accordance with the EPA Act or Regulations**

Following notification of the s.96 application, one submission was received. The matters raised in this submission are addressed as follows:

**No Power to Consent**

*"It is our client's first submission that the council does not have the power to approve the modification application. The reasons for the council declining to approve the shed originally proposed by the applicants (at the meeting on 22 October 2002) were clearly set out in the report considered by the Council at that meeting. The reasons that led the Council to conclude (at the meeting on 12 November 2002) that an amended development should be approved are clearly set out in the report considered at that meeting.*

*The approval of the purported section 96 application would in fact amount to the approval by the Council of a development which is not substantially the same development as that which was approved. The reasons for that conclusion are as follows:*

- *the modifications now proposed to the development consent will result in a shed which does not comply with the DCP;*
- *the Council's concerns in relation to the bulk and presentation of the original shed will not be satisfied by the proposed amended shed;*
- *the proposed amended shed will not incorporate the awning that the council specifically required (at the northern end of the structure) before the development consent was granted; and*
- *the council's concerns regarding the visual impact of the shed, which led it to decline to consent to the original proposal, will not be addressed by the proposed modified shed, specifically in relation to the colour of the structure and the amount of cut that has been used."*

*Comment:* The modified development can be assessed under s.96 of the Environmental Planning and Assessment Act 1979, and is considered to be substantially the same development. Whilst the modified shed will not comply with the requirements of the Shed Chapter of Hawkesbury Development Control Plan in respect to size, the variation is considered to be consistent with the aims and objectives of this Chapter as previously discussed and therefore can be supported.

**Contrary to the Public Interest**

*"The Council gave the original development application very detailed consideration. Two reports were prepared, and lengthy discussions took place between the Council and the applicants.*

*The initial application was amended, and this first amended application was the subject of the report considered at the meeting on 22 October 2002. When the matter was deferred to allow for discussions, the application was amended for a second time. It was this second amended application that was the subject of the development consent.*

*In our client's submission it is contrary to the public interest to be permitted to construct a shed which does not comply with the development consent, where that consent was arrived at after detailed consideration by the Council, and to secure, via a section 96 application, the approval of that which the Council originally declined to approve. Such a course brings the planning process into disrepute, and leads to the conclusion by the public that the Council's planning processes cannot be relied upon."*

*Comment:* Noted.

#### **Breach of the DCP**

*"The DCP has been adopted by the Council as a principal control in relation to development within its local government area. The proposed modified development does not comply with the DCP.*

*The applicants appear to have dealt with this matter by simply asserting that the shed does comply. We are not aware of any justification for the non-compliance in the material that has been submitted by the applicants to the Council.*

*In the absence of any justification for the proposed non-compliance, the Council should maintain its standard and decline to approve a shed which significantly exceeds the maximum area requirement of the DCP, both in relation to the shed itself and in relation to the entire property."*

*Comment:*

The applicant has provided justification for the modification, and the variations from the Development Control Plan are supported as discussed above.

#### **The Mistake in the Construction Certificate Documentation**

*"In the handwritten letter dated 18 September 2006, Mr Hromek contends that there was a mistake in the construction certificate documentation which "referred to the awning being open at both.....east and west elevation. On the D.A. approved plan the west elevation was not specified as being open."*

*It is difficult to understand this submission, given the clear differentiation in the Council report, considered at the meeting on 12 November 2002, between the 18 metre x 6 metre shed and the 12 metre x 6 metre awning. The Council was clearly informed that it was dealing with two distinct parts of the overall structure, one of which was enclosed and one of which was open. It is difficult to understand how Council's requirement for an awning at the northern end of the structure could be satisfied by enclosing the entire western elevation of the awning, and the entire northern elevation of the awning and by incorporating a doorway in the otherwise enclosed eastern elevation, with the latter being constructed with a doorway".*

*Comment:* Noted.

#### **Description of Development**

*"The SEE describes the modification application as relating to "Alterations to Existing Shed". The paragraph that follows the headings to the SEE describes the modifications sought as:*

*"... Seeking to get approval for the following changes to the existing building."*

*It is very difficult to understand the description of the modifications that then follows. However, we are instructed that all of the modification for which the applicants now seek approval have already been incorporated in the structure."*

*Comment:* Noted

#### **Conclusion**

The proposed modification is consistent with the provisions of Hawkesbury Local Environmental Plan 1989 and the aims and objectives of the Rural Sheds Chapter of Hawkesbury Development Control Plan. It is considered that the modified shed will have no increased impacts on surrounding properties or the locality in general, subject to the completion of landscaping and the painting of the shed roof.

The action required should Council not support this S.96 application includes the issue of Orders to demolish the existing shed, remove additional fill deposited on the site and erect a shed of size and colour as approved in the original development approval. Should the unauthorised works be found to be the fault of the Private Certifier, Council would also be required to lodge a formal complaint to the Department of Planning.

**RECOMMENDATION:**

That Development Consent DA 1305/01 be amended in the following manner:

Condition 1 be amended to read:

1. To confirm and clarify the terms of this approval, the development shall take place in accordance with the plans submitted with s.96 Modification Application MA 1305/01A excepting as modified by these further conditions.

Insert new condition:

- 18a. The approved landscaping shall be completed within two months of the approval date of this S.96 modification application.

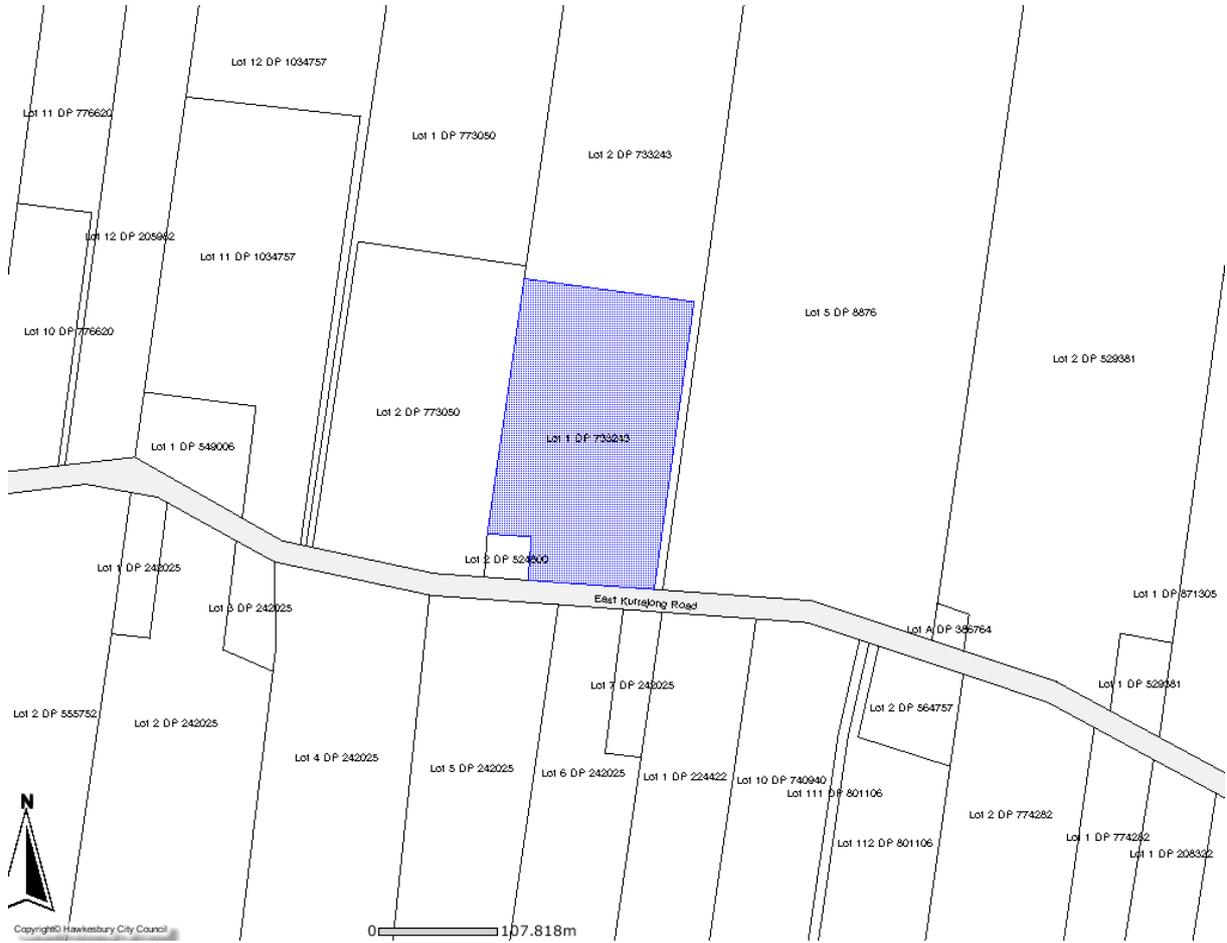
Insert new condition:

- 18b. The external roof of the shed shall be painted to match the existing colour of the shed walls within two (2) months of the approval date of this s.96 modification application.

**ATTACHMENTS:**

- AT-1**    Locality Plan
- AT-2**    Site Plan
- AT-3**    Elevation Plan

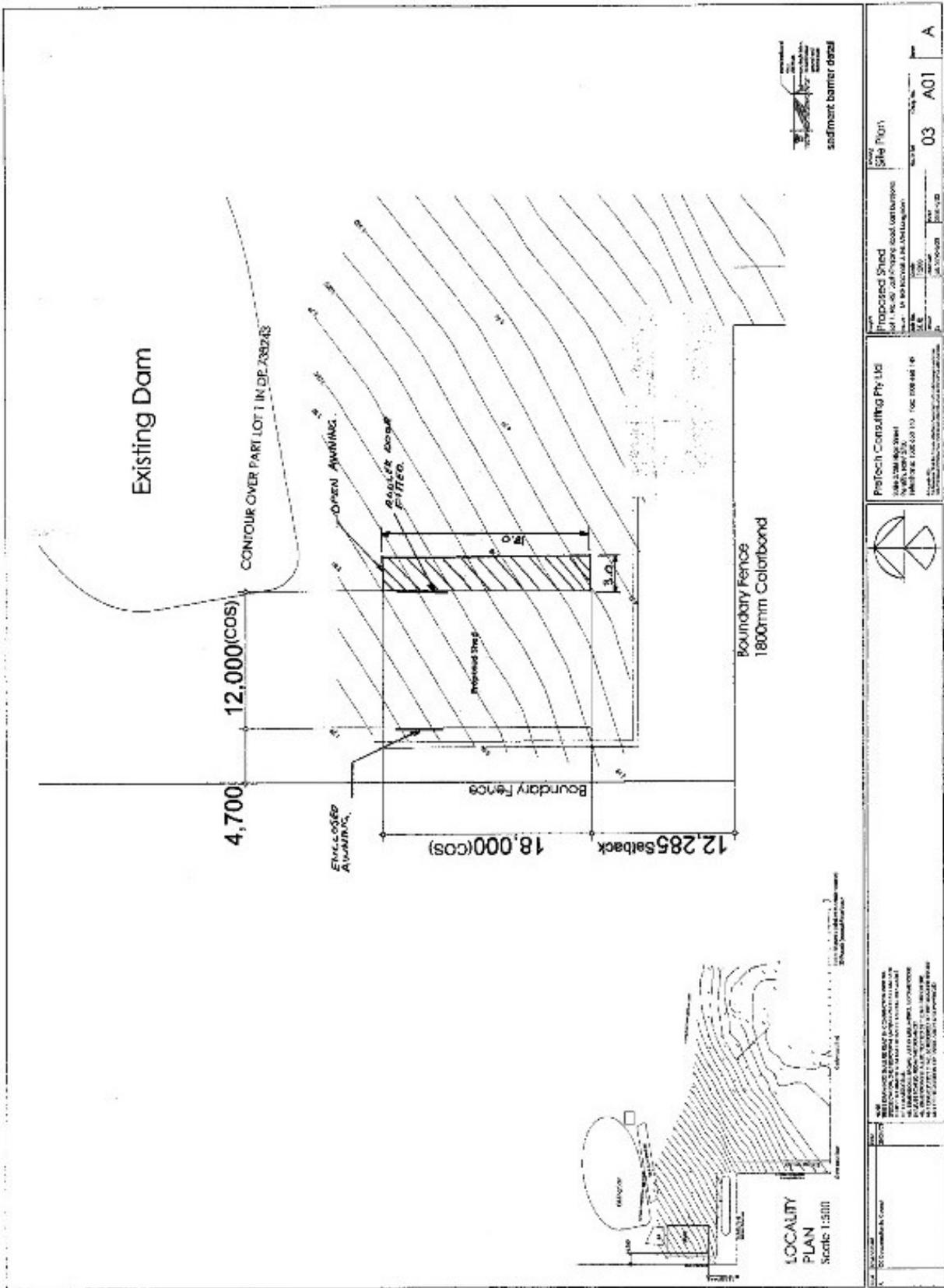
**AT-1 Locality Plan**



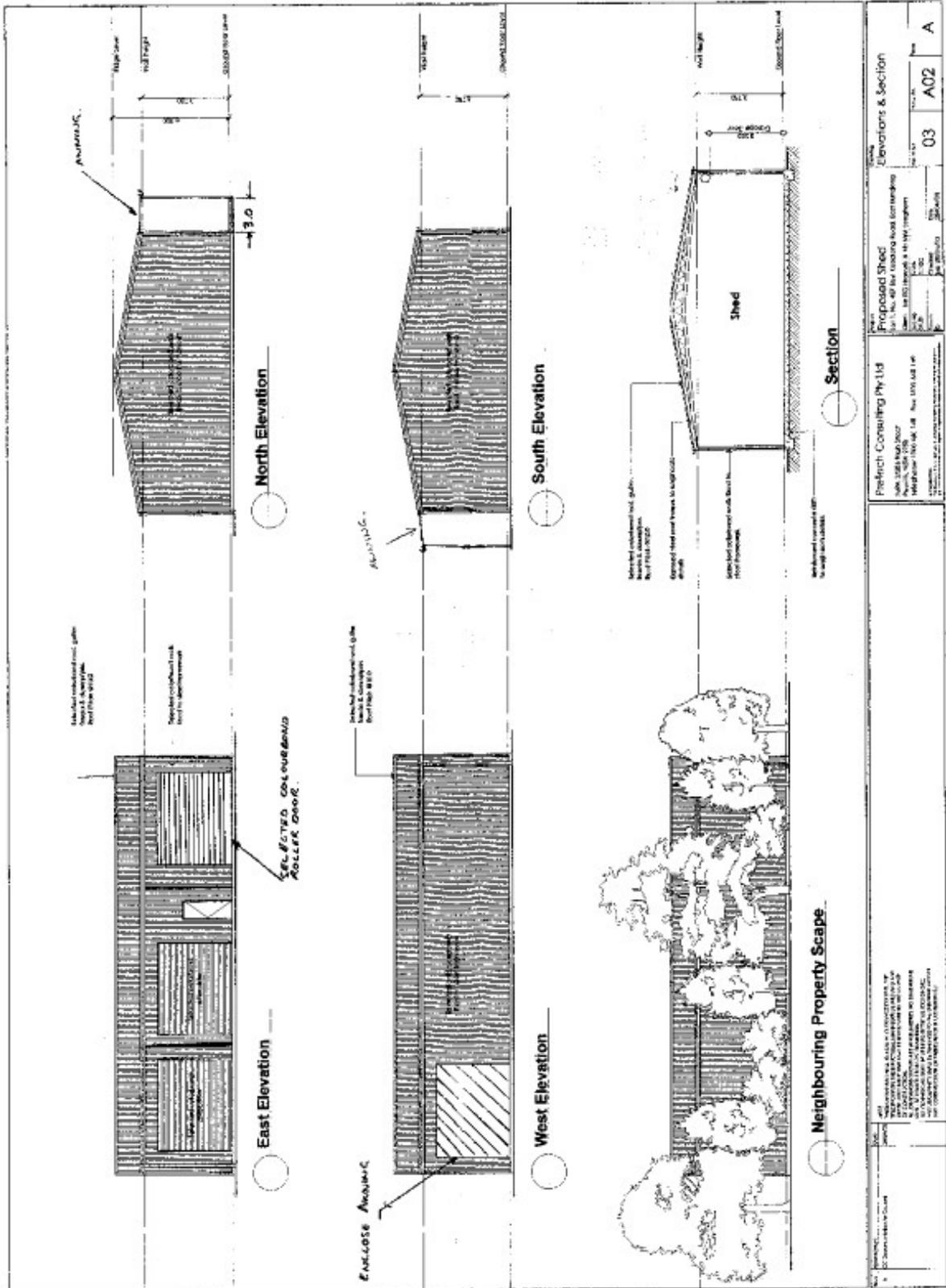
ORDINARY MEETING

Reports of Committees

AT-2 Site Plan



AT-3 Elevation Plan



oooO END OF REPORT Oooo

## ORDINARY MEETING

### Reports of Committees

**Item: 257**      **CP - Approval Sought in Retrospect - Shed less than 170m<sup>2</sup> - Lot 112 DP 214752 Vol 9472 Fol 110, 514 Tennyson Road, Tennyson NSW 2754 - (DA0396/07, 106965, 24741, 24740, 95498)**

---

#### Development Information

**Applicant:** Meagan Ruth McFarlane  
**Applicants Rep:** Sharyn Gould  
**Owner:** Mr SB McFarlane & Mrs MR McFarlane  
**Stat. Provisions:** Environmental Planning and Assessment Act 1979  
Hawkesbury Local Environmental Plan 1989  
Hawkesbury Development Control Plan  
**Area:** 2.082H  
**Zone:** Housing under Hawkesbury Local Environmental Plan 1989  
**Advertising:** Not required to be notified  
**Date Received:** 13 July 2007

**Key Issues:**      ♦ Unauthorised works to rural shed

**Recommendation:** Approval

---

#### REPORT:

##### Introduction

Development consent is sought for the use of a shed. The shed that is the subject of this Development Application is currently in existence and has not previously received development consent.

In accordance with Council's resolution in respect to retrospective approvals, the application is being reported to Council.

##### Description of Proposal

The development application relates to the approval of the use of a shed approximately 110 square metres in area, which was constructed unlawfully to replace an existing garage and awning that was 71 square metres in area. The use of this new shed is consistent with the use of the previous shed and is used for storage of equipment and vehicles.

The works the subject of this development application have already been constructed.

##### Background

11 February 1999      Development Application received in respect of a proposed shed and attached awning - DA0192/99 - Proposed shed and attached awning is approved at 71 square metres in area.

7 April 1999              Final inspection carried out on shed and considered satisfactory.

Unknown date            Unlawful works carried out.

13 July 2007              Development Application lodged with Council for works unlawfully carried out.

The current owners have recently purchased the property and were not involved in the unlawful building works.

### **Statutory Framework - Unlawful Structures**

The Environmental Planning and Assessment Act 1979 does not make provisions for development consent to be granted retrospectively but under section 109A of the Act there is a distinction between the *unlawful erection of a structure* and the *unlawful use of land or a structure*. Section 109A reads:

1. *the use of a building, work or land which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except:*
  - (b) *the granting of development consent to that use.*

Therefore, the development application is required to be considered on its merits and should the use of the structures be deemed consistent with relevant planning controls then an application for a Building Certificate is required to be submitted to Council.

As previously mentioned, the Act does not provide for retrospective approval for unlawful structures but a person may obtain a Section 149 Building Certificate from Council. The certificate differs from a development consent or building approval for a structure, in that it confers certain forms of legal immunity on the structure (Section 149E of the Act) rather than granting consent for the structure. It is important to note that the Section 149 certificate does not make an unlawful structure lawful but simply makes it immune from certain types of legal action for a period of seven years.

### **Matters for consideration under Section 79(c) of the Environmental Planning and Assessment Act 1979**

#### **Planning Assessment**

### **Matters for consideration under Section 79(c) of the Environmental Planning and Assessment Act 1979**

#### **a) the provisions of:**

##### **i) any environmental planning instrument ( i.e LEPs, REPs & SEPPs)**

The Planning Instruments which are considered to control development on the site are;

- Sydney regional Environmental Planning Policy 20.
- Hawkesbury City Council Local Environmental Plan 1989. (HLEP)

*Comment:* The proposal is not inconsistent with the relevant Planning Instruments.

##### **ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

There are no draft environmental planning instruments that relate to the land or affect the proposal.

##### **iii) any development control plan applying to the land**

Whilst there are no specific provisions relating to the Housing zone the provisions of the Rural Sheds Chapter of the DCP has been used. The proposed development is considered to be consistent with those provisions.

##### **iv) any matters prescribed by the regulations**

There are no matters discernable that are prescribed by the regulations that apply to the development.

**b) the likely impacts the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The proposal is located in a semi-rural bushland landscape and the structure does not detract from the context and setting of the landscape or the rural/bushland character of the area. There is no increased impact in terms of access, traffic or transport. There are no heritage listed items in the vicinity of the proposal and there is no likely adverse impact upon water or soils resources.

The likely impacts of the development are considered to be minor and would not result in any demonstrable impact upon the natural or built environment.

**c) the suitability of the site for the development**

The site is suitable for the development.

**d) any submissions made in accordance with the EPA Act or Regulations**

The application was not required to be notified under Hawkesbury Development Control Plan. No submissions were received.

**e) the public interest**

The matter is not considered to be contrary to the general public interest.

**Conclusion**

It is considered that in the circumstances of the case, the use of the shed does not pose any significant increase in the impact of the development upon the environment or the character of the area. In this regard, the impact of the development is considered to be acceptable.

The proposed development demonstrates satisfactory compliance with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan and has no environmental impact.

In view of the above matters for consideration and given the location of the structure and the relatively low impact of the structure, the development is considered worthy of Council support.

**RECOMMENDATION:**

That Development Application DA0396/07 for a Rural Shed at Lot 112 DP214752, 514 Tennyson Road, Tennyson be approved subject to the following conditions:

**General**

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.

**Use**

2. No internal or external alterations shall be carried out without prior approval of Council.
3. The development shall be limited to the area shown on the submitted plans.
4. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
5. The structure shall not be occupied for human habitation/residential, industrial or commercial purposes.

**ORDINARY MEETING**  
Reports of Committees

**ATTACHMENTS:**

- AT - 1** Site Locality Plan
- AT - 2** Site Plan
- AT - 3** Elevations and Floor Plan

**AT - 1 Site Locality Plan**

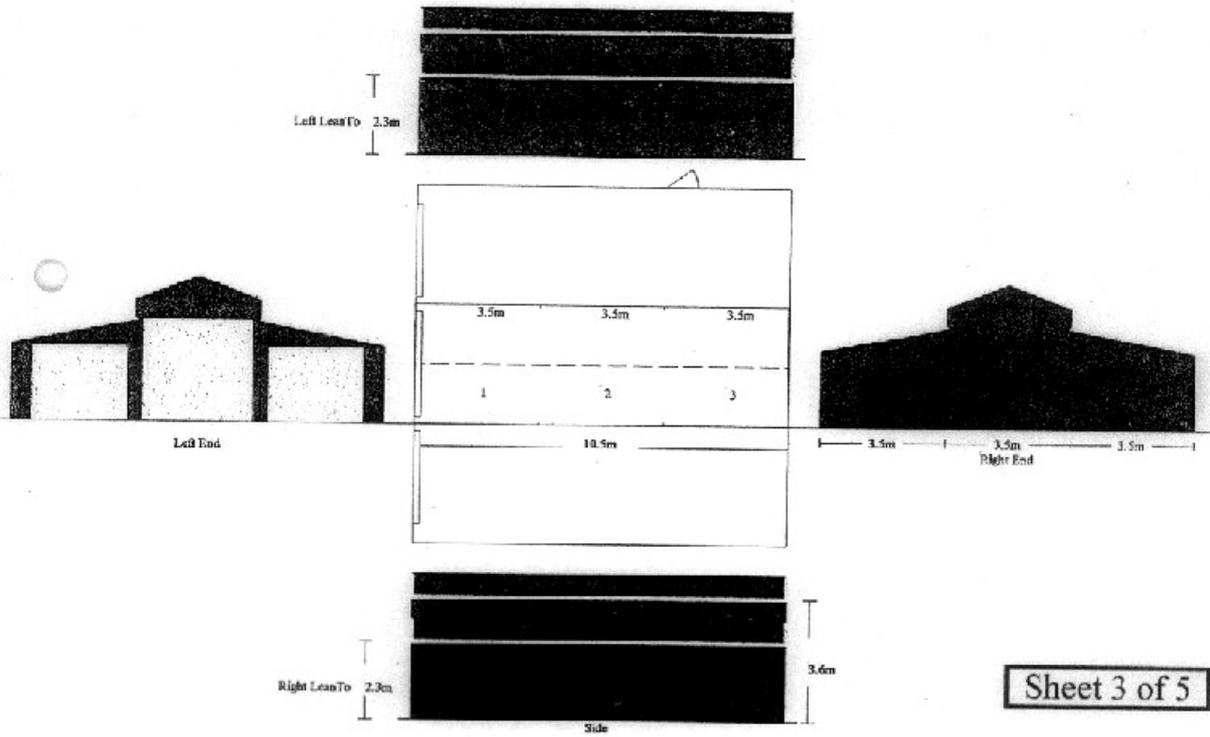




**ORDINARY MEETING**  
Reports of Committees

**AT - 3 Elevations and Floor Plan**

For:  
FARLANE  
14 TENNYSON RD TENNYSON  
Produced by:  
Outback Garages and Sheds



oooO END OF REPORT Oooo

**Item: 258**      **CP - Approval Sought in Retrospect - Alterations and Additions to an Existing Building to include an additional Industrial Building - Lot B DP 392112, Lot C DP 365457, Lot B DP 365457, Lot 1 DP 577486, 13A Windsor Street, Richmond - (DA0247/07, 89725, 28**

---

**Development Information**

**Applicant:** Craig Crowther Architects - CC Architects  
**Owner:** Mr AN Woodbury & Mrs DA Woodbury  
**Area:** 5,905m<sup>2</sup>  
**Zone:** 4(b) Industry Light under Hawkesbury Local Environmental Plan 1989  
**Advertising:** 18 May 2007 to 1 June 2007  
**Date Received:** 7 May 2007

**Key Issues:**

- ◆ New Industrial Building
- ◆ Traffic and Car Parking
- ◆ Unlawful Works

**Recommendation:** Approval

---

**REPORT:**

**Introduction**

Development consent is sought for the construction of an additional factory building, associated car parking and landscaping works. The application also seeks retrospective approval for unauthorised additions to the existing factory buildings. The current use of the buildings is the distribution and warehousing of Mufflers and Muffler products.

On 29 May Council resolved:

*"That Development Applications seeking approval for buildings already under construction or completed without consent be the subject of a report to Council and not approved under delegated authority."*

Whilst the proposed new factory building complies with Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan, the application is reported to Council in accordance with the above resolution, in respect to retrospective approvals.

**Background**

- On 11/12/1987, Development Consent DA0675/85 was issued for the change of use of the existing premises from saw mill and timber sales to timber and machinery sales.
- On 20/6/1990, Development Consent DA0192/90 was issued for the change of use from timber and machinery sales and service to motor vehicle repairs and sale of timber and spare parts
- On 28/8/1999, Development Consent DA00062/99 was issued for the additions and alterations to the existing building. The approved plans show the total floor area of the building as 973m<sup>2</sup>.
- On 7 May 2007, the current Development Application DA0247/07 was lodged seeking consent for the construction of an additional factory building on the subject land. Following a site inspection and

review of stamped plans with the previous development consents, a number of discrepancies / additional structures were noted on the site.

- On 8 June 2007 the applicant was requested to clarify as to when the additional structures were erected and any approvals issued by Council.
- On 12 July 2007, an amended application was received to include approval for the unlawful works and additions to the existing building were marked on the amended plans.
- On 19 September 2007, further information including the engineering certificates, termite inspection report and Building Code of Australia assessment report in respect to the unlawful additions to the existing factory building was received.

### **The Proposal**

Development Consent is sought for the following:

1. New industrial building

Construction of an additional industrial building with a mezzanine level comprising a total floor space area of approximately 1330m<sup>2</sup>, provision of car parking for 47 vehicles and associated landscaping works. It is to be located behind the existing buildings and will be built with nil boundary setbacks.

The height of the proposed building is approximately 9m. It will be constructed in concrete tilt up panels with metal roofing. The eastern and southern elevations include glazed window and roller shutter doors. The proposed building will be used as a warehouse for mufflers and muffler products.

2. Approval for unlawful additions and alterations to the existing factory building on site including the following:

- a) Building 1 - The existing awning used for spray painting booth was increased in area from 56.25m<sup>2</sup> to 100.95m<sup>2</sup> was enclosed with walls in the year 2000.
- b) Building 2 - Portable building with total floor area of 29.51m<sup>2</sup> was attached to the west of the factory building in the year 2000. This building is being used as an office space.
- c) Building 3 - The existing awning was increased in area from 27.14m<sup>2</sup> to 31.41m<sup>2</sup> and was enclosed with walls in the year 2000 to provide all weather storage.
- d) Shipping Container 1 - A large shipping container placed along the eastern wall of the factory building with access from the factory was placed in its current location in 2002. This is being used for storage. This container will be removed upon completion of the proposed new building.
- (e) Shipping Container 2 - A large shipping container placed along the eastern wall of the factory building was placed in its current location approximately 3 months ago. This is being used for storage. This container will be removed upon completion of the proposed new building.

### **Matters for consideration under Section 79(c) of the Environmental Planning and Assessment Act 1979 :**

#### **New Building:**

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are addressed as follows:

**ORDINARY MEETING**

Reports of Committees

<b>Section 79C “Matters for Consideration” Comments</b>	<b>Section 79C “Matters for Consideration” Comments</b>
<b>Section 79C (1) (a)(i) – Provisions of any environmental planning instrument</b>	See discussion on “HLEP 1989” and SREP No. 20 in this report.
<b>Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument</b>	There are no draft environmental planning instruments that apply to the subject site.
<b>Section 79C (1) (a)(iii) – Provisions of any development control plan</b>	Refer to discussion on Hawkesbury DCP 2002 in this report
<b>Section 79C (1) (a)(iii) – Provisions of the regulations</b>	None applicable.
<b>Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</b>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed in the main body of this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. The area is zoned for industrial development.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the proposed industrial nature of the use within an identified industrial zoned area.</p>
<b>Section 79C (1) (c) – the suitability of the site for the development</b>	<p><b>Location</b> - The site is considered to be well located for the provision of industrial floor space given the industrial character of the area.</p> <p><b>Physical</b> - The site has sufficient area and dimensions to accommodate the additional factory building. It has suitable road access and can be adequately drained. Therefore, the site is considered suitable for the proposed development.</p>
<b>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</b>	There are no submissions made in accordance with the Act or Regs.

**Sydney Regional Environmental Plan No. 20 (No.2 -1997)**

The subject site is affected by SREP No. 20 (No. 2 - 1997). Relevant specific planning policies and recommended strategies include those relating total catchment management, environmentally sensitive areas, water quality, water quantity, flora and fauna, agriculture/aquaculture and fishing, rural residential development, and metropolitan strategy. Development controls relate to filling, sewerage systems or works are also incorporated in the plan.

It is considered that the proposal is consistent with the aims of the plan as well as the general and specific planning policies, recommended strategies and development controls outlined in Parts 1, 2 and 3 of SREP No. 20 (No. 2).

**Hawkesbury Local Environmental Plan 1989 (LEP)**

Clause 2 - Aims, objectives etc.

The proposed development is considered to be consistent with the general aims and objectives as outlined in Clause 2 of the LEP.

Clause 5 – Definitions

The proposed development is defined as “industry” under Clause 5 of the LEP.

Clause 9 – Carrying out development

The proposed “industrial development” is permissible with development consent within the 4(b) Industry Light zone.

Clause 9A – Zone objectives

The proposed development is considered to be consistent with the objectives of the 4(b) zone. These stated objectives of the 4(b) Industry Light zone are as follows:

- a) *to set aside certain land for the purposes of light industry within convenient distances of the urban centres of the City of Hawkesbury*
- b) *to allow commercial and retail development for*
  - (i) *uses ancillary to the main use of the land within the zone*
  - (ii) *the display and sale of bulky goods, and*
  - (iii) *the day to day needs of the occupants and employees of the surrounding industrial area, and*
- c) *to ensure that industrial development creates areas which are pleasant to work in and safe and efficient in terms of transportation, land utilisation and services distribution.*

Clause 18 – Provision of water, sewerage etc. services

The subject site benefits from the provision of water, sewerage, drainage and electricity services therefore satisfies the requirements of Clause 18.

Clause 22 - Development fronting a main or arterial road

Windsor Street is classified as a Main Road under the care and control of RTA. The land is zoned 4(b) Industry Light and is currently being used for industrial purposes. The siting and design of the proposed building is consistent with the existing character of the area. The additional traffic generated from the use of the new unit is not likely to generate any significant traffic on Windsor Street. Existing access driveway will be widened and utilised for the proposed new unit and no impact on current sight distance is envisaged. The proposed new building is sited towards the rear of the site and the height will not intrude into the skyline thus maintaining an overall pattern of building development that is consistent with the character of the area.

Clause 25 - Development of flood liable land

The subject land is above the 1-in-100 year flood level for the area.

Clause 28 - Development in the vicinity of heritage items

The subject land is located in the vicinity of a heritage item known as "Avenue of plane trees along eastern approach to Richmond (93)". No change to existing driveway is proposed and therefore the row of existing trees on the road reserve will not be affected. Minimal adverse impacts are envisaged on the significance of the heritage item.

Clause 37 - Land affected by aircraft noise

The site is within a ANEF contour 30-35 for the area. AS 2021-2000 -Acoustic-Aircraft Noise Intrusion-Building Siting and Construction allows industrial buildings to be 'Acceptable' in all ANEF zones. The

**ORDINARY MEETING**  
Reports of Committees

application has been reviewed by the Department of Defence and provided their requirements which are included as conditions of any consent.

**Clause 37A – Development on Land Identified on Acid Sulfate Soils Planning Map**

The subject site is identified as Class 5 land on the Acid Sulfate Soils Planning Map. The proposal is not anticipated to lower the water table below 1 metre on this land.

**Hawkesbury Development Control Plan**

The relevant chapters of Hawkesbury DCP are:

(a) Notification Chapter

The application has been notified from 18/05/07 - 1/06/07 to adjoining property owners in accordance with the DCP. No submissions were received.

(b) Landscaping Chapter

This chapter outlines the landscaping requirements for all development and in particular existing vegetation like mature trees are to be incorporated into the overall landscaping of a site. Proposed landscaping including details of existing vegetation was submitted with the application. A condition requiring a landscape plan for construction is to be included in any consent

(c) Car Parking

Hawkesbury Development Control Plan 2002 provides the following car parking rate for industrial developments:

*4 spaces for all development up to 300sqm of GFA, then 1 space for each 90sqm of GFA or part thereof, in excess of 300sqm.*

The total car parking requirements including the new factory building and the existing factory building with work bays is calculated as:

Unit Number	Area	Parking Requirement
Existing buildings	1330 sqm	31 Spaces (4 spaces per 300sqm 11.44 spaces @ 1 space per 90sqm for 1030sqm 15 spaces for 3 work bays @ 5 spaces per work bay)
New building	1068 sqm (Total: 1272 Loading areas - 204 sqm Gross floor area - 1068 sqm)	13 Spaces (4 spaces per 300sqm 9 spaces @ 1 space per 90sqm for 768 sqm)
Total		
44 Spaces Required		48 Spaces provided

The dimensions of the parking spaces is shown as 2.6m x 5.5m. The Parking and Access chapter of the DCP requires that spaces be minimum 2.6m x 5.5m. The proposed loading areas are designed for a medium rigid vehicles and satisfactory manoeuvring areas are provided for the new building.

The existing driveway within the site off Windsor Street is proposed to be widened to around 7m. Considering the nature of use of the site, the driveway is required to be widened to a 9m width as a condition of any consent, should the application be supported.

**ORDINARY MEETING**

Reports of Committees

(d) Soil Erosion & Sediment Control Chapter

Appropriate conditions have been included in the consent requiring the preparation and installation of suitable soil and sediment control measures in conjunction with the proposed development.

(d) Industrial Development Chapter

<b>Element</b>	<b>Rules</b>	<b>Provides</b>	<b>Complies</b>
Building Setbacks	<ol style="list-style-type: none"> <li>1. On arterial or sub arterial roads all buildings are to be setback 15 metres from the front property boundary.</li> <li>2. On all other streets, buildings are to be setback 10 metres from the front property boundary. Consideration will be given to reducing the setback to 4 metres where the proposal demonstrates a high level of design and architectural treatment plus suitable landscaping. This setback can also apply to buildings that are projected at first floor level over car parking areas</li> <li>3. Where land has two road frontages (not being collector, regional sub-arterial and state arterial road) the building setback to the shorter frontage will be considered on its merits, dependent upon the development proposed and its location.</li> <li>4. The area between the street frontage and the minimum required building setback is to be reserved for landscaping and access. The provision of car parking spaces within this setback will be considered provided that the car spaces are not within 5m of the front boundary and are suitably screened by landscaping.</li> <li>5. Landscaping is required in the front setback. A landscape concept plan is required in accordance Part C Chapter 1 landscaping.</li> </ol>	<p>Windsor Street is identified as a main road in HLEP. The proposed new building is located behind the existing building and therefore complies.</p> <p>NA</p> <p>NA</p> <p>The car parking areas is provided in excess of 7m from the front boundary. This is an existing landscape area.</p> <p>A landscape plan has been provided with the application.</p>	Complies
Relationship to adjacent development	<ol style="list-style-type: none"> <li>1. The applicant may be required to indicate how the industrial land could be developed and also show the location of landscaping, building and other site planning techniques with the aim of minimising impact on adjoining commercial and or residential/rural uses.</li> </ol>	<p>The proposed new factory building is located towards the rear of the site which adjoins other industrial developments.</p>	complies

**ORDINARY MEETING**

Reports of Committees

<b>Element</b>	<b>Rules</b>	<b>Provides</b>	<b>Complies</b>
Building Design and Construction	<p>(a) Building facades to street frontages constructed predominantly of face brick, concrete panels or pre-coloured masonry blocks (not standard concrete blocks). Partial use of pre-coloured metallic sheeting for the street façade will be considered where it enhances the architectural merit of the building.</p> <p>(b) Front elevations provided with visual relief by varying the façade alignment, incorporating an entrance treatment, and/or orientating office facilities along the front façade. Roller shutters and loading docks should generally not be located on the principle street frontage.</p> <p>(c) Walls separating factory units constructed in masonry where required by the Building Code of Australia, carried to the underside of the roof and sealed to Council's satisfaction. Sections of units may be partitioned with suitable materials.</p> <p>(d) Where a lot contains a number of buildings, a colour scheme or design feature should be used to unify all buildings on the lot.</p> <p>(e) The maximum reflectivity index permissible for any external glazing is 20%.</p>	<p>Concrete panels with glazing provided. Partial use of metallic sheeting has been proposed on corners as part of architectural design.</p> <p>Varied front façade proposed. The proposed new building especially the roller doors will not be visible from the street.</p> <p>NA</p> <p>Colour Scheme provided with application.</p>	<p>Complies</p> <p>Conditional with consent.</p>
Fencing	<p>(a) Fencing located behind the landscaped area only. Decorative open style fencing will be considered forward of the building line.</p> <p>(b) Repainted solid metal fencing is not acceptable.</p>	<p>Existing fencing to remain.</p>	<p>NA</p>
Open Storage Areas	<p>1. Open storage areas screened from the road and adjoining land by screen walls or other approved measures.</p> <p>2. Storage areas located behind the building line.</p>	<p>No opens storage areas proposed.</p>	
Environmental Issues	<p>An acoustic report prepared by a qualified acoustic consultant submitted prior to the approval of any noise generating development. The report shall include background noise measurements, suitable noise criteria, an assessment of noise and any noise control measures.</p> <p>Any machinery or activity considered to create a noise nuisance adequately sound-</p>	<p>Subject to consideration of individual industrial uses for the new unit.</p> <p>Conditional</p>	<p>Subject to consideration at First Use DA.</p>

**ORDINARY MEETING**  
Reports of Committees

Element	Rules	Provides	Complies
	<p>proofed in accordance with the provisions of the <i>Protection of the Environment Operations Act 1997</i> (POE Act).</p> <p>All chemical storage areas designed and maintained in accordance with Work Cover Authority guidelines.</p> <p>Liquid waste sampling points provided for each industrial development in an easily accessible location above ground.</p> <p>All roofing provided with adequate gutter and down pipes connected to the roof water drainage system. Down pipes discharging to an open grated surface inlet pit.</p> <p>No industrial pollutants discharged to the stormwater and sewer without entering into a Trade Waste Agreement with either Council or Sydney Water.</p> <p>The discharge of any pollutants into water courses as defined under the POE Act, controlled to the satisfaction of Council and EPA at all times.</p> <p>Depending on the size, nature of use of the building, particular structures such as bund walls, oil or grit separators, neutralisers, drainage provisions and the like may be required.</p>	<p>See Engineers comments.</p> <p>Conditional</p> <p>Conditional</p> <p>Conditional at individual industrial use DA stage</p>	

**iv) any matters prescribed by the regulations**

There are no matters prescribed by the regulations which affect the proposal.

**b) the likely impacts the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality)**

The siting and design of the proposed development is such that minimal environmental impacts on the natural and built environment are envisaged.

**c) the suitability of the site for the development**

The subject land is zoned 4(b) Industry Light, however due to noise affectation, medium density housing is unacceptable. The proposed additional unit is consistent with the zoning of the land. There are no physical constraints that will inhibit the use of the site for the intended purposes.

**d) any submissions made in accordance with the EPA Act or Regulations**

No submissions were made in accordance with the EPA Act or Regulations during the exhibition period

**e) the public interest**

The application was advertised to the adjoining and nearby property owners. No submissions were received.

**f) the public interest**

The proposal is considered not to be contrary to the public interest.

**Statutory Framework - Unlawful Structures**

The application seeks approval for unlawful additions and alterations to the existing factory building including Building 1 currently used as a spray booth, Building 2 used as an office, and Building 3 used as an under cover storage area.

The Environmental Planning and Assessment Act 1979 does not make provisions for development consent to be granted retrospectively but under section 109A of the Act there is a distinction between the *unlawful erection of a structure* and the *unlawful use of land or a structure*. Section 109A reads:

1. *the use of a building, work or land which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except:*
  - (b) *the granting of development consent to that use.*

Therefore, the development application is required to be considered on its merits and should the use of the structures be deemed consistent with relevant planning controls then an application for a Building Certificate is required to be submitted to Council.

As previously mentioned, the Act does not provide for retrospective approval for unlawful structures but a person may obtain a Section 149 Building Certificate from Council. The certificate differs from a development consent or building approval for a structure, in that it confers certain forms of legal immunity on the structure (Section 149E of the Act) rather than granting consent for the structure. It is important to note that the Section 149 certificate does not make an unlawful structure lawful but simply makes it immune from certain types of legal action for a period of seven years.

In regards to the unlawful works the applicant has provided the following certification from relevant professionals:

1. A Structural Engineers Certificate certifying the unlawful structures are structurally adequate for their present or similar use.
2. A visual termite inspection certificate in accordance with AS3660.2-2000
3. An assessment report on compliance of the unlawful structures with Building Code of Australia, Volume 1, 2007.

Following a review of the above information and site inspection, Council's Building Surveyor has provided comments indicating that the Buildings 1 and 2 do not pose any significant increase in fire load or travel distance for the existing factory building. In regards to Building 3 which is currently being used as a polishing area, the owners have indicated during the site inspection that upon completion of the new building works, this will be demolished. The removal of the Building 3 is required as a condition of any consent, should the application be supported.

The proposed unlawful structures are relatively small in size and similar in bulk, scale and finishes to that of the existing buildings on site. These structures are substantially setback from the street and therefore no significant visual impacts on the amenity of the area are envisaged.

In view of the above it is recommended that the applicant be required to obtain a Building Certificate for the unlawful structures as the Act does not provide for retrospective approval for unlawful structures. Similarly there is no mechanism to issue a Construction Certificate for the unlawful works, however there are some physical upgrading works and the installation of essential fire safety measures that will be required in accordance with the BCA. These works will require the issue of a Construction Certificate for that part..

**Assessment of the matters identified above**

Consideration has been given to s79C (1)(b) of the EP&A Act as shown below:

**Context And Setting**

Surrounding development consists of residential and industrial uses. It is also in close proximity to RAAF Base Richmond. The scale and design of the proposed building is typical of industrial development and compatible with nearby industrial developments.

Surrounding properties especially the residential dwellings will not be significantly or unreasonably impacted upon in terms of sunlight access, overshadowing, and loss of views and vistas as the proposed new building located behind the existing factory on that part of the site which adjoins industrial zone.

**Access, Transport and Traffic**

The proposed development will not create unreasonable traffic demands on the surrounding street pattern. Car parking and manoeuvring is generally in compliance with the Development Control Plan. Areas of non-compliance can be resolved by condition of consent.

**Public Domain**

Satisfactory

**Utilities**

Sewer, electricity and telephone services are available to the site and can be extended to the proposed new building. This is to be a condition of any consent.

**Heritage**

The subject land is not a listed heritage item in Schedule 1 to Hawkesbury LEP 1989. It is however located in the vicinity of a heritage item known as "Avenue of plane trees along eastern approach to Richmond (93)". No change to existing driveway is proposed and therefore the row of existing trees on the road reserve will not be affected. Minimal adverse impacts are envisaged on the significance of the heritage item.

**Other Land Resources**

N/A

**Water**

Water is available and can be extended to the proposed new building.

**Soils**

The soil structure of the site is suitable for the proposed development. Erosion and sedimentation devices are to be installed during the construction.

### **Air and Microclimate**

The surrounding air and microclimate is suitable for the proposed development.

### **Flora and Fauna**

The proposed development will not significantly effect threatened or endangered flora and fauna, ecological communities or critical habitat as listed under the Threatened Species Conservation Act 1995.

### **Waste**

The site is to be kept tidy and maintained to the satisfaction of Council during the construction period and use of the industrial buildings.

### **Energy**

Satisfactory

### **Noise and Vibration**

The development itself will create an acceptable level of noise pollution or vibration.

### **Natural Hazards**

The subject land is above the 1 in 100 flood level.

### **Technological Hazards**

It is considered that there are no significant technological hazards as a result of the proposed development. The subject land is in close proximity to the western edge of the RAAF Base Richmond. The colour, height and proposed colour scheme will minimise any adverse impacts on the operation of the air base. The Defence Department has raised no objections to the proposal subject to conditions in relation to outdoor lighting, colour scheme. These conditions are to be included as conditions of any consent.

### **Safety, Security and Crime**

The design of the building achieved satisfactory performance for safety, security and crime prevention.

### **Economic and Social Impact in the Locality**

No negative impact expected. The use of the proposed new building will generate additional employment in the area.

### **Site Design And Internal Design**

The proposed site and internal design demonstrates satisfactory compliance with the objectives of the Hawkesbury DCP and is considered satisfactory.

### **Construction**

Construction is not expected to unreasonably impact upon surrounding neighbours including the operations of RAAF Base Richmond.

### **Cumulative Impact**

There are no constraints from surrounding land uses that would make this development prohibitive. Access to the site is satisfactory for the intended use and the proposed development will not lead to unmanageable transport demands.

Adequate services and utilities are available to the site. There are no known hazardous activities/activities nearby. Ambient noise levels are suitable for the development. The site is not critical to the water cycle of the catchment. The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

**Building/Health Comments**

No objections to the proposal subject to conditions.

**Environment & Waste Comments**

Not required.

**Engineering Comments**

No objections to the proposal subject to conditions.

**RECOMMENDATION:**

That Development Application DA0247/07 for the construction of new industrial building, car parking and landscaping works and use the unlawful structures in conjunction with the existing industrial use of the land at Lot B DP 392112, Lot C DP 365457, Lot B DP 365457, Lot 1 DP 577486, 13A Windsor Street, Richmond be approved subject to the following conditions:

**General Conditions**

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The development shall be modified in the following manner:
  - (a) Additional required exits shall be installed in the subject buildings in accordance with Part D of the Building Code of Australia.
  - (b) All other exits are to be constructed or modified to comply with the provisions of Part D of the Building Code of Australia.
  - (c) The external walls of building 3 shall be upgraded to comply with Table 5 of Specification C1.1 of the Building Code of Australia.
  - (d) All openings to Building 3 that are within three (3) metres of the property boundary are to be protected from the spread of fire in accordance with Part C3.4 and/or Table 5 of Specification C1.1 of the Building Code of Australia.
  - (e) Illuminated exit signage and emergency lighting shall be provided to Buildings 1 and 2 in accordance with Australian Standard 2293.
  - (f) Building 3 shall be demolished at the completion of construction works within sixty (60) days of the occupation of the new building.
  - (g) Textile reports or Certificates certifying compliance with Clause C1.10 of the Building Code of Australia are required to be submitted for all floor and wall coverings.
  - (h) Portable fire extinguishers are required to be provided to buildings 1, 2 and 3 in accordance with Australian Standard 2444.

**ORDINARY MEETING**  
Reports of Committees

- (i) Portable shipping containers 1 and 2 and Building 3 shall be removed from the site at the completion of construction works within sixty (60) days of the occupation of the new building.
- 3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
- 4. The approved use shall not commence until all conditions of this Development Consent have been complied with.
- 5. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
- 6. The development shall comply with the provisions of the Building Code of Australia at all times.
- 7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
- 8. A Section 149A Building Certificate Application is to be lodged with Council for the Buildings 1 and 2 as identified on Plan No 07396 - 01 Issue A dated 04-05-07 within 28 days of the date of this consent notice.
- 9. 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.
- 10. The development shall also incorporate the amendments made in red to the approved plans, specifications or documentation submitted.
- 11. The roof shall utilise non reflective materials so as to limit interference with aircraft operations. Details being submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

**Prior to Issue of a Construction Certificate**

- 12. Registration of a plan of survey consolidating the site into a single allotment. Documentary evidence to be submitted prior to issue of a Construction Certificate.
- 13. Payment of a Section 94 Contribution of \$74,403.00 to Council covering the construction of drainage for catchment 4 at Richmond. This sum will remain fixed for a period of 3 (three) months after which time it will be recalculated at the rate applicable at the time of payment. The contribution has been determined in accordance with Hawkesbury Section 94 Contribution Plan. A copy of the Contribution Plan may be inspected at Council's Offices, George Street, Windsor.
- 14. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.
- 15. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
- 16. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.

## ORDINARY MEETING

### Reports of Committees

17. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$7,000 shall be paid to Hawkesbury City Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

#### **Prior to Commencement of Works**

18. All traffic guidance devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
19. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
20. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
21. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
22. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
23. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
24. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
25. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
26. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
- (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.
27. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

28. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.
- The consent authority or a private accredited certifier must either:
  - Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate

### **During Construction**

29. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
30. Exterior surfaces of the proposed structure including the roof shall be painted or treated with an earth toned non-reflective material.
31. The site shall be secured to prevent the depositing of any unauthorised material.
32. Should cranes be used during construction, details of cranes are to be submitted to the Department of Defence prior to commencement of works.
33. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
34. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
35. 48 off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
36. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
37. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
38. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
  - d) At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:

**ORDINARY MEETING**  
Reports of Committees

- e) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
  - f) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
  - g) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
  - h) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
  - i) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
  - j) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
  - k) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
  - l) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
  - m) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
  - n) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
  - o) No material is to be burnt on site.
39. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:
- Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.**
- (a) commencement of work (including erosion controls, site works and site set out);
  - (b) piers;
  - (c) internal sewer or stormwater lines prior to covering;
  - (d) steel reinforcement prior to pouring concrete;
  - (e) external sewer or stormwater lines, prior to backfilling;
  - (f) wet area flashing, after the installation of bath and shower fixtures;
  - (g) prior to occupation of the building;
  - (h) on completion of the works.
40. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:

**ORDINARY MEETING**  
Reports of Committees

- (a) must preserve and protect the building from damage; and
  - (b) if necessary, must underpin and support the building in an approved manner; and
  - (c) must, at least 7 (seven) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (d) The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
41. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
42. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
43. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
44. Removal of the existing layback crossing and construction of a new heavy duty layback and footway vehicular crossing minimum 9 metres wide tapering to 6m width at the property boundary over the new access driveway shall be constructed to the development . The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification. Prior to works commencing the applicant shall consult with Asset Services and Recreation regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.
45. The layback crossing and the driveway shall maintain a minimum 4m setback from any existing street trees within the road reserve.

**Prior to Issue of Occupation Certificate**

46. Compliance with all conditions of this development consent.
47. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
48. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

49. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.

**Prior to Use of the Development**

50. No internal or external alterations shall be carried out without prior approval of Council.

**ORDINARY MEETING**  
Reports of Committees

51. The new Industrial building shall be used for 'Light Industry' as defined in Hawkesbury Local Environmental Plan 1989.
52. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
  - a) been assessed by a properly qualified person, and
  - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
53. The development shall be limited to the area shown on the submitted plans.
54. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
55. Any outdoor lighting design shall comply with the requirements of both ADFP-602, Chapter 7 and MOS139 Section 9.2.1. No upward light component (eg aeroscreen) is to be used for any outdoor lighting to minimise potential conflict with aircraft operations.
56. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
57. All work and the storage of goods or materials shall be confined within the building or approved areas at all times.
58. All vehicles being loaded or unloaded shall stand entirely within the property.
59. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
60. All waste materials shall be regularly removed from the property.

**Advisory Notes**

- \*\*\* 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.
- \*\*\* Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- \*\*\* The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
  - (b) Integral Energy
  - (c) Natural Gas Company
  - (d) a local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- \*\*\* The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

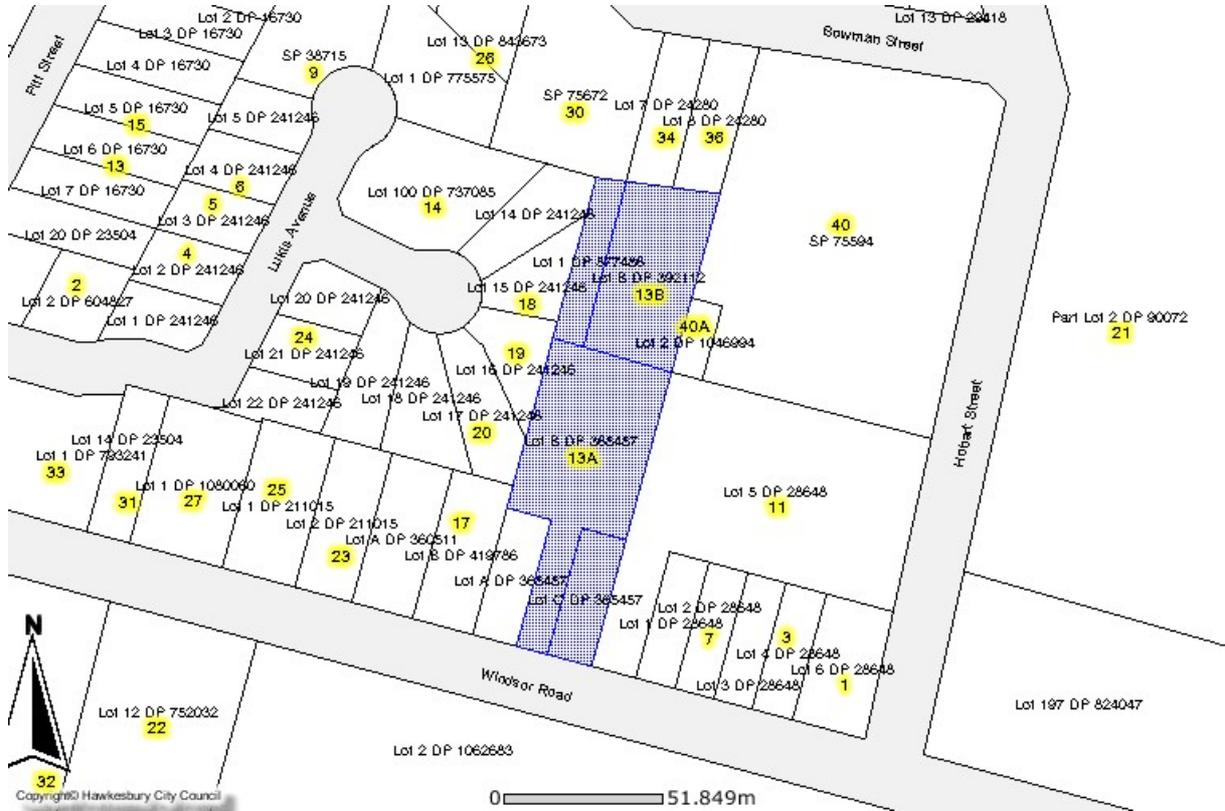
**ORDINARY MEETING**  
Reports of Committees

**ATTACHMENTS:**

- AT - 1** Locality Plan
- AT - 2** Floor Plan and Elevations
- AT - 3** Unlawful Works - Elevations

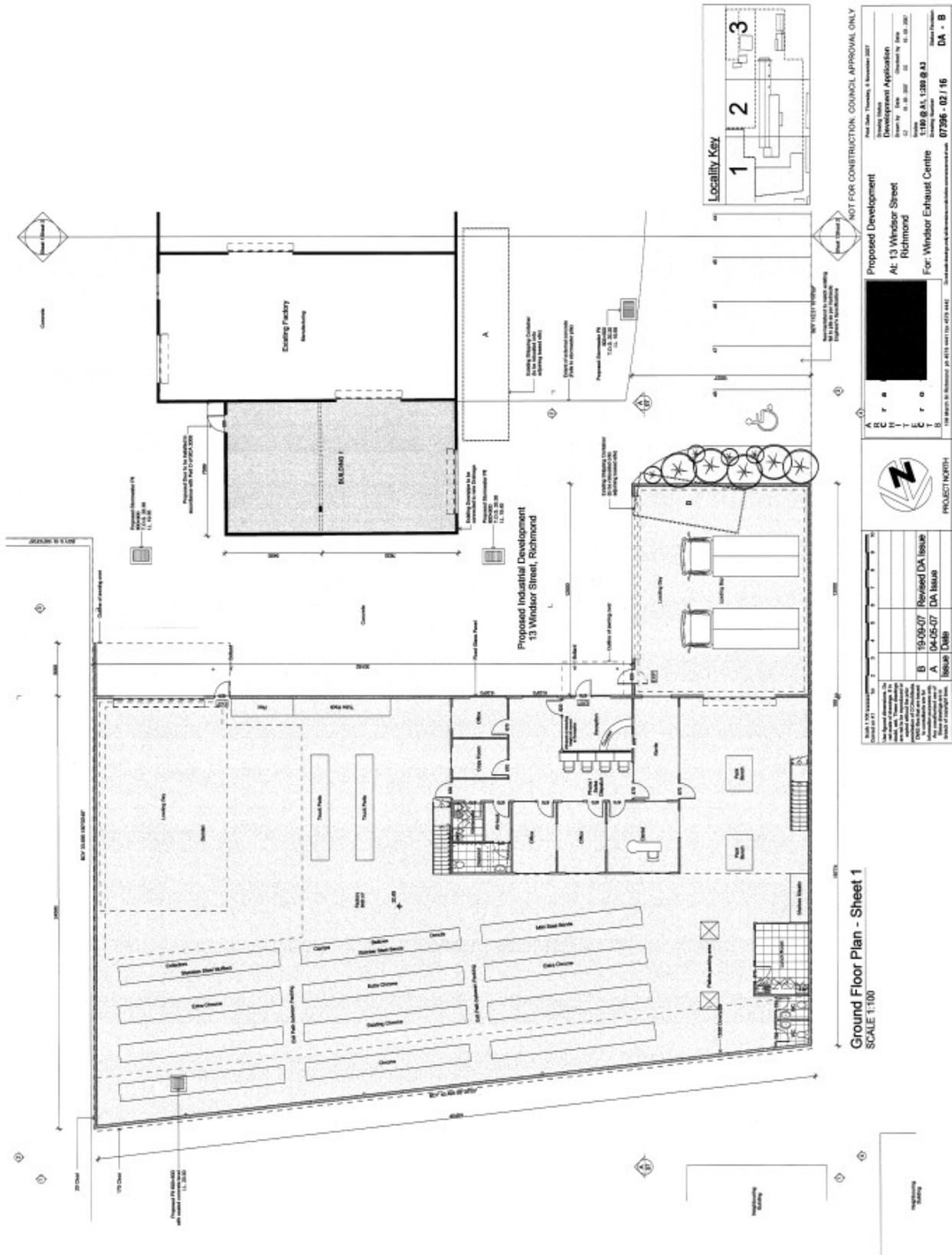
ORDINARY MEETING  
Reports of Committees

**AT - 1 Locality Plan**

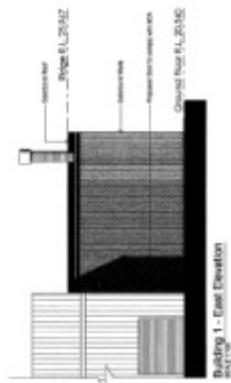
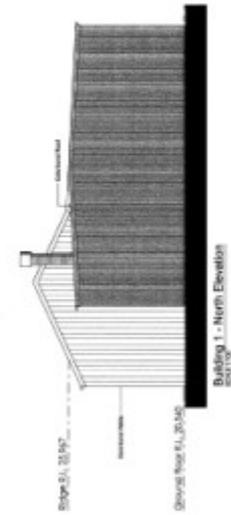
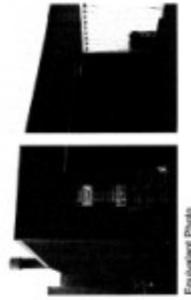
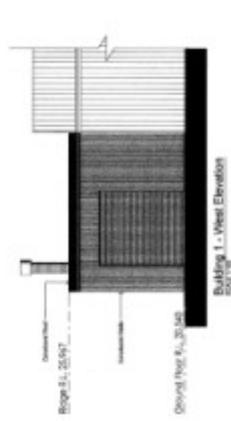




**ORDINARY MEETING**  
Reports of Committees



**AT - 3 Unlawful Works - Elevations**



NOT FOR CONSTRUCTION. COUNCIL APPROVAL ONLY

<b>Proposed Development</b>	
At 13 Windsor Street Richmond	
For: Windsor Exhaust Canopy	
<small>Planning Ref No.</small>	1706.B.M.1501.B.M.3
<small>Planning Ref No.</small>	1706.B.M.1501.B.M.3
<small>Issue Date</small>	07/2014 - 08/15
<small>Issue No.</small>	DA - B

<small>Issue No.</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Type</small>									
<small>Issue Category</small>									
<small>Issue Sub-Category</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									
<small>Issue Date</small>									
<small>Issue Description</small>									
<small>Issue Status</small>									



**INFRASTRUCTURE SERVICES**

**Item: 266**            **IS - Road Naming Proposals - Future Subdivisions at Pitt Town - (95495)**

**Previous Item:**        246, Ordinary (13 November 2007)

---

**REPORT:**

The future subdivision development of Pitt Town, in accordance with the recently gazetted LEP amendment, will involve a number of new public roads.

The recently approved subdivision of the Bona Vista property by the Johnson Property Group involves new roads.

In accordance with the guidelines set down by the Geographical Names Board of NSW and the requirements of the Roads Act 1993, Council's Local Studies Librarian was approached to suggest names for the new public roads and has searched a range of sources on Pitt Town such as the 1841 and 1901 census, St James Church of England marriages, parish maps and cemetery inscriptions .

Attached to the report is a list of names with some brief background information relating to them.

The names, once approved, will form part of the road name list for Pitt Town where developers can select the road names for the various subdivisions from the list.

The list will also make it more convenient and efficient for new road names rather than each subdivision having to publicly exhibit the proposed road names.

Under Guidelines for the Naming of Roads issued by the Geographical Names Board of New South Wales, unduly long names and names consisting of two or more names should be avoided. Name duplication within a local government area and if possible duplication of names in proximity to adjacent local government areas should be also avoided.

Preferred sources for road names include:

- Aboriginal names
- Local history
- Early explorers, pioneers, settlers and other eminent persons
- War/casualty lists
- Thematic names such as flora, fauna or ships.

It is suggested that names bearing a similarity to an existing name, or names which could be misspelt as 2 words, eg "Farmhouse" could be "Farm House", be excluded.

A submission has been received from the Johnson Property Group and the names proposed by them are listed in the attached table. A number of names proposed for the subdivision fall outside the Geographical Names Board Guidelines and it is suggested that those names not be further considered.

Road names proposed by the Johnson Property Group and considered appropriate are:

1. Orchard (*incl. within Council's proposal*)
2. Casuarina
3. Oaks

4. Holly
5. Camellia
6. Quarry
7. Uniting
8. Strathmore
9. Fernadell (*incl. within Council's proposal*)
10. Citrus
11. Blighton (*incl. within Council's proposal*)
12. Moorhen
13. Stables
14. Vermont
15. Paddock
16. Pastoral

**Conformance to Strategic Plan**

The proposal has no linkages to the objectives set out in Council's Strategic Plan.

**Funding**

Signage will be erected by the developers as part of the development process.

**RECOMMENDATION:**

That the attached list prepared by the Local Studies Librarian and the 16 proposed names by the Johnson Property Group as listed within the report of proposed road names for use at Pitt Town, be exhibited for public comment.

**ATTACHMENTS:**

- AT - 1** Details of the proposed road names and background information.  
**AT - 2** Proposed Street Names - Johnson Property Group

**AT - 1 Details of the Proposed Road Names and Background Information**

**Selected Street Names for Pitt Town**

Compiled by Michelle Nichols, Local Studies Librarian

A range of sources on Pitt Town, such as 1841 and 1901 Census, St. James Church of England marriages, Pitt Town, Parish maps, Pitt Town Cemetery inscriptions plus other reference sources have been reviewed. From these a master list of surnames has been created. That list has been checked against the street names already used in the Hawkesbury and has resulted in the following selection of road names for use at Pitt Town.

1. Alcorn
2. Ayling
3. Barnett
4. Benn
5. Biggers
6. Blighton
7. Burrell
8. Cherry
9. Cleary
10. Curl
11. Fairs
12. Fernadell
13. Fleming
14. Greenfield
15. Horton
16. Huxley
17. Manse
18. May
19. Murphy
20. Newton
21. Orchard
22. Pendergast
23. Percy Place
24. Ryan
25. Stubbs
26. Vaughan
27. Wilkinson

**Brief Background Information**

**Alcorn**

Well known Hawkesbury family, descended from Richard & Charlotte Alcorn free settlers. Members of the Alcorn family lived in the Pitt Town area and some family buried at the Pitt Town Cemetery.

**Ayling**

Rev John Ayling was the minister at the Presbyterian church at Pitt Town and Ebenezer between 1885 to 1897. He was a clergyman, educator and beekeeper. He contributed to apiculture and was President of the National Beekeepers Association.

**Barnett**

One of the first 22 settlers settled on the South Creek by 1794. Daniel arrived on the First Fleet in 1788 and married Ann, he died at Pitt Town in 1823.

**Benn**

One of the early land grants in the Pitt Town area was to convict, John Benn 1769-1815 who arrived in 1791. He was granted 60 acres in 1803.

**ORDINARY MEETING**  
Reports of Committees

**Biggers**

Convict, Thomas Biggers 1757-1830 was one of the largest landholders in the Pitt Town area., his first grant was in 1804.

**Blighton**

Name of Governor Bligh's farm at Pitt Town. There was also the "Blighton Arms" built in Pitt Town.

**Burrell**

Family of John and Mary Burrell lived in Pitt Town from the early 1800s. John arrived FREE in 1800 and Mary was daughter of David & Elizabeth Horton. Their children were born in Pitt Town.

**Cherry**

Rev J. F. Cherry was the minister at St. James Church of England (now Anglican) between 1911-1919. He was an "energetic" cyclist as well.

**Cleary**

Various members of the Cleary family migrated from Ireland in the 1840s and settled in the Pitt Town area. Descendants still in the Hawkesbury today.

**Curl**

Thomas Curl convict who arrived on the "Indefatigable" in 1806 lived in the Pitt Town area. Thomas, who was a gardener, died in 1843 and is buried at the Pitt Town cemetery. Members of his family continued to live in Pitt Town for many years later.

**Fairs**

Local family recorded in *Greville's Official PO Directory of NSW 1878-79* for Pitt Town and Cattai area.

**Fernadell**

One of the historic and renowned orange orchards in Pitt Town.

**Fleming**

Henry Fleming 1791-1838 was colonial born and an early resident in Pitt Town. Was responsible for building several early buildings including "Blighton Arms" . He also operated a number of businesses including a store in the town. Fleming married Elizabeth Hall and many of their family were born in Pitt Town. Their daughter Elizabeth died 1825 aged 5 and is buried at the Pitt Town Cemetery.

**Greenfield**

Greenfield family established in Pitt Town for many years. Eva Alice "Granny" Greenfield nee Stubbs 1863-1941 was a well known midwife in the Pitt Town-Cattai area for over 50 years. (RLP GRE)

**Horton**

David Horton, convict arrived on the "William & Ann" 1791 & died in 1841 Pitt Town married to Catherine Kelly at Pitt Town and their descendants lived in Pitt Town.

**Huxley**

Generations of the Huxley family were blacksmiths and operated a blacksmith's forge on the Pitt Town Road.

**Manse**

Built as a farmhouse, on Punt Road at Pitt Town. in the early 19<sup>th</sup> century. Purchased and used as the Presbyterian Manse for about 50 years before becoming a private residence again.

**May**

Descendants of the May family lived in Pitt Town from early 19<sup>th</sup> century. Laurence May & son Christopher Watkins May were apparently the first to use irrigation pumps on Pitt Town Bottoms.

**Murphy**

Joseph Murphy was a teacher at Pitt Town Public School from 1895 until 1925.

## ORDINARY MEETING

### Reports of Committees

#### **Newton**

Rev. W. S. Newton was the minister at St. James Church of England (now Anglican) between 1897-1911.

#### **Orchard**

In remembrance of the many orange orchards that were once in the Pitt Town area. Many families were made their livelihoods from orchards up until the mid 20<sup>th</sup> century.

#### **Pendergast**

Descendants of convict John Pendergast arrived 1800 & Jane Williams who arrived 1801 lived in the Pitt Town area up until the 20<sup>th</sup> century. In particular James Pendergast 1803-1865, his first wife Sophia and second Wife Susannah Cunneen and members of their families & descendants.

#### **Percy Place**

On old property built in Pitt Town by George Hall in the early 19<sup>th</sup> century. It was later destroyed by fire.

#### **Ryan**

Roger Ryan arrived free from Ireland in 1834, he died in Pitt Town in 1911. Descendants of Roger & Mary Ann still live in Pitt Town.

#### **Stubbs**

Pioneering Hawkesbury family. William Stubbs arrived "Coromandel" free in 1802. Descendants of William and Mary lived in Pitt Town area since early 1800s. Long term Councillor, Dr Rex Stubbs is also a descendant of this family.

#### **Vaughan**

Patrick and Margaret Vaughan, Irish immigrants, made Pitt Town their home following their marriage in 1868 and their children and descendants lived in the area for some time.

#### **Wilkinson**

John Wilkinson was a convict arriving in 1790. He was granted land in 1794 which was later sold to John Grono. He died in 1839 and was buried at Pitt Town.

ORDINARY MEETING

Reports of Committees

AT - 2 Proposed Street Names - Johnson Property Group

Pitt Town Street Names - Submission by Johnson Property Group

No.	Proposed Road Name	Uniqueness	Source	Propriety	Communication	Spelling
1	Orange Blossom	There are no other streets within the Hawkesbury LGA that bear the same name	Representative of the traditional farming pursuits of the Pitt Town region	* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.	* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
2	Orchard	There are no other streets within the Hawkesbury LGA that bear the same name	Representative of the traditional farming pursuits of the Pitt Town region	* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.	* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
3	Model Farm	There are no other streets within the Hawkesbury LGA that bear the same name	Representative of the history associated with Gov. Bligh's farm at Pitt Town	* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.	* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
4	Camphor Laurel	There are no other streets within the Hawkesbury LGA that bear the same name	Naturally forming fence lines on Bona Vista, as a result of bird lines.	* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.	* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
5	Casuarina	There are no other streets within the Hawkesbury LGA that bear the same name	Wind break trees used in the Pitt Town district of times gone by, particularly on Fernside.	* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.	* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
6	Oaks	There are no other streets within the Hawkesbury LGA that bear the same name	Famed 'Bligh's Oaks' located on Bligh's farm. Removed post WWII for orcharding.	* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.	* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
7	Peppercorn	There are no other streets within the Hawkesbury LGA that bear the same name	Common cottage garden plants	* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.	* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
8	Holly	There are no other streets within the Hawkesbury LGA that bear the same name	Common cottage garden plants	* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.	* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.

**ORDINARY MEETING**  
**Reports of Committees**

9	Camellia	There are no other streets within the Hawkesbury LGA that bear the same name	Common cottage garden plants	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
10	Sandstock	There are no other streets within the Hawkesbury LGA that bear the same name	Common building material of colonial times in the Pitt Town region	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
11	Quarry	There are no other streets within the Hawkesbury LGA that bear the same name	Referring to industry exploitation of the natural sand deposits in Pitt Town. Many properties in the area were mined of their deposits.	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
12	Uniting	There are no other streets within the Hawkesbury LGA that bear the same name	Representative of the old church at Pitt Town (St James has already been used in the Hawkesbury LGA)	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
13	Spring Hill	There are no other streets within the Hawkesbury LGA that bear the same name	Early complex at McGraths Hill (Cottage of brick and weatherboard)	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
14	Maid of Australia	There are no other streets within the Hawkesbury LGA that bear the same name	The original name of the Pitt Town pub (circa 1800). Currently 'The Bird in Hand'.	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
15	Blighton Arms	There are no other streets within the Hawkesbury LGA that bear the same name	First inn located at Pitt Town the site of which remains on Bathurst St.	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
16	Old Manse	There are no other streets within the Hawkesbury LGA that bear the same name	Name of a sandstock brick home located on Punt Road in Pitt Town	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
17	Strathmore	There are no other streets within the Hawkesbury LGA that bear the same name	Name of a stuccoed stoned cottage on Buckingham Street	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>

**ORDINARY MEETING**  
**Reports of Committees**

18	Bona Vista	There are no other streets within the Hawkesbury LGA that bear the same name	Representative of the farmstead at Pitt Town	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
19	Fernadell	There are no other streets within the Hawkesbury LGA that bear the same name	Representative of the farmstead at Pitt Town	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
20	The Cedars	There are no other streets within the Hawkesbury LGA that bear the same name	152 Bathurst Street (good examples of slab barn architecture)	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
21	Vine House	There are no other streets within the Hawkesbury LGA that bear the same name	As above, but name of the cottage on the property	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
22	Pittmoor	There are no other streets within the Hawkesbury LGA that bear the same name	High slab barn on Pitt Town Bottoms land	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
23	Farmhouse	There are no other streets within the Hawkesbury LGA that bear the same name	Locational landmarks within the development precinct	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
24	Watertower	There are no other streets within the Hawkesbury LGA that bear the same name	Locational landmarks within the development precinct	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
25	Boatbuilders	There are no other streets within the Hawkesbury LGA that bear the same name	Representative of 'Grono' family at Pitt Town	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
26	Citrus	There are no other streets within the Hawkesbury LGA that bear the same name	Representative of traditional farming pursuits of the Pitt Town region	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.

**ORDINARY MEETING**

**Reports of Committees**

27	Blighton	There are no other streets within the Hawkesbury LGA that bear the same name	Representative of the history associated with Gov. Blight's farm at Pitt Town	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
28	Riversedge	There are no other streets within the Hawkesbury LGA that bear the same name	Local landmarks within the development precinct	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
29	Cumberland	There are no other streets within the Hawkesbury LGA that bear the same name	In reference to the residual Cumberland Plain bushland on South East corner of Bona Vista	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
30	Wandin Valley	There are no other streets within the Hawkesbury LGA that bear the same name	Representative of the cultural heritage of Pitt Town (TV show - A Country Practise)	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
31	Moorhen	There are no other streets within the Hawkesbury LGA that bear the same name	Local native birdlife	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
32	Mountview	There are no other streets within the Hawkesbury LGA that bear the same name	Local landmarks within the development precinct	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
33	Golden Grove	There are no other streets within the Hawkesbury LGA that bear the same name	In reference to colonial settlers arriving on the First Fleet and settling in the Hawkesbury (ship name of a boat in the First Fleet)	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
34	Sirius	There are no other streets within the Hawkesbury LGA that bear the same name	In reference to colonial settlers arriving on the First Fleet and settling in the Hawkesbury (ship name of a boat in the First Fleet)	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>
35	Friendship	There are no other streets within the Hawkesbury LGA that bear the same name	In reference to colonial settlers arriving on the First Fleet and settling in the Hawkesbury (ship name of a boat in the First Fleet)	<p>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history. * The name is not of commercial or company derivation.</p>	<p>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</p>	<p>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</p>

**ORDINARY MEETING**  
**Reports of Committees**

36	Charlotte	There are no other streets within the Hawkesbury LGA that bear the same name	In reference to colonial settlers arriving on the First Fleet and settling in the Hawkesbury (ship name of a boat in the First Fleet)	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
37	Supply	There are no other streets within the Hawkesbury LGA that bear the same name	In reference to colonial settlers arriving on the First Fleet and settling in the Hawkesbury (ship name of a boat in the First Fleet)	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
38	Scarborough	There are no other streets within the Hawkesbury LGA that bear the same name	In reference to colonial settlers arriving on the First Fleet and settling in the Hawkesbury (ship name of a boat in the First Fleet)	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
39	Prince of Wales	There are no other streets within the Hawkesbury LGA that bear the same name	In reference to colonial settlers arriving on the First Fleet and settling in the Hawkesbury (ship name of a boat in the First Fleet)	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
40	1810	There are no other streets within the Hawkesbury LGA that bear the same name	Year that the 5 Macquarie towns were established by Gov. Macquarie	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
41	Stables	There are no other streets within the Hawkesbury LGA that bear the same name	Traditional locational landmarks within the development precinct	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
42	Vermont	There are no other streets within the Hawkesbury LGA that bear the same name	Representative of the farmstead at Pitt Town	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
43	Breakfast Point	There are no other streets within the Hawkesbury LGA that bear the same name	Site where Gov. and Mrs Macquarie famously had breakfast at Pitt Town 11/1/1811	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.
44	Front Farms	There are no other streets within the Hawkesbury LGA that bear the same name		<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.

**ORDINARY MEETING**

**Reports of Committees**

45	Stockyard	There are no other streets within the Hawkesbury LGA that bear the same name	Traditional locational landmarks within the development precinct	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	<ul style="list-style-type: none"> <li>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</li> </ul>
46	Mary Bligh	There are no other streets within the Hawkesbury LGA that bear the same name	Member of Gov. Bligh's family	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	<ul style="list-style-type: none"> <li>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</li> </ul>
47	Fairlie	There are no other streets within the Hawkesbury LGA that bear the same name	The 1939 ship with Mary Bligh aboard which re-established the Bligh family connection to Blighton.	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	<ul style="list-style-type: none"> <li>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</li> </ul>
48	Cottage Garden	There are no other streets within the Hawkesbury LGA that bear the same name	Traditional locational landmarks within the development precinct	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	<ul style="list-style-type: none"> <li>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</li> </ul>
49	Paddock	There are no other streets within the Hawkesbury LGA that bear the same name	Traditional locational landmarks within the development precinct	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	<ul style="list-style-type: none"> <li>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</li> </ul>
50	Pastoral	There are no other streets within the Hawkesbury LGA that bear the same name	Traditional locational landmarks within the development precinct	<ul style="list-style-type: none"> <li>* The name is not derived from any living person. * The name is not considered offensive. * The name is appropriate and relevant to the development and place history.</li> <li>* The name is not of commercial or company derivation.</li> </ul>	<ul style="list-style-type: none"> <li>* The name is simple to read and easy to pronounce. It is considered appropriate given its historical significance.</li> </ul>	<ul style="list-style-type: none"> <li>The name is easy to spell, and has not been subject to any change or corruption of its spelling. The name contains no abbreviations.</li> </ul>

oooO END OF REPORT Oooo



ordinary  
meeting

end of  
business  
paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.