



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 03 February 2009

location: council chambers

time: 5:00 p.m.

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 3 February 2009

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 3 February 2009

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
	<b>SECTION 4 - Reports for Determination</b>	<b>5</b>
	<b>CITY PLANNING</b>	<b>5</b>
Item:5	CP - Development Application - Three Lot Torrens Title Sub-Division, Lot 2 DP 212203, No. 220 Castlereagh Road, Richmond - (DA0318/08, 95498, 96329, 102260)	5
Item:6	CP - Development Application - Rural Shed - 269 Grono Farm Road, Wilberforce - (DA0406/08, 18449, 18450, 95498)	33
Item:7	CP - Development Application - Shop - Extension and Use of Existing Building for Sale of Fruit and Vegetables, Associated Car Parking and Landscape Area - 570 Bells Line of Road, Kurmond - (DA0730/07, 95498, 35270, 35269)	43
	<b>INFRASTRUCTURE SERVICES</b>	<b>61</b>
Item:11	IS - Section 64 Contribution - Pitt Town Development - (79357)	61
Item:12	IS - Proposed Additional Street Lighting for William Street and Elizabeth Street - Cul-de-sacs, North Richmond - (79346)	66
	<b>SECTION 5 - Reports of Committees</b>	<b>72</b>
	ROC - Local Traffic Committee - 14 January 2009 - (80245)	72

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 3 February 2009

ordinary

section

4

reports  
for determination

**ORDINARY MEETING**

**Meeting Date: 3 February 2009**

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

**SECTION 4 - Reports for Determination**

**CITY PLANNING**

**Item:5** CP - Development Application - Three Lot Torrens Title Sub-Division, Lot 2 DP 212203, No. 220 Castlereagh Road, Richmond - (DA0318/08, 95498, 96329, 102260)

**Previous Item:** 208, Ordinary (21 October 2008)

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**REPORT:**

**Introduction**

At the Council meeting of 21 October 2008 Council considered an assessment report for a development application (DA0318/08) for a 3 lot subdivision at 220 Castlereagh Road, Richmond. A copy of that report is attached. The resolution of the meeting of 21 October 2008 was as follows:

*"That the matter be deferred and reported back to Council providing further information in relation to the location of houses, access roads, how the Department of Planning would deal with the SEPP1 objection for all the allotments, impact on escarpment and wetlands, etc."*

The purpose of this report is to provide additional information in relation to the above resolution and to recommend that the application be supported.

**Location of Houses**

The development application is for a three lot subdivision of the subject site. The application does not include the erection of any dwellings on the proposed allotments. (Note that the existing dwelling and sheds on the subject site are located at the rear of the existing property and will be located on proposed lot 3.)

The Council resolution of 21 October, specifically the location of dwellings and access road, was discussed with the applicant. Additional information has been submitted by the applicant proposing building envelopes on the proposed allotments. The building envelopes are proposed to be located 30 metres from the side property boundaries and 15 metres from the proposed internal boundaries. The envelope on proposed Lot 3 is defined by the 20 metre contour at the rear of the site. The building envelopes are to be created on the Plan of Subdivision. A proposed condition of consent to create these envelopes is as follows:

*Prior to the release of the Subdivision Certificate provision is to be made, via Section 88B of the Conveyancing Act, for the creation of building envelopes on the proposed allotments in accordance with the approved plan.*

This proposed condition has been incorporated into the recommended conditions of consent for the development application.

**Access Roads**

The subdivision is proposing a reciprocal Right of Carriageway, located adjacent to the north-eastern property boundary, to service the three proposed allotments via the one driveway access to Castlereagh Road. The report to Council on 21 October 2008 included a proposed condition of consent to relocate this proposed access to the south-western boundary of the property due to the proximity of the slip lane for the

## ORDINARY MEETING

Meeting Date: 3 February 2009

intersection of Drift Road. Prior to the meeting of 21 October the applicant made a submission requesting that the Right of Carriageway remain in the position as proposed. The applicant reiterated this position on 5 January 2009.

On 19 December 2008 Council received a response to the application from the RTA. In relation to the location of the access driveway, the RTA requested the following condition:

*“Due to the close proximity to the slip lane into Drift Road, a consolidated access to proposed Lots 1, 2 and 3 must be provided through the relocation of the reciprocal right of carriageway and easement for services, to the south western (side) boundary of the property.”*

As Castlereagh Road is an RTA controlled road, this and the other requirements of the RTA have been included in the proposed conditions of development consent.

The Council resolution of 21 October, in relation to access roads, also related to the potential for future subdivision on adjoining properties along Castlereagh Road and the potential for additional multiple access roads entering Castlereagh Road.

There is potential for approximately six properties fronting Castlereagh Road to be subdivided in a similar fashion to the subject proposal, i.e. battleaxe allotments. It should be noted that these six allotments currently have one driveway providing access to Castlereagh Road. Any future proposal for subdivision would be required to incorporate a reciprocal right of carriageway for future allotments in the same manner as the current proposal. In this regard, any future subdivision of adjoining properties, as is the case with the subject site, will only provide one access to Castlereagh Road and would result in no net increase of driveway access roads.

### Department of Planning Comments

The matter of SEPP 1 concurrence for the subject site, and adjoining sites, was discussed with representatives of the Department of Planning at a meeting held on 12 December 2008 at Council's offices. The Department representatives stated that each application for SEPP 1 concurrence would be assessed on its merits as SEPP 1 is a planning provision that only relates to a development application and is not a strategic planning tool. The Department's view was that in these cases, if Council supports the variation the Department is also likely to support the request for concurrence. However, each application will be assessed on the individual merits. Other options in relation to zone boundary movements were discussed and may be investigated in future LEP amendments.

### Impact on Escarpment and Wetlands

The subject site is generally flat with the rear 70 to 100 metres of the site falling to the north-west. The existing dwelling and sheds on the site are located on the high land, approximately RL 23m, adjacent to this bank. The steepest area of the land is an embankment that falls approximately 11 metres over a distance of 75 metres. This area is not considered to be an escarpment.

The majority of the site is not affected by the 1 in 100 year flood, with only a small area of the land, approximately half way up the abovementioned embankment, affected by the 1 in 100 flood. The lowest portion of the site, adjacent to the north western rear boundary, is low lying and affected by an intermittent watercourse that flows to the north into a dam/lagoon. This low lying area is not proposed to be developed and is wholly contained, along with the existing dwelling and sheds, within the proposed Lot 3. These existing buildings are approximately 25-30 metres from the top of the bank. Should the subdivision be approved, the closest possible dwelling permitted by the subdivision would be on proposed Lot 2 and be approximately 100 – 120 metres from the embankment.

The majority of the property drains to the east and south east with the proposed additional two allotments, Lots 1 & 2, draining to Castlereagh Road. However, as the proposed allotments are 2.1ha in area it is not likely that there will be a significant change to the overall drainage pattern of the site.

The proposed subdivision will result in no change to the drainage pattern to the north-west, or low lying area of the site. The existing dwelling and sheds adjacent to this area will be retained and contained within

## ORDINARY MEETING

Meeting Date: 3 February 2009

the proposed Lot 3. The proposed Lots 1 and 2 currently drain to the south-east towards Castlereagh Road and the proposed subdivision is not expected to significantly change this drainage pattern.

### Potential Landuse Conflicts

The subject site and adjoining sites are currently, or have previously been, used for agricultural purposes. The adjoining properties to the north-east and south-west, fronting Castlereagh Road, are currently zoned Rural Living and permit a similar subdivision to the current proposal of 2ha allotments. This zoning regime was introduced as part of Amendment No. 108 in August 2006 following extensive public consultation which primarily provided certainty for land owners by making the expectations for the zone clear. Whilst there may be some temporary issues in this locality during the development of these allotments, the medium to long term potential for landuse conflicts between these properties is low.

The land to the north-west (rear) of the site is zoned Mixed Agriculture and is currently used for that purpose with no current plans to change that use due to the land being flood prone. The rear lot, proposed Lot 3, closest to the Mixed Agriculture zoned land, will contain the existing dwelling and sheds and no additional dwellings. Should the application be approved, any dwelling that would be constructed on the additional allotments (Lots 1 or 2) would be a minimum of 200 or more metres from the current rear boundary of the site and the adjoining agricultural uses. Any proposed dwelling will also be approximately 11 metres higher than the adjoining land to the rear. It is considered that the potential for landuse conflicts in the medium to long term as a result of this subdivision is low.

### Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

### RECOMMENDATION:

That:

1. Council advise the Department of Planning that it supports the objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards and requests that the Department issue its concurrence.
2. Subject to the concurrence of the Department of Planning being obtained, authority be delegated to the General Manager to determine Development Application No. DA0318/08 for a three (3) lot Torrens Title subdivision.

### ATTACHMENTS:

- AT - 1 List of likely development consent conditions.
- AT - 2 Subdivision Plan
- AT - 3 Locality Plan
- AT - 4 Council report from meeting of 21 October 2008.

**AT - 1 List of Likely Development Consent Conditions**

**ATTACHMENT 1 – List of likely Development Consent Conditions**

The following is a list of likely development consent conditions that would be imposed on the development should the Department of Planning issue concurrence to the development.

**General Conditions**

1. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent: forward
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.

**Conditions imposed by the RTA**

3. Due to the close proximity to the slip lane into Drift Road, a consolidated access to proposed Lots 1, 2 and 3 must be provided through the relocation of the reciprocal right of carriageway and easement for services, to the south western (side) boundary of the property.
4. All vehicles are to enter and exit the premises in a forward direction.
5. All works associated with the development are to be at no cost to the RTA.
6. The subject property is affected by a Road Widening Order as notified in Government Gazette No.34 dated 14/03/1969. Any new buildings or structures to be erected on the land are to be located clear of this area.

**Prior to Issue of Construction Certificate**

7. 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.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

8. Construction of the accesses are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of Environment and Development or an Accredited Certifier.
9. Payment of a Construction certificate checking fee of \$552.00 and a Compliance Certificate inspection fee of \$1120.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2009. Fees required if an accredited certifier is used will be provided on request.
10. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 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.

**Prior to Commencement of Works**

11. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.

## ORDINARY MEETING

Meeting Date: 3 February 2009

12. 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.
13. 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.
14. 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.
15. 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.
16. Any clearing of native vegetation associated with site works or associated road works shall not be undertaken prior to a flora and fauna assessment being undertaken, areas of vegetation are to be fenced off during construction and disturbed areas are to be rehabilitated and stabilised as soon as possible following construction.

### During Construction

17. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
18. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
19. 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.
20. A pavement 4.5 m wide shall be constructed along the access strip (reciprocal right of carriageway) and across the footway to lots 2 and 3 appropriate to the gradient of the land in accordance with the following table:  
  
Driveway gradient shall not exceed 25% in any section. Passing bays are to be provided at maximum 100 metre intervals.
21. A bitumen sealed rural footway crossing 6m wide shall be constructed to lots 2 & 3 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification and the requirements of the RTA.
22. A bitumen sealed rural footway crossing 3m wide shall be constructed to Lot 1 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification and the requirements of the RTA.
23. The site shall be secured to prevent the depositing of any unauthorised material.
24. 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.
25. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
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:

## ORDINARY MEETING

Meeting Date: 3 February 2009

- (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. 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.

### Prior to Issue of Subdivision Certificate

- 28. 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.
  - 29. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
  - 30. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
  - 31. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
  - 32. Reciprocal rights of carriageway and easements for services shall be created over the access handles to Proposed Lots 2 & 3.
  - 33. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
  - 34. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the plan of subdivision.
  - 35. A soil contamination report certifying that the development area associated with Proposed Lots 2 and 3 are suitable for residential use is to be prepared and any remedial action required as a result of this investigation completed prior to issue of the linen plan of subdivision.
  - 36. Creation of a restriction on use of land pursuant to the Section 88B of the Conveyancing Act as follows;
    - (1) All vehicular access to Proposed Lot 1, 2 and 3 is to be restricted to the Common Right of Carriageway.
    - (2) Effluent disposal undertaken on the site is to be in accordance with the recommendations contained in the following report: *Feasibility Study for On-site Disposal of Wastewater - Proposed Subdivision Lot 2 DP 212203, 220 Castlereagh Road, Agnes Banks Report No. TFA 3187/01*, dated 03/03/2008, prepared by Toby Fiander
- Hawkesbury City Council is to be nominated as the only authority permitted to modify vary or rescind such a restriction.
- 37. A Bush Fire Safety Authority issued under Section 100B of the Rural Fires Act 1997 is to be obtained for the proposed subdivision prior to the issue of the subdivision certificate.
  - 38. *Prior to the release of the Subdivision Certificate provision is to be made, via Section 88B of the Conveyancing Act, for the creation of building envelopes on the proposed allotments in accordance with the approved plan.*

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

**Advice to Applicant**

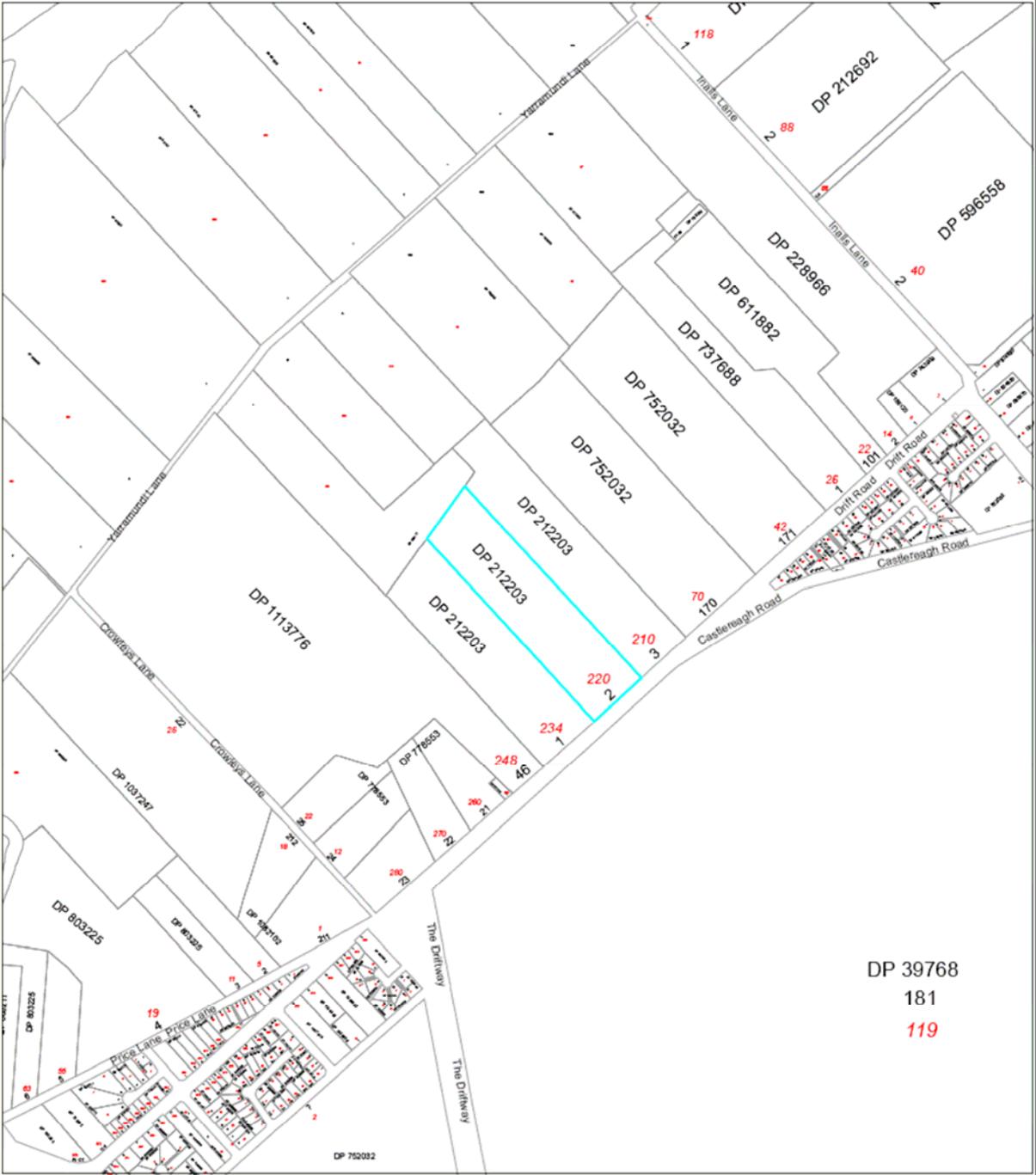
- \*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- \*\*\* The applicant is advised to consult with the necessary energy and telecommunication suppliers 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.
- \*\*\* The RTA advise that any proposed residential development on these lots should be designed such that road traffic noise from Castlereagh Road is mitigated by durable materials and complies with the requirements of Clause 102 – (impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.

**AT - 2 Locality Plan**



**HAWKESBURY CITY COUNCIL**

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Date: \_\_\_\_\_

**Legend**

- Land Parcels
- Road Names
- Roads

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**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

**AT - 4 Council Report from Meeting of 21 October 2008**

**Item: 208 CP - Development Application - Three Lot Torrens Title Sub-Division, Lot 2 DP212203  
No. 220 - Castlereagh Road, Richmond - (DA0318/08, 95498, 96329, 102260)**

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**Development Information**

**Applicant:** Montgomery Planning Solutions  
**Applicants Rep:** Robert Montgomery  
**Owner:** Mr L Georos  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
Hawkesbury Development Control Plan 2002  
**Area:** 7.256ha  
**Zone:** Hawkesbury Local Environmental Plan 1989  
Rural Living  
Environmental Protection - Agriculture Protection (Scenic)  
**Advertising:** 7 May 2008 to 21 May 2008  
**Date Received:** 28 April 2008

**Recommendation:** Approval

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**REPORT:**

**Description of Proposal**

Approval is sought for a three (3) lot Torrens Title subdivision of Lot 2 DP 212203, 220 Castlereagh Road Richmond. The proposed allotments will have the following areas:

Proposed Lot 1 – 2.1 ha  
Proposed Lot 2 – 2.1 ha  
Proposed Lot 3 – 2.759 ha

Access to all proposed allotments will be obtained from Castlereagh Road.

**Description of the Land and its Surroundings**

The existing lot has a total area of 7.257ha and is irregular in shape. The site currently contains an existing dwelling and rural shed with scattered clusters of vegetation. The land level ranges from 10m AHD to 23m AHD.

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

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

**State Environmental Planning Policy No. 44 - Koala Habitat Protection**

SEPP No. 44 applies to land within the Hawkesbury Local Government Area for which development consent is sought having a total land area in excess of 1 hectare.

Having regard to the requirements of SEPP No. 44 it is noted that the subdivision will not include the removal of any trees or disturbance of any natural habitats which would be considered as "core koala

**ORDINARY MEETING**

**Meeting Date: 3 February 2009**

habitat". The subject land has already been developed and it is considered that the subdivision will not impact any potential core koala habitat areas.

**Sydney Regional Environmental Plan 20 - Hawkesbury Nepean River (No 2 - 1997)**

It is considered that the proposed 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 and specific aims, planning considerations, planning policies and recommended strategies.

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

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

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

**ORDINARY MEETING**

**Meeting Date: 3 February 2009**

**Clause 9A – Zone objectives**

The subject land is comprised of two (2) separate zonings being partly zoned Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map) and Rural Living (land shown hatched on the map) under the provisions of Hawkesbury Local Environmental Plan (HLEP) 1989.

**Rural Living zone**

The stated objectives of the Rural Living zone are detailed as follows:

- (a) *to provide primarily for a rural residential lifestyle,*

Comment: The plans submitted in conjunction with the application detail the provision of three (3) rural residential allotments. The information submitted in conjunction with the application demonstrates that the proposal is able to satisfactorily dispose of wastewater on the site and satisfies the criteria listed in Planning for Bushfire Protection 2006.

- (b) *to enable identified agricultural land uses to continue in operation,*

Comment: The proposed subdivision will have the potential to impact upon existing agricultural activities situated in the immediate area. In this regard it is noted that the subject land and that situated in the immediate area has been zoned Rural Living and the proposal is consistent with future character envisaged under this zone.

- (c) *to minimise conflict with rural living land uses,*

Comment: It is considered that the proposal will not have an adverse impact upon existing rural living land uses.

- (d) *to ensure that agricultural activity is sustainable,*

Comment: The proposal will have the effect of fragmenting the subject site reducing the capacity of the land to accommodate future agricultural activities. As previously discussed the proposal is consistent with the character envisaged in the Rural Living zone.

- (e) *to provide for rural residential development on former agricultural land if the land has been remediated,*

Comment: An appropriate condition has been included in the recommended consent requiring a suitable soil contamination report to be prepared certifying that the development areas associated with Proposed Lots 1 and 2 are suitable for residential use.

- (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,*

Comment: It is considered that future buildings situated on Proposed Lots 1 and 2 would have minimal impact upon the existing rural landscape character.

- (f) *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 conflict with other land uses in the locality,*

Comment: There are no agricultural land uses proposed in conjunction with the application and as such this matter is not relevant in the consideration of the subject application.

- (h) *to ensure that development occurs in a manner:*

**ORDINARY MEETING**

**Meeting Date: 3 February 2009**

- (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,*

Comment: It is noted that the site adjoins a series of wetland areas (Yarramundi Lagoon) adjacent to its north western boundary. In this regard an assessment demonstrating the capability of the proposed allotments to accommodate an on-site wastewater disposal system has been prepared by Toby Fiander & Associates. This assessment has detailed the provision of 1250sqm disposal areas that have been sited so as to account for constraints associated with the land.

- (i) *to prevent the establishment of traffic generating development along main and arterial roads,*

Comment: The proposal is not considered to constitute a significant traffic generating development. Castlereagh Road is an arterial road and the application has been referred to the Roads and Traffic Authority under the requirements of the Roads Act 1993.

- (j) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

Comment: The proposal will not create significant demand for such infrastructure.

**Environmental Protection - Agricultural Protection (Scenic) zone**

The stated objectives of the Environmental Protection - Agricultural Protection (Scenic) zone are detailed as follows;

- (a) *to protect the agricultural potential of rural land in order to promote, preserve and encourage agricultural production,*

Comment: The subject site contains a relatively small portion of land area within the Environmental Protection - Agricultural Protection (Scenic) zone, comprising approximately 16 240sqm or 22% of total site area. It is noted that this portion of the site has an average slope of 13% which restricts its agricultural potential. Accordingly, it is considered that the proposed subdivision will not have an adverse impact on the agricultural potential of the land zoned Environmental Protection - Agricultural Protection (Scenic).

- (b) *to ensure that agricultural activities occur in a manner:*
  - (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,*

Comment: No significant adverse impact on water catchments, significant ecosystems or the River, or surface and groundwater quality and flows, or surface conditions is expected to occur as a result of the proposed subdivision.

- (c) *to ensure that development does not create or contribute to rural land use conflicts,*

Comment: The land that is currently adjoined by agricultural land uses and the proposal involving the subdivision of land has the potential to introduce rural land use conflicts. In this regard it is noted that the majority of land immediately adjacent to this portion of Castlereagh Road has been zoned Rural Living and accordingly the proposal is considered to be consistent with the desired future character of the area.

- (d) *to ensure that development retains or enhances existing landscape values that include a distinctly agricultural component,*

**ORDINARY MEETING**

**Meeting Date: 3 February 2009**

Comment: The subdivision will change the current use of the property from agricultural to rural residential. However, it is considered that the subdivision will have minimal impact upon the existing landscape values of the locality.

- (e) *to preserve river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality,*

Comment: The proposed subdivision will not have any significant adverse impacts on river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality. No new works are proposed.

- (f) *to protect hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance,*

Comment: The proposed subdivision will have no significant or adverse impacts on hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance.

- (g) *to prevent the establishment of traffic generating development along main and arterial roads,*

Comment: The proposal is not considered to constitute a significant traffic generating development. Castlereagh Road is an arterial road and the application has been referred to the Roads and Traffic Authority under the requirements of the Roads Act 1993.

- (h) *to control outdoor advertising so that it does not disfigure the rural landscape,*

Comment: The proposed subdivision does not involve outdoor advertising.

- (i) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services,*

Comment: The proposal will not create unreasonable economic demands for the provision or extension of public amenities or services to the site.

- (j) *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,*

Comment: The site currently an existing dwelling and associated sheds, the proposed subdivision does not include any additional buildings.

- (k) *to encourage existing sustainable agricultural activities.*

Comment: The proposed subdivision will have the potential to impact upon existing agricultural activities in the immediate area and changes the use of the existing property to rural residential. In this regard it is noted that the land has been zoned Rural Living and the proposal is consistent with future character envisaged under this zone.

Clause 10 – Subdivision - general

The provisions of Clause 10 provide the following:

- 1) *Land to which this plan applies may be subdivided, but only with development consent.*

Comment: The applicant has applied for development consent in accordance with the provisions of this clause.

- (2) *Land shall not be subdivided unless the boundaries of allotments so created correspond generally with the boundaries (if any) between zones as shown on the map.*

**ORDINARY MEETING**

**Meeting Date: 3 February 2009**

- (3) *Notwithstanding the provisions of subclause (4), the Council may consent to a plan of subdivision whereby the boundaries of allotments so created will not correspond with the boundaries between different zones as shown on the map but which, in the opinion of the Council, depart therefrom only to a minor effect.*

Comment: The boundary between the Rural Living and Environmental Protection Agriculture Protection (Scenic) zones dissects Proposed Lot 3. Approximately 1.28ha (44%) of land area in this allotment is situated within the Rural Living zone. Given that the land contains suitable area for the existing dwelling free from environmental constraint it is considered that the departure is reasonable in this instance.

- (4) *Where, on registration of a plan of subdivision referred to in subclause (3), the boundary between land is determined in a different position from that indicated on the map, land shall be deemed to be within the appropriate zone as determined by the Council.*

Comment: The proposed subdivision will provide opportunity to address the issue relating to zone and land boundaries.

Clause 11 – Rural subdivision – general provisions

Clause 11 Rural subdivision - general provisions of Hawkesbury LEP 1989 provides the following:

- (1) *In this clause:*

**commencement day** means the day on which Hawkesbury Local Environmental Plan 1989 (Amendment No 126) commenced.

**endangered ecological community** means any endangered ecological community referred to in Part 3 of Schedule 1 to the *Threatened Species Conservation Act 1995*.

**lot averaging subdivision** means a subdivision of land within the Mixed Agriculture, Rural Living or Rural Housing zones that complies with subclause (4) and will not result in an original allotment being divided into more allotments than the number resulting from:

- (a) dividing the area of the original allotment in hectares:
- (i) by 10, if the land is in the Mixed Agriculture zone, or
  - (ii) by 4, if the land is in the Rural Living zone, or
- (b) multiplying the area of the original allotment in hectares by the density control shown on the map, if the land is in the Rural Housing zone.

**original allotment** means an allotment in existence at the date on which Hawkesbury Local Environmental Plan 1989 (Amendment No 126) was gazetted.

**regionally significant wetlands** means any land shown as wetland on “the map” within the meaning of *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)*.

- (2) *Except as otherwise provided by this clause and clause 13, the Council may consent to the subdivision of land in Zone No 7 (a) or 7 (d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone only if the area of each of the allotments to be created is not less than:*

- (a) *if it is not a lot averaging subdivision, that shown for the zone in Column 2 of the following Table, or*
- (b) *if it is a lot averaging subdivision, that shown for the zone in Column 3 of that Table.*

**ORDINARY MEETING**

**Meeting Date: 3 February 2009**

Comment: The proposal does not satisfy the minimum area provisions detailed above in that Proposed Lot 3, which is zoned part Rural Living and part Environmental Protection - Agriculture Protection (Scenic), is less than 10 hectares in size. In this regard it is noted that this allotment is partly zoned Rural Living.

The applicant has submitted an objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards. An assessment of this objection is detailed later in the following section of this report.

- (3) *The Council may consent to the subdivision of land to which this clause applies only if:*
- (a) *there is a ratio between the depth of the allotment and the frontage of the allotment that, in the opinion of the Council, is satisfactory having regard to the purpose for which the allotment is to be used, and*

Comment: The depth to width ratio proposed in conjunction with Proposed Lots 1, 2 and 3 satisfies the criteria contained in Hawkesbury Development Control Plan 2002 requiring a minimum depth to width ratio of 1:5. In addition, the submitted plans demonstrate that the site is able to accommodate a suitable development area comprising future dwelling footprint and wastewater disposal area. Given that the land is able to accommodate the above it is considered that the allotment configuration is satisfactory.

- (b) *the pattern of allotments created by the proposed subdivision and the location of any proposed buildings on those allotments will, in the opinion of the Council, minimise the impact on any threatened species, populations or endangered ecological community or regionally significant wetland, watercourses, agriculture and bush fire threat, and*

Comment: The information submitted in conjunction with the application details that the proposal will not have a significant impact upon the adjacent watercourse or be subject to significant bushfire threat.

- (c) *the Council has considered a geotechnical assessment that demonstrates the land is adequate for the on-site disposal of effluent, and*

Comment: An assessment demonstrating that the proposal has suitable land area and characteristics to support on-site effluent disposal has been submitted in conjunction with the application.

- (d) *in the opinion of the Council, each of the allotments created contains suitable areas for a dwelling-house, an asset protection zone relating to bush fire hazard and effluent disposal.*

Comment: The information submitted in conjunction with the application demonstrates that suitable building envelopes, asset protection zones and effluent disposal areas would be able to be provided to all proposed allotments.

- (4) *A subdivision of land within the Mixed Agriculture or Rural Living zone complies with this clause only if: ....*
- (4A) *A subdivision of land within the Rural Housing zone complies with this clause if a density control is shown for the land on the map and the number of lots created does not exceed the density control for the land.*

- (5) *Despite subclause (2), the Council may consent to a lot averaging subdivision of land ....*

Comment: The application does not constitute a lot averaging subdivision therefore the provisions of these clauses do not apply.

- (6) *Consent must not be granted to a subdivision of land in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection—Agriculture Protection*

**ORDINARY MEETING**

**Meeting Date: 3 February 2009**

*(Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone that creates an allotment (otherwise than for use for a public purpose) unless the Council is satisfied that there is an area of land above the 1-in-100 year flood level on the allotment that is:*

- (a) sufficient for the erection of a dwelling-house, and*
- (b) at natural surface level or at a level achieved by filling carried out with the consent of the Council.*

Comment: The north western portion of the subject site is affected by the predicted 1 in 100 year flood level as it contains land situated below 17.5m AHD. The remainder of the site is situated above the predicted 1 in 100 year flood level.

- (7) Consent must not be granted to the subdivision of land in the Rural Village or Consolidated Land Holdings zone otherwise than to effect a minor boundary adjustment of the boundary between allotments that does not create more allotments than the number before the adjustment was made.*

Comment: The subject site is not zoned Rural Village or Consolidated Land Holdings.

- (8) Consent must not be granted to the subdivision of land within Zone No 7(e).*

Comment: The subject site is not zoned Environmental Protection No. 7(e)

- (9) References to a number of allotments in this clause do not include allotments created for a public purpose or allotments created as neighbourhood property.*

Comment: The proposed subdivision does not involve the creation of allotments for a public purpose or as neighboring property.

SEPP No. 1 Objection to Clause 11 of Hawkesbury Local Environmental Plan 1989

The proposed subdivision does not satisfy the minimum allotment size provisions of 10 ha in relation to land zoned Environmental Protection - Agriculture Protection (Scenic) contained in Clause 11 of Hawkesbury Local Environmental Plan 1989. In regard to the non compliance with this development standard the applicant has submitted an objection under the provisions of SEPP No. 1 – Development Standards.

The following comments have been prepared by the applicant having regard to whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

- 1. Approximately 85% of the subject land is zoned Rural Living, which permits a minimum allotment size of 2 hectares.*
- 2. A small portion at the rear of the land, which is not suitable for building or intensive agriculture due to the slope of the land is zoned Environmental Protection - Agriculture Protection (Scenic).*
- 3. The split zoning is illustrated in the following extract from the Hawkesbury LEP Map.*
- 4. Proposed Lot 3 (split zoning) has an established dwelling and outbuildings located within the flat area of the property which is zoned Rural Living. No dwellings or buildings will be erected within the Environmental Protection - Agriculture Protection (Scenic) zone.*
- 5. The proposed lots comply with the requirements of the subdivision chapter of Hawkesbury Development Control Plan.*

## ORDINARY MEETING

Meeting Date: 3 February 2009

6. *The site plan and effluent disposal report demonstrate that there is sufficient room for the erection of a dwelling and effluent disposal, with sufficient flexibility for orientation and design, within each allotment.*
7. *The proposal will not create any land use conflict within the zone.*
8. *It is submitted that the departure from the development standard in this instance is a technical non-compliance only, as the zone boundary does not exactly follow property boundaries in this location.*

Comment: Clause 11 of Hawkesbury Local Environmental Plan requires that allotments have a minimum area of 2 ha within the Rural Living zone and 10 ha within the Environmental Protection - Agriculture Protection (Scenic) zone. It is noted that the land is capable of providing suitable development areas on all of the proposed allotments and the issue of non-compliance with the minimum allotment size criteria is the result of the zone boundary not corresponding with the property boundaries.

It is considered that in the circumstances of the case the departure to the minimum allotment size criteria contained in Hawkesbury Local Environmental Plan 1989 is acceptable and accordingly it is considered appropriate to support the variation sought under the provisions of SEPP No. 1 in this instance.

### **NSW Department of Planning**

As the departure to the minimum allotment size criteria contained in Clause 11 of Hawkesbury Local Environmental Plan 1989 exceeded 10% the Development Application and accompanying objection lodged pursuant to State Environmental Planning Policy No. 1 – Development Standards was forwarded to the NSW Department of Planning for the concurrence of the Director-General pursuant to the provisions of Section 79B of the Environmental Planning and Assessment Act, 1979.

The Department have not provided a response to date however verbal advice has been received stating that processing of this application would be deferred until such time as Council has made its determination.

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

A report titled *Feasibility Study for On-site Disposal of Wastewater - Proposed Subdivision Lot 2 DP 212203, 220 Castlereagh Road, Agnes Banks Report No. TFA 3187/01*, dated 3 March 2008 has been prepared by Toby Fiander. This report examines the feasibility of wastewater disposal for the subject proposal having regard to environmental constraints associated with the site and the adjacent watercourse.

The report provides that the site is capable of being subdivided and it is feasible to satisfactorily dispose of wastewater generated on the new proposed allotments without damage to adjoining land or nearby watercourse.

The subject site is serviced by a reticulated water supply. Electricity and telephone services are available.

### **Clause 21 – Danger of bushfire**

The south eastern portion of the subject site (area adjacent to Castlereagh Road) has been mapped as Bushfire Prone Buffer on the Statutory Bushfire Prone Land Map. A bushfire hazard report titled *“Rural Bushfire Assessment”* prepared by Monaghan Surveyors Pty Limited was submitted in conjunction with the application detailing the bushfire threat associated with the subject site.

This report identifies that the proposed allotments generally comply with the provisions of Planning for Bushfire Protection 2006 and that any future dwelling could be constructed on the vacant land.

It is considered that the application is satisfactory having regard to the provisions of Clause 21 of Hawkesbury LEP 1989.

### **Clause 25 – Development of flood liable land**

## ORDINARY MEETING

Meeting Date: 3 February 2009

*The majority of the subject land, with the exception of the north western portion of the site, is situated above the predicted 1 in 100 year flood level for the area.*

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

The subject land has been identified as containing Class 4 and Class 5 land on the Acid Sulfate Soils Planning Map. It is considered that the works associated with the proposed subdivision will not impact the watertable.

### **Hawkesbury Development Control Plan 2002**

#### Part A, Chapter 1 - Purpose and Aims

The proposed development is considered to be consistent with the general aims and objectives of Hawkesbury Development Control Plan 2002.

#### Part A, Chapter 2 – General Information

It is considered that sufficient information has been submitted with the application for Council to assess the application.

#### Part A, Chapter 3 - Notification

The application was notified to adjoining property owners and occupiers in accordance with the requirements of Hawkesbury Development Control Plan 2002. The notification period extended from 07 May 2008 to 21 May 2008. In response to this notification no written submissions were received.

#### Part C, Chapter 2 - Carparking and Access

Dwelling houses having a GFA in excess of 85qm are required to provide two (2) car parking spaces. It is noted that the existing car parking arrangements associated with the existing dwelling situated on Proposed Lot 3 are not proposed to be altered.

The application details that Proposed Lot 1 will have direct access to Castlereagh Road, while Lots 2 and 3 will each have a 4.5m Reciprocal Right of Carriageway and Easement for Services located running alongside north eastern (side) boundary of the land.

It is considered undesirable to place an additional access point adjacent to the existing driveway on the adjoining property situated in close proximity to the slip lane into Drift Road. It has been noted that vehicles turning into Drift Road have a tendency to move towards the shoulder before the actual start of the slip lane.

There is sealed shoulder approx 2-3 metres wide along the frontage of the property, which allows for vehicles to have a reasonably good site distance without the removal of additional vegetation at the site frontage.

In this instance it is considered appropriate that a consolidated access be provided for all three proposed allotments. Given the close proximity to the slip lane for left turn vehicle movements into Drift Road and the impact upon existing vegetation situated within the road reserve adjacent to the proposed access location a condition has been included in the recommended consent requiring the relocation of the reciprocal right of carriageway and easement for services to the south western (side) boundary of the land.

#### Part D, Chapter 3 - Subdivision

Part D, Chapter 3 of the Hawkesbury Development Control Plan 2002 includes provisions relating to rural and rural-residential subdivision.

*Visual Amenity*

## ORDINARY MEETING

Meeting Date: 3 February 2009

Given that the proposal involves subdivision of land situated within an existing rural context it is considered that there would be minimal impact upon the existing visual quality of the area.

### *Heritage*

There are no heritage items that have been identified on the subject or adjacent land.

### *Utility Services*

The site benefits from appropriate services that will be able to be provided to all proposed allotments.

### *Flooding, Landslip and Contaminated Land*

The majority of the subject land, with the exception of the north western portion of the site, is situated above the predicted 1 in 100 year flood level for the area. The site is not situated on land that has been identified as having a landslip risk. An assessment demonstrating the suitability of the land to accommodate residential development will be required to be prepared prior to the issue of the linen plan of subdivision.

### *Rural and Rural-Residential Subdivision*

Part D, Chapter 3 of the Hawkesbury Development Control Plan 2002 includes provisions relating to rural and rural-residential subdivision. Clause 3.8.1 of Development Control Plan 2002 provides the following rules in relation to rural lot size and shape:

- a) *The minimum allotment size for land within rural and environmental protection zones are contained within Hawkesbury Local Environmental Plan 1989.*

Comment: The allotment area proposed in conjunction with Lot 3 does not accord with the minimum provisions contained in Hawkesbury LEP 1989. The applicant submitted a SEPP 1 Objection relating to the proposed variation that is discussed separately in this report.

- b) *Lots should be able to accommodate a building envelope of 2000sqm with a minimum dimension of 20 metres. Building envelopes should be located a minimum of 30 metres from significant trees and other significant vegetation or landscape features. Building envelopes would contain the dwelling house, rural sheds, landscaping, and on-site effluent treatment and disposal areas, and bushfire mitigation.*

Comment: The proposal is able to satisfy the building envelope requirements detailed above.

- c) *In calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle axe handle should be included.*

Comment: The area calculations detailed on the submitted plans exclude the area of the battle axe handle.

- d) *The width to depth ratio of allotments should not exceed 1:5.*

Comment: The width to depth ratio of the proposed development is described as follows:

- e) *Lot layout shall consider the location, the watercourse vegetation and other environmental features.*

Comment: The subject land has minimal environmental constraints and the information submitted in conjunction with the application demonstrates that the land is capable of accommodating rural residential uses with appropriate zones for wastewater disposal and asset protection.

## ORDINARY MEETING

Meeting Date: 3 February 2009

### Bushfire Assessment

The provisions of Section 100B of the Rural Fires Act 1997 provide that a Bush Fire Safety Authority is required for a subdivision of bush fire prone land that could accommodate a residential or rural residential land use.

The south eastern portion of the subject land is partly mapped as Bush Fire Prone Buffer on the Bush Fire Hazard Mapping prepared by the NSW Rural Fire Service. The land is zoned part Rural Living and part Environmental Protection - Agriculture Protection (Scenic) under the provisions of Hawkesbury Local Environmental Plan 1989. Clause 9 of this instrument provides that dwelling-houses constitute a permissible land use within this zone subject to development consent.

Given that the applicant has not nominated that the application be processed as an Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act a condition requiring the applicant to obtain a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997 has been included in the recommendation.

### Roads and Traffic Authority

As Castlereagh Road is a classified road the application was referred to the Roads and Traffic Authority for concurrence in accordance with the provisions of Section 138 - Works and Structures under the Roads Act 1993. To date no correspondence has been received from the Roads and Traffic Authority and accordingly a condition has been included requiring any conditions/comments be incorporated in the consent.

### Conclusion

The application has been considered having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979; Hawkesbury Local Environmental Plan 1989; Hawkesbury Development Control Plan 2002 and other relevant codes and policies. As detailed within the main body of the report the departure to the minimum allotment size provisions is reasonable in this instance and the State Environmental Planning Policy No. 1 objection is supported. Based upon the above it is considered that the proposal represents a satisfactory form of development and is recommended for consent.

### Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

### RECOMMENDATION:

That:

1. Council advise the Department of Planning that it supports the objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards and requests that the Department issue its concurrence.
2. Subject to the concurrence of the Department of Planning being obtained, authority be delegated to the General Manager to determine Development Application No. DA0318/08 for a three (3) lot Torrens Title subdivision.

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

**ATTACHMENTS:**

**AT - 1** List of likely development consent conditions.

**AT - 2** Locality Plan

**AT - 3** Subdivision Plan

**AT - 1 List of Likely Development Consent Conditions**

**ATTACHMENT 1 – List of likely Development Consent Conditions**

The following is a list of likely development consent conditions that would be imposed on the development should the Department of Planning issue concurrence to the development. It should be noted that Council will also consider any conditions/requirements from the Roads and Traffic Authority and incorporate these as conditions of consent.

**General Conditions**

1. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent: forward
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
3. The access arrangements associated with the site involving the Reciprocal Right of Carriageway and Easement for Services are to be relocated to the south western (side) boundary of the site.

**Prior to Issue of Construction Certificate**

4. 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.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

5. Construction of the accesses are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of Environment and Development or an Accredited Certifier.
6. Payment of a Construction certificate checking fee of \$552.00 and a Compliance Certificate inspection fee of \$1120.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2009. Fees required if an accredited certifier is used will be provided on request.
7. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 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

Meeting Date: 3 February 2009

### Prior to Commencement of Works

8. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
9. 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.
10. 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.
11. 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.
12. 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.
13. Any clearing of native vegetation associated with site works or associated road works shall not be undertaken prior to a flora and fauna assessment being undertaken, areas of vegetation are to be fenced off during construction and disturbed areas are to be rehabilitated and stabilised as soon as possible following construction.

### During Construction

14. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
15. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
16. 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.
17. A pavement 4.5 m wide shall be constructed along the access strip (reciprocal right of carriageway) and across the footway to lots 2 and 3 appropriate to the gradient of the land in accordance with the following table:  
  
Driveway gradient shall not exceed 25% in any section. Passing bays are to be provided at maximum 100 metre intervals.
18. A bitumen sealed rural footway crossing 6m wide shall be constructed to lots 2 & 3 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification and the requirements of the RTA.
19. A bitumen sealed rural footway crossing 3m wide shall be constructed to Lot 1 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification and the requirements of the RTA.
20. The site shall be secured to prevent the depositing of any unauthorised material.
21. 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.
22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.

## ORDINARY MEETING

Meeting Date: 3 February 2009

23. 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.
24. 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.

### Prior to Issue of Subdivision Certificate

25. 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.
26. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
27. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
28. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
29. Reciprocal rights of carriageway and easements for services shall be created over the access handles to Proposed Lots 2 & 3.
30. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
31. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the plan of subdivision.
32. A soil contamination report certifying that the development area associated with Proposed Lots 2 and 3 are suitable for residential use is to be prepared and any remedial action required as a result of this investigation completed prior to issue of the linen plan of subdivision.
33. Creation of a restriction on use of land pursuant to the Section 88B of the Conveyancing Act as follows;
  - (1) All vehicular access to Proposed Lot 1, 2 and 3 is to be restricted to the Common Right of Carriageway.
  - (2) Effluent disposal undertaken on the site is to be in accordance with the recommendations contained in the following report: *Feasibility Study for On-site Disposal of Wastewater - Proposed Subdivision Lot 2 DP 212203, 220 Castlereagh Road, Agnes Banks Report No. TFA 3187/01*, dated 03/03/2008, prepared by Toby Fiander

Hawkesbury City Council is to be nominated as the only authority permitted to modify vary or rescind such a restriction.
34. A Bush Fire Safety Authority issued under Section 100B of the Rural Fires Act 1997 is to be obtained for the proposed subdivision prior to the issue of the subdivision certificate.

**ORDINARY MEETING**

**Meeting Date: 3 February 2009**

**Advice to Applicant**

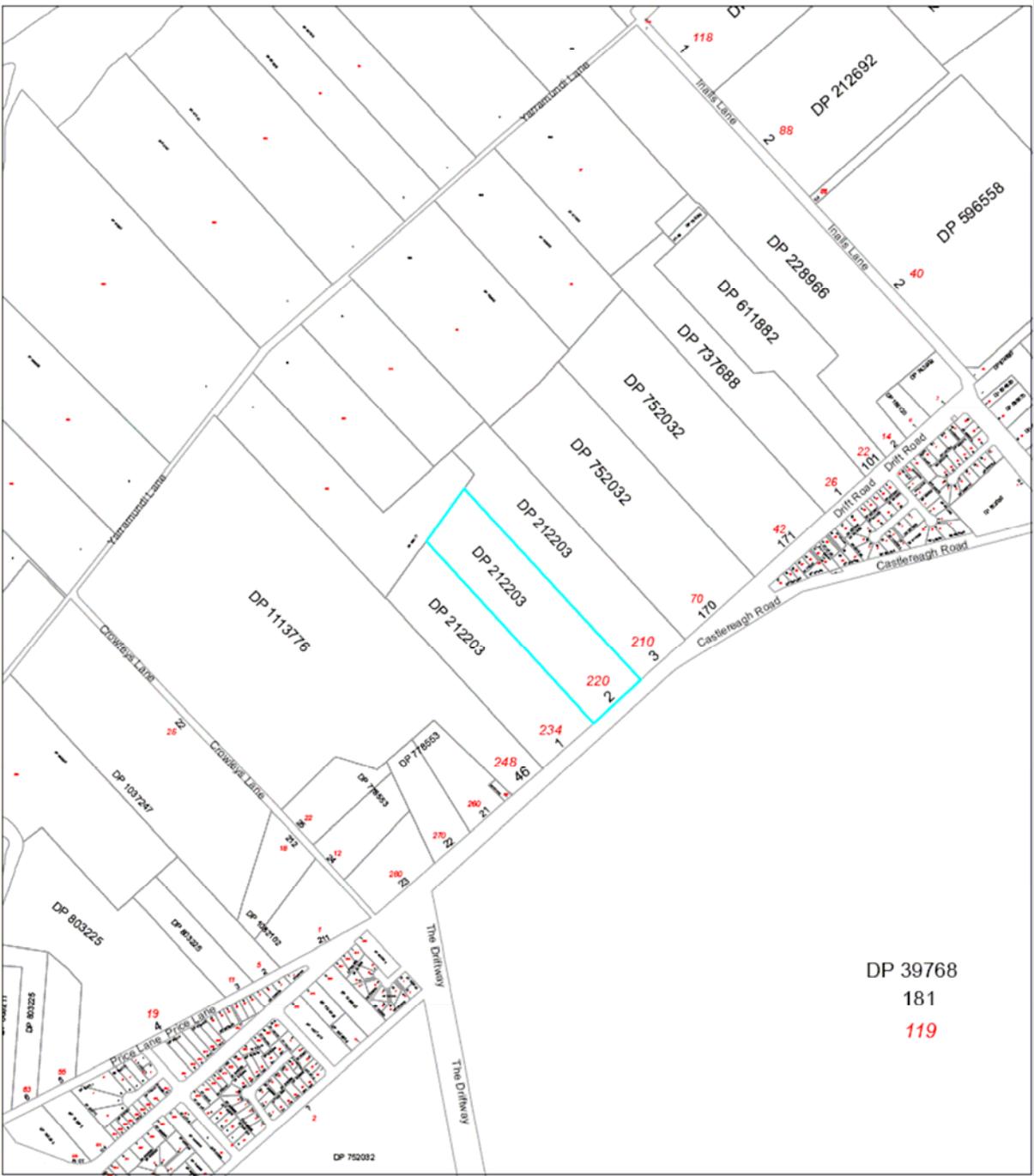
- \*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- \*\*\* The applicant is advised to consult with the necessary energy and telecommunication suppliers 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.

AT - 2 Locality Plan

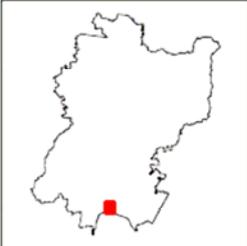


## HAWKESBURY CITY COUNCIL

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 Website: www.hawkesbury.nsw.gov.au  
 Email: council@hawkesbury.nsw.gov.au  
 Hours: Monday to Friday 8.30am - 5.00pm  
 Phone: 02 4560 4444



DP 39768  
181  
**119**



Date: \_\_\_\_\_

**Legend**

Land Parcels
  Road Names
  Roads

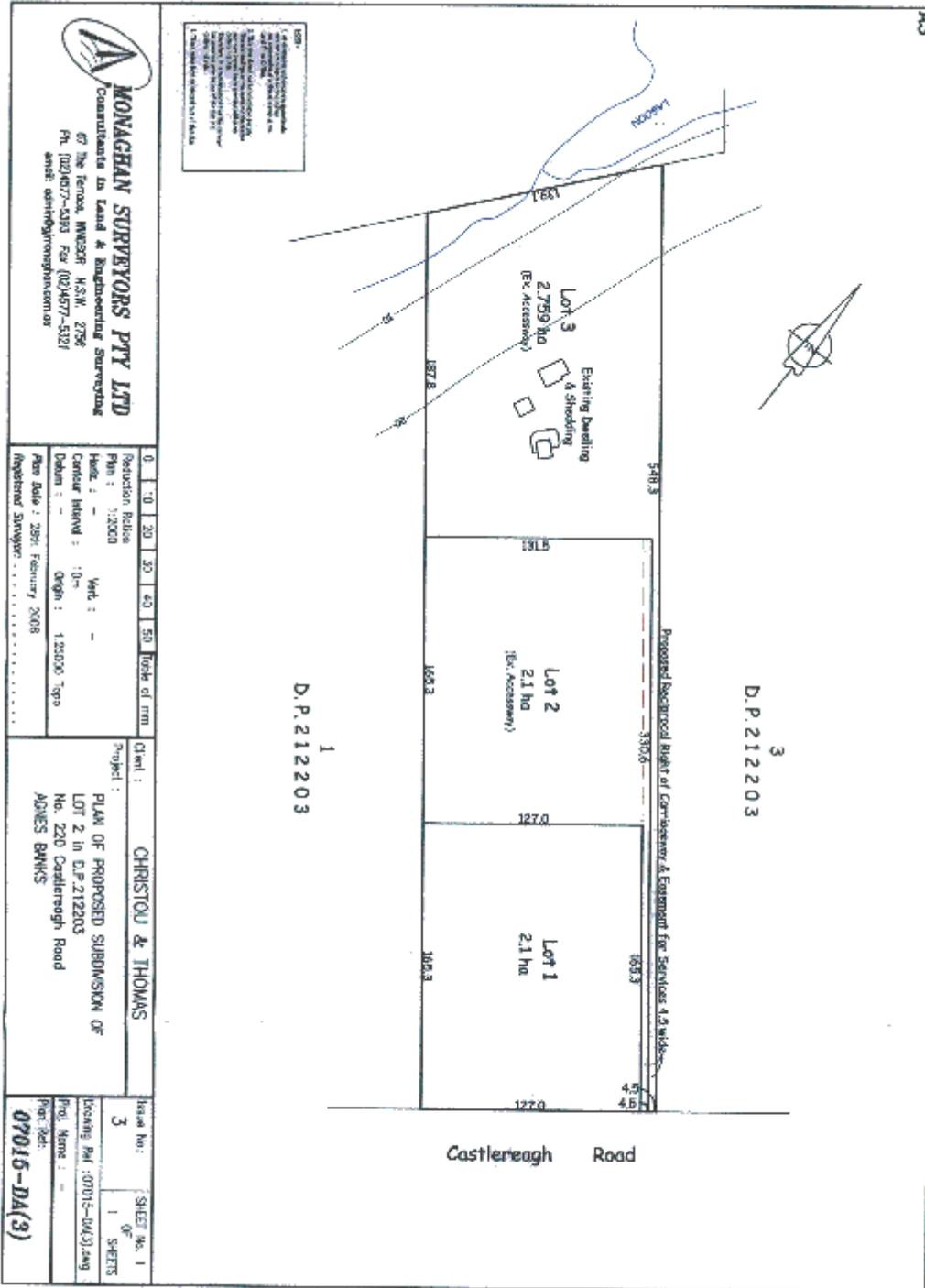
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 1:7,805

**AT - 3 Subdivision Plan**



**MONAGHAN SURVEYORS PTY LTD**  
 Consultants in Land & Engineering Surveys  
 of the Town of Maitland N.S.W. 2320  
 Ph: (02)4577-5200 Fax: (02)4577-5321  
 email: central@monaghan.com.au

Reduction Ratio: 1:1000  
 Date: 12/2008  
 Centre Interval: 10m  
 Datum: ADG84  
 Plan Date: 28th February 2008  
 Registered Surveyor: [Signature]

Client: CHRISTOU & THOMAS  
 Project: PLAN OF PROPOSED SUBDIVISION OF LOT 2 in D.P. 212203  
 No. 220 Castlereagh Road  
 ADJES BANKS

Sheet No: 3  
 of 3 SHEETS  
 Drawing Ref: 07016-DA(3).dwg  
 Plot Name: [Blank]  
 Plot Ref: [Blank]



oooO END OF REPORT Oooo

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

**Item:6** CP - Development Application - Rural Shed - 269 Grono Farm Road, Wilberforce - (DA0406/08, 18449, 18450, 95498)

**Previous Item:** 229, Ordinary (11 November 2008)

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**REPORT:**

**Background**

At the meeting of 11 November 2008 Council considered a development assessment report for the retrospective approval of a rural shed at 269 Grono Farm Road, Wilberforce. A copy of that report is attached. The resolution of the 11 November meeting was as follows:

*That the matter be deferred to enable:*

1. *A site inspection be carried out.*
2. *A further report to Council on matters raised by Mr Trevor Devine, respondent.*

A site inspection was carried out on Tuesday 2 December 2008 and was attended by the property owners, Mr & Mrs Mackay, the owner's consultant Mr Falson, the Mayor Cllr B Bassett and Cllrs Paine, Rasmussen, Reardon and Whelan and Council's Director City Planning.

The purpose of this report is to address part two of the resolution of 11 November 2008 and recommend that the application be determined by Council.

**Issues raised by Mr Trevor Devine, respondent at meeting of 11 November 2008**

1. *The report to Council on 11 November did not deal with the number of retrospective approvals relating to the land.*

**Comment**

The report to Council on 11 November 2008 contained all the relevant background to the site (relating to structures on the site) as follows;

BA981/91 Rural shed (not constructed)  
MA190/98 Rural Shed (constructed)  
DA224/06 Retrospective approval for alteration to existing shed and stables.

*The structure, the subject of the application, was constructed approximately eight years ago.*

Another matter relating to filling on the site was subject to a previous compliance investigation. However, that matter has been finalised and is not relevant to this current application.

The respondent's comments imply that there have been multiple retrospective applications on the site. As seen from above there has only been one retrospective development application for structures on the subject site. That application was DA224/06 to regularise additions and alterations to existing shed as approved by MA190/98. It should also be noted that a Section 96 application to DA224/06, also proposed an amendment to the development consent. However, that Section 96 amendment application was refused by Council at the meeting of 29 May 2007

2. *There is now approximately 1000m<sup>2</sup> of shed floor area on the site.*

## ORDINARY MEETING

Meeting Date: 3 February 2009

### Comment

A check of the approved plans for sheds on the subject site indicates that the shed area approved by DA224/06 totals 750m<sup>2</sup>. The shed, the subject of this application, has a total area of 93m<sup>2</sup>. This makes a total shed area on the site of 843m<sup>2</sup>.

The Hawkesbury Development Control Plan 2006 (DCP) Part D 8.2.2 sets out the controls for the size of rural sheds. The DCP sets an upper limit of 170m<sup>2</sup> for sheds in Rural Living Zones and permits larger sheds in other rural zones subject to justification provided by the applicant. The subject site is zoned Environment Protection – Agriculture Protection and not Rural Living. Under the provisions of the Hawkesbury LEP 1987 larger sheds are permitted on the subject land when justified.

The applicant has provided justification for the sheds previously approved by DA 224/06 and these are not relevant to the current application. The current application, for the retrospective approval of a 93m<sup>2</sup> shed, has stated that the *“size of the shed is commensurate with the existing use of the property and the requirement to house equipment associated with the agricultural and equestrian use of it.”* It is considered that the applicant has justified the amount of shed area that is on the site, via the two applications mentioned above, and that justification satisfies the requirements of the DCP.

3. *DCP “Rules” state that the shed should be no closer to the road than the existing dwelling. This shed is not consistent with DCP “Rules”.*

### Comment

This matter was addressed on page 2 of the previous Council report on this matter (see attached report). It is true that the “rules” of the DCP state that sheds should be no closer to the road than the existing dwelling on the site. However, the “rules” in the DCP are expressed as a “deemed to comply” provision for ease of reference to the controls in the DCP.

The structure of the DCP is such that the “Rules” must be consistent with the “Aims” and “Objectives” of the relevant sections of the DCP. It is generally understood that the “Rules” in the DCP, whilst satisfying the majority of development scenarios, cannot be expected to be a “one size fits all” control. In the cases where the “Rules” do not, or cannot be met, and the circumstances support a variation, each application is assessed on the individual merits and any variation must comply with the “Aims” and “Objectives” of the relevant section of the DCP.

In this case the aims of the “Siting” section of the DCP are to ensure that *“sheds shall not be visually prominent or intrude into the skyline”* and *“The siting of the rural shed will be chosen to minimise unnecessary disturbance to the natural environment.”*

The subject shed is approximately 190 metres from the Grono Farm road frontage and is partially screened by established vegetation and is not visually prominent. It is considered that the existing shed complies with the aims and objectives of the DCP. Relocation of the shed is likely to have a detrimental impact on the natural environment and would be inconsistent with the DCP provisions.

4. *Respondent’s real estate experience says that when a Foxtel receiver and TV aerial are on a shed it is “worth a look”.*

### Comment

This comment relates to the shed approved under the provisions of DA224/06 and is not relevant to the current application.

It is assumed, from listening to the taped transcript of the Council meeting of 11 November 2008, that the respondent’s comment implies that the other shed is being used for habitable purposes. An investigation of the matter indicates that the receiver and aerial are being used for a purpose that is not inconsistent with the approval relating to DA224/06 and the shed is not used for habitable purposes.

5. *It is questionable if the requirements of DA224/06 have been totally complied with.*

## ORDINARY MEETING

Meeting Date: 3 February 2009

### Comment

There is no question that the conditions of approval relating to DA 224/06 have been complied with. This fact was verified to the adjoining owner, and the respondent, in writing by Council on 23 October 2007. Again this comment has no relevance to the current application.

- 6. Previous approvals should be complied with prior to Council considering any further approvals.*

### Comment

The provisions of the Environmental Planning and Assessment Act 1979 are clear in relation to Council's responsibilities in relation to assessment and determination of development applications. The provisions of the Act are also clear in relation to powers granted to Council for enforcement of development consent conditions. However, the Act does not make provisions for the withholding of the determination of a development application due to non-compliance or otherwise of another unrelated development applications. The withholding of determination of a development application could only be justified if the previous development consent was a prerequisite of the later, e.g., the first required construction of access to the site prior to building.

- 7. A 2.4 metre high lattice fence is constructed on the site and whilst one "couldn't describe this lattice fence as a rural fence it never the less is a dividing fence and permitted under the DCP".*

### Comment

This comment has no relevance to the current application for a shed and the fence is approximately 150 metres southeast of the subject shed. It should also be noted that there is no definition of "Rural Fence" in the Hawkesbury Planning Controls.

The fence referred to was the subject of an investigation by Council staff in February 2008. The fence height and construction was deemed to be "exempt development" and the adjoining owner was notified of this by letter on 26 February 2008.

- 8. Fence was erected without consultation with the adjoining neighbour.*

### Comment

This comment has no relevance to the current application for a shed. The erection of fencing between property owners is not a matter that Council is involved with. Also see comments in 7 above.

- 9. If the DCP is relied upon for the fence then the DCP should be considered in relation to any other structures on the site.*

### Comment

The DCP has been used to assess the application for the subject shed. The shed is considered to be satisfactory in relation to the provisions of the DCP and has been recommended for approval.

- 10. The shed should be relocated.*

### Comment

See comments in relation to 3. above. As with all development applications, the assessment of the application by Council is to consider the shed and location as proposed. The determination of a development application should not be approved with a condition to substantially relocate the structure as that would be an invalid condition.

### Conclusion

The purpose of this report was to address the matters raised by the respondent, Mr Devine, at the Council meeting of 11 November 2008. As discussed previously in this report, many of the issues raised are either not relevant to this current application or have been assessed against the provisions of the DCP and found to be acceptable. As a result, the application is recommended for approval subject to conditions.

## ORDINARY MEETING

Meeting Date: 3 February 2009

### Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

### RECOMMENDATION:

That development application DA0406/08 at 269 Grono Farm Road, Wilberforce for retrospective approval for the use of the structure as a rural shed be approved subject to the following conditions:

#### General Conditions

1. The development shall be 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 comply with the provisions of the Building Code of Australia at all times.
3. Submission of an application under Section 149(D) (Building Certificate) for the structure within 60 days from the date of this consent.

#### Use of the Development

4. No internal or external alterations shall be carried out without prior approval of Council.
5. The rural shed shall not be occupied for human habitation/residential, industrial or commercial purposes.

#### Advisory Notes

\*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.

### ATTACHMENTS:

AT - 1 Council Report from 11 November 2008

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

**AT - 1 Council Report from 11 November 2008**

**Item: 229** CP Development Application - Rural Shed - 269 Grono Farm Road, Wilberforce - DA0406/08, 18449, 18450, 95498)

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**Development Information**

**Applicant:** Dr W & Mrs A MacKay  
**Owner:** Dr W & Mrs A MacKay  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
**Area:** 11.2ha  
**Zone:** Environmental Protection - Agricultural Protection (Scenic)  
**Advertising:** Not required under Notification Chapter of the DCP  
**Date Received:** 27 May 2008

**Recommendation:** Approval

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**REPORT:**

**Description of Proposal**

The application seeks approval for a retrospective use of an existing structure as a rural shed. The structure is 12.37m x 7.5m (93sqm) and has a height of 3.076 to 3.6 metres. The structure is located approximately 190 metres from Grono Farm Road and 30 metres from the northern property boundary.

A photo of the structure and aerial photo is on display in the Council Chambers.

The structure is used to store various equipment and materials associated with the farming and equestrian activities on the site.

The application was called to Council by former Councillor Devine.

**Recommendation**

Approval with conditions

**History**

BA981/91 Rural shed (not constructed)  
MA190/98 Rural Shed (constructed)  
DA224/06 Retrospective approval for alteration to existing shed and stables.

The structure, the subject of the application, was constructed approximately eight years ago.

**Council Policies, Procedures and Codes to Which the Matter Relates**

Hawkesbury Local Environmental Plan 1989  
Sydney Regional Environmental Plan 20  
Hawkesbury Development Control Plan

**Section 79C Matters for Consideration**

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

## ORDINARY MEETING

Meeting Date: 3 February 2009

### Rural Shed Chapter of the DCP

The structure complies with the rules contained in the Rural shed chapter except for siting. The rule does not permit sheds to be erected in front of the dwelling on the property. The shed is located approximately 190 metres from Grono Farm Road and is located in front of the dwelling as shown on the site plan (AT2).

The aims and objective of this rule is to:

- Integrate rural sheds with the landscape so that they compliment the rural character of an area and are not visually dominant.
- Preserve the natural environment.
- Sheds shall not be visually prominent or intrude into the skyline
- The siting of the rural shed will be chosen to minimise unnecessary disturbance to the natural environment.

While the shed is located in front of the dwelling house, it is setback a considerable distance from Grono Farm Road and the nearest property boundary and will meet the aims and objectives of this rule. The location will have no impact on the natural environment. In this case the variation is supported.

### Conclusion

The development is consistent with the rules of the Rural Shed chapter of the Hawkesbury DCP. The structure is relatively small and has no significant impact on the natural or man made environment. The matter of the works being undertaken without any formal approval will be considered in accordance with Council's Enforcement Policy.

### Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

### RECOMMENDATION:

That development application DA0406/08 at 269 Grono Farm Road, Wilberforce for Retrospective approval for the use of the structure as a rural shed 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 comply with the provisions of the Building Code of Australia at all times.
3. Submission of an application under Section 149(D) (Building Certificate) for the structure within 60 days from the date of this consent.

#### Use of the Development

4. No internal or external alterations shall be carried out without prior approval of Council.
5. The rural shed shall not be occupied for human habitation/residential, industrial or commercial purposes.

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

**Advisory Notes**

\*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.

**ATTACHMENTS:**

**AT - 1** Locality Plan

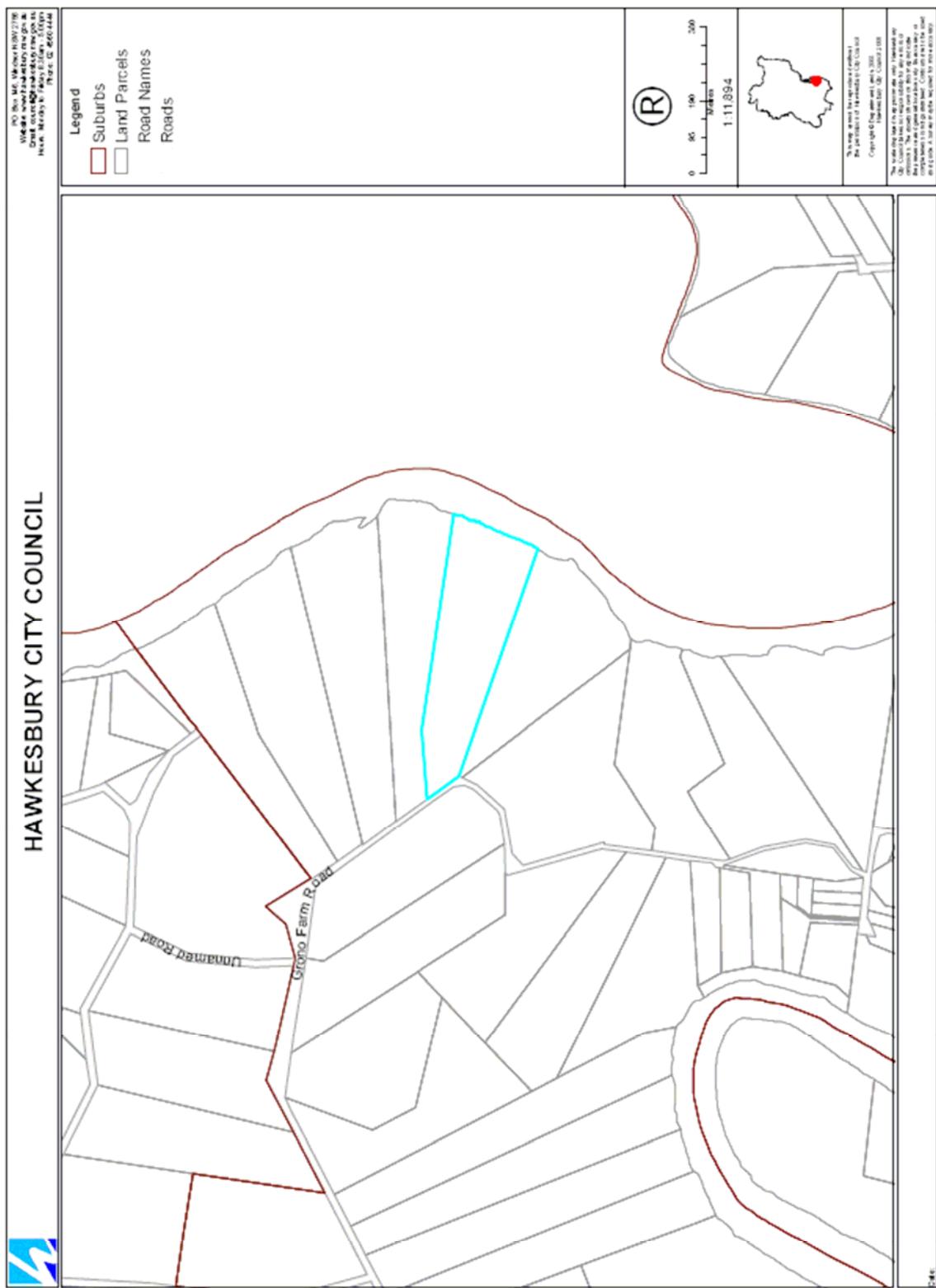
**AT - 2** Site Plan

**AT - 3** Floor Plan / Elevations

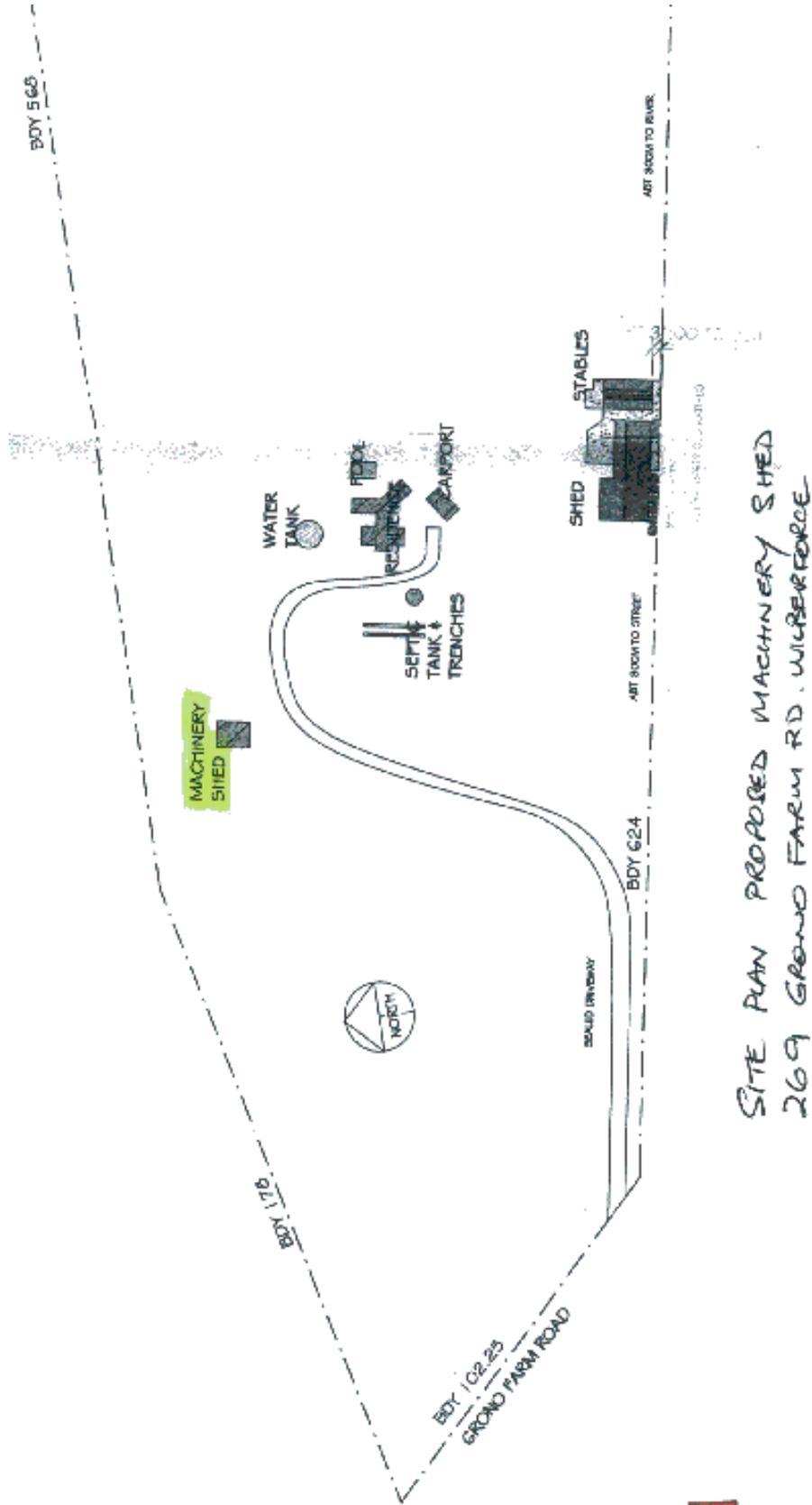
ORDINARY MEETING

Meeting Date: 3 February 2009

AT - 1 Locality Plan



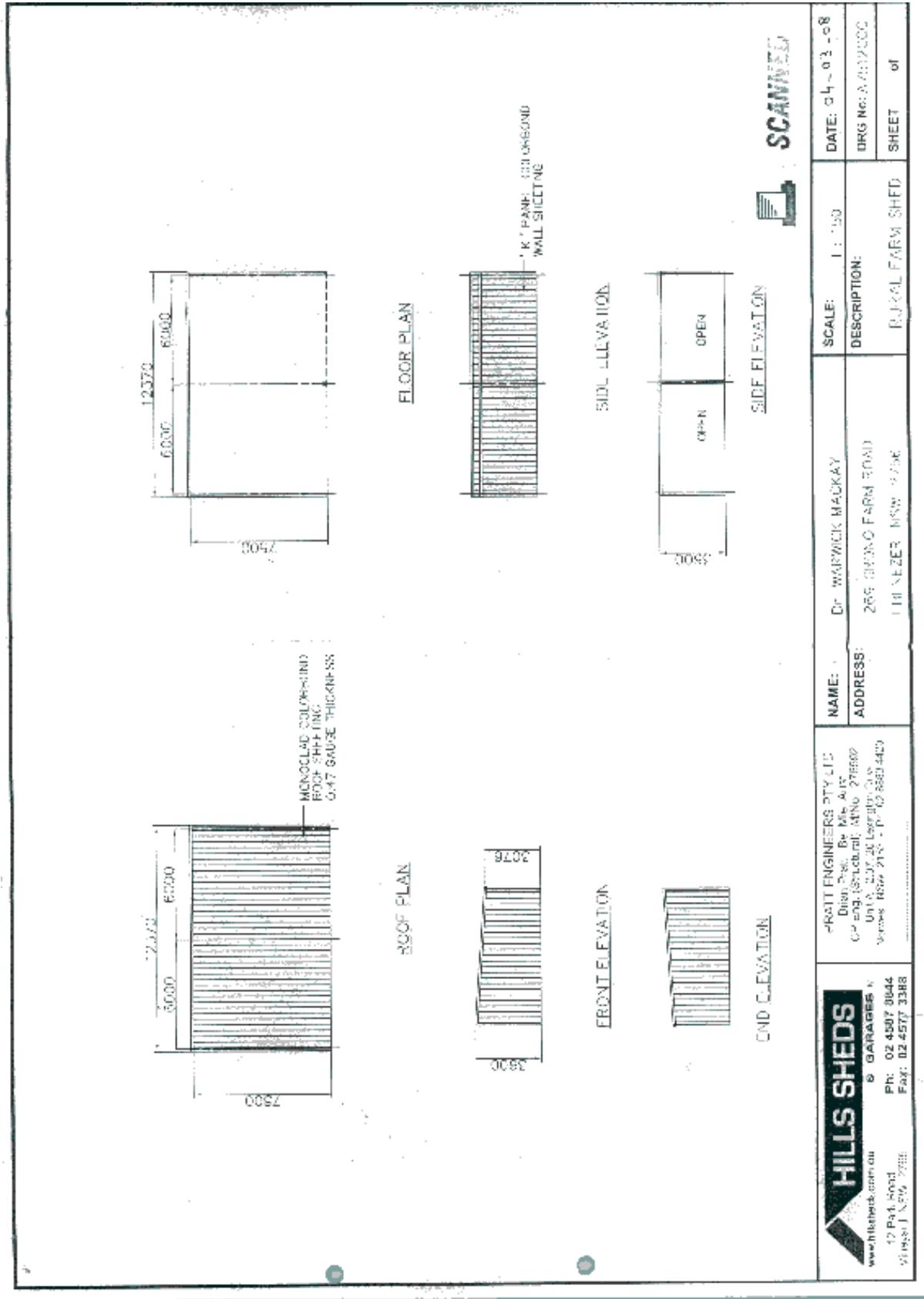
AT - 2 Site Plan



ORDINARY MEETING

Meeting Date: 3 February 2009

AT - 3 Floor Plan / Elevations



 <p>17 Park Road Vestey NSW 2788</p>	<p>FRATT ENGINEERS PTY LTD Dist. Div. By Mail Act C/- 259, (Strickland) AVE 278889 Unit 1, 227, 20 Leighton St Vestey NSW 2788 - P O BOX 4429</p>	<p>NAME: Dr. WARWICK MACKAY ADDRESS: 265 BUNING FARM ROAD 114 NEZER NSW 2796</p>	<p>SCALE: 1:150 DESCRIPTION: RURAL FARM SHED</p>	<p>DATE: 04-03-08 DRG No: A-032000</p>
	<p>Ph: 02 4587 8844 Fax: 02 4577 3388</p>	<p>SHEET 01 of</p>		

oooO END OF REPORT Oooo

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

**Item:7**                    **CP - Development Application - Shop - Extension and Use of Existing Building for Sale of Fruit and Vegetables, Associated Car Parking and Landscape Area - 570 Bells Line of Road, Kurmond - (DA0730/07, 95498, 35270, 35269)**

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**Development Information**

**Applicant:**                Francesco Agostino  
**Owner:**                    Mr F Agostino & Mrs C Agostino  
**Stat. Provisions:**        Hawkesbury LEP 1989  
**Area:**                      2.024ha  
**Zone:**                      Rural Living  
**Advertising:**            20 December 2007 to 10 January 2008  
**Date Received:**        30 October 2007

**Recommendation:**    Refusal

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**REPORT:**

**Description of Proposal**

The application seeks approval for alterations/additions and use of an existing building for the sale of fruit and vegetables associated car parking and landscaped area. The existing building is situated on the south western corner of the subject land being positioned approximately 2.5 metres from the front boundary to Bells Line of Road and maintaining a variable setback to the western (side) boundary of 1.25 to 4.00 metres.

The principal works associated with the proposal are detailed as follows:

- (a) demolition of the eastern wall and extension of the building 5.62 metres to the east;
- (b) removal of existing window, door and associated stairway within northern elevation;
- (c) new covered verandah to the southern and part eastern side of the building;
- (d) new metal sheet roofing to the building;
- (e) new external wall cladding to the building;
- (f) replacement of windows within the southern and western elevations;
- (g) provision of disabled toilet facilities at the eastern end of the building;
- (h) creation of internal wall opening to northern room;
- (i) provision of file storage, plant and amenities rooms at sub floor level;
- (j) new stair access to sub floor level;
- (k) demolition of existing building and associated carport situated centrally along the site frontage;
- (l) construction of eight (8) car parking spaces inclusive of one (1) disabled space.

The proposed internal configuration of the shop is to consist of fruit and vegetable display areas, fruit bins, refrigerated display, checkouts, preparation area, cool room and loading area.

The existing building has a floor area of 162.9 sqm and the building as proposed is to comprise 215.7 sqm of floor area.

The application has been submitted on the assumption that the former land use of the property was operating under existing use provisions as defined by the Environmental Planning and Assessment Act, 1979.

**History**

## ORDINARY MEETING

Meeting Date: 3 February 2009

A search of Council's records has provided documentation of the following approvals issued in respect to the subject land:

68A/920/71	Shed	
68A/568/72	Subdivision	
68A/208/73	Cool room	
68A/730/73	Dwelling	
D0445/83 and D0446/83	Dwelling and Machinery Shed	20 October 1983
DA0161/84	Dwelling	20 June 1984

### Existing Use Provisions

In order to assist in the determination of the existence or otherwise of existing use provisions associated with the subject site the information submitted in conjunction with the application was forwarded to Pike Pike & Fenwick Lawyers to provide advice in this regard.

An initial assessment of the documentation submitted with the application found that the applicant had failed to demonstrate that the site benefited from existing use provisions. In this regard a summary of this advice provided that:

*We suggest the Applicant clarify how the commencement of the current light industrial use was lawful as prima facie, at the time such change of use occurred in 1976, it would appear that development consent would have been needed.*

*In order for the premises to benefit from existing use rights, the Applicant has essentially to prove that:*

- (a) The current use commenced lawfully, either prior to the commencement of planning controls in the area or alternatively pursuant to a development consent after planning controls were imposed; and*
- (b) It was lawfully continuing as at the date at which rezoning was effected so as to make the use prohibited; and*
- (c) It is still lawfully continuing as at to date.*

In order to assist in the determination of the existence or otherwise of existing use provisions associated with the site, Council's lawyers were instructed to correspond directly with the applicant in order to seek clarification of the basis upon which it relies upon the legality of the establishment of a light industrial use on the property.

Urbis, on behalf of the applicant, responded to correspondence sent by Council's lawyers on 30 June 2008 providing the following information:

*The previous submission (Supplementary Letter to Council 28 March 2008) to Hawkesbury Council confirms a commercial use on the site, prior to the establishment of any formal planning controls within the Local Government Area. The following reasons confirm that a commercial activity has always been present onsite:*

- Our previous submission (28 March 2008) demonstrated that a commercial use, being a fruit and vegetable premise, was established lawfully;*
- The change from a fruit and vegetable shop to a rocking horse stud business has always been consistent with a commercial use, as a commercial use on the site has not ceased in operation;*

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

- *A light (home) industrial use only came about as Council were of the opinion that the manufacture of rocking horses was a light (home) industrial use, and therefore existing use rights was being claimed on that basis. However, even so, pursuant to the Environmental Planning and Assessment Regulation 2000, Par 5 Existing Uses, Clause 41(1) (f) an existing use may:*
- *If it is a light industrial use - be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).*
- *We understand Council's records of the site prior to 1985 have been lost. Therefore, the weighting of our claim to existing use rights is on the basis of business records and Council Rates and Charges Notices that prove a continuing commercial use on the site.*
- *Business receipts and Council Rates and Charges Notices accompanying the previous Rohan Dickson and Associates (RDA) report dated October 2007, supports the claim that this premise has been operating as a commercial premise, selling items in addition to rocking horses even to Council. Council has also maintained a business account with the subject shop.*
- *Further to the above we wish to highlight that in reference to a recent Rates and Charges Notice, Council places the subject site within the Rating Category of Business - Commercial Premises and Sub Category Business General,. We acknowledge that this recognition by-no means constitutes land use consent for commercial activity on the subject site, however it does suggest Council are aware of such activity being carried out.*

*We respectfully request confirmation by Pike, Pike and Fenwick on behalf of Hawkesbury Council that existing use rights are applicable to the site, for a commercial use was established lawfully on the site, has not ceased in operation and is currently being proposed.*

Pikes Lawyers considered the additional information and the following advice was provided in correspondence dated 7 July 2008:

*The letter is not particularly helpful, nor persuasive on the matter of concern to us. Despite our request, the applicant's representative has been unable to provide any evidence of lawful commencement of the rocking horse business beyond the following assertions:*

- *Our previous submission (28 March 2008) demonstrated that a commercial use, being a fruit and vegetable premise, was established lawfully;*

***[In fact, no evidence of any such approval has been provided to us.]***

- *The change from a fruit and vegetable shop to a rocking horse stud business has always been consistent with a commercial use, as a commercial use on the site has not ceased in operation;*

***[No evidence of any approval for change of use has been provided.]***

*As far as we can see from the material provided to us:*

*At the time the rocking horse business is said to have commenced, the premises was zoned "Non-urban B2" under IDO3. Under IDO 3, the only uses permissible without consent were agriculture other than pig keeping or poultry farming, dwelling houses and forestry. Home industries were permissible but only with consent.*

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

*The extracts from Council records which they have provided to us suggest that no approval had been obtained and that the rocking horse business operated unlawfully. Quotations from these records are set out hereunder.*

- *Note from Council's "Main Roads Patrol" dated 14 February 1981 which says:*

*"Patrol east on Bells Line of Road to Kurmond where premises designated as 'The Rocking Horse Stud' were observed.*

*Wooden toys, largely rocking horses were displayed on the road reserve and upon investigation the interior of the structure (originally constructed as a packing shed/machinery shed with no previous history of use as a roadside stall) was fitted up as a shop and workroom.*

*...*

*The wife of the proprietor was called from the adjoining dwelling and upon the being advised that the activity was one that was prohibited within the zone admitted that a servant of Colo Shire Council had previously warned that the activity had no consent of Council and was a use that was prohibited within the zone."*

- *Note from Council's "Main Roads Patrol" dated 28 February 1981 which states:*

*"'Rocking Horse Stud' spoke to Mr & Mrs Wells. They admitted that no permission had been granted for display and sale of the toys. Mr Wells said that they could not stop selling as they were committed to buy property and income necessary for bank.*

*Advised Mr & Mrs Wells of provisions of Interim Development Order and requested them to cease use. Mr Wells stated that he had been advised that by an officer of Colo Shire that the manufacture of toys was permitted. I advised that perhaps the manufacture may be permissible under certain conditions. However, even if that was the case, and I doubted it, certainly the display and sale was prohibited."*

- *Although it is said that Council's records for the period have been lost, we have been shown a file note from Garry McCully dated 9 March 1981 which says:*

*"I would consider that the situation is that the manufacture that is taking place within the premises is a use that Council could approve as a change of use from that previously existing..."*

*The onus of proof in relation to the various elements that go to establishing an existing use rests with the applicant who asserts such use.*

*In this instance, little is provided by the applicant in the way of such evidence. In so far as documentary materials exist, they seem to suggest that there was no lawfully approved use.*

*It is said that Council records cannot be found but one would have expected records of any such approval to be in the hands of the former operators and yet no such documentation has been forthcoming.*

*The applicant has not to date established existing use rights herein.*

Correspondence forwarded to Urbis on 22 September 2008 from Pike Pike and Fenwick Lawyers detailed that the proposal has failed to demonstrate that the property benefits from an established existing use. In particular it has been highlighted that:

1. *The assertion that the commercial use was lawfully established has not been proven.*

## ORDINARY MEETING

Meeting Date: 3 February 2009

2. *At the time the rocking horse business is said to have commenced, the premises was zoned "Non-urban B2" under IDO 3. Under IDO 3, the only uses permissible without consent were agriculture other than pig keeping or poultry farming, dwelling houses and forestry. Home industries were permissible however only with development consent. No evidence of any approval for the rocking horse business has been provided or is available.*

Given that the applicant has failed to establish the existence of a lawful existing use on the subject land Council is unable to favourably consider the subject development application proposing extension and use of an existing building as a shop given that a *shop* constitutes a prohibited land use within the Rural Living zone.

### Issues Relevant to the Decision - In Point Form

- Existing Use Rights Provisions
- Prohibited Land Use
- Traffic Implications
- Amenity Impact

### Council Policies, Procedures and Codes to Which the Matter Relates

- Hawkesbury Local Environmental Plan 1989
- Sydney Regional Environmental Plan No 20
- Hawkesbury Development Control Plan

### Section 79C Matters for Consideration

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

#### **Sydney Regional Environmental Plan 20 - Hawkesbury Nepean River (No 2 - 1997)**

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

#### **Hawkesbury Local Environmental Plan 1989**

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

The general aims, objectives etc. of Hawkesbury Local Environmental Plan 1989 are detailed as follows:

- (a) *to provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury;*

Comment: The application seeks approval to undertake a retail land use on land that has not been specifically zoned for this purpose. Given the above it is considered that the proposal will have a detrimental impact on established commercial centres and does not promote the orderly and economic development of land.

- (b) *to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production;*

Comment: The subject site is not considered appropriate having regard to its location to provide for a proposed retail premises given that access is proposed directly from an arterial road and the

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

existing road alignment does not provide for suitable sight distance requirements prescribed by the Roads and Traffic Authority.

- (c) *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways;*

Comment: It is considered that the proposal will not preserve or maintain the rural character of the area and has the potential to detract from the existing environment given the nature of signage associated with fruit and vegetable retail establishments situated on arterial roadways.

- (d) *to conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City of Hawkesbury for future generations; and*

Comment: The proposed works are not proposed on or adjacent to any identified heritage items or within a heritage conservation area.

- (e) *to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups within the City*

Comment: The proposed development does not involve housing development.

**Clause 6 - Adoption of 1980 Model Provisions**

Hawkesbury Local Environmental Plan 1989 has adopted a number of definitions contained in the Environmental Planning and Assessment Model Provisions 1980. The proposed development is defined as a *shop* as detailed in Part 2 - Definitions. The following definition is provided in this part:

*“shop” means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause, a building or place used for a purpose elsewhere specifically defined in this clause;*

**Clause 9 - Carrying out of development**

The subject site is zoned Rural Living under the provisions of Hawkesbury Local Environmental Plan 1989. Shops are uses that constitute prohibited development within the Rural Living zone.

**Clause 9A - Zone objectives**

The objectives of the Rural Living zone are described as follows:

- (a) *to provide primarily for a rural residential lifestyle,*

Comment: The application seeks consent to undertake a retail use on the subject land. This activity will not promote the preservation of the rural residential character of the area resulting in the degradation of the rural residential lifestyle.

- (b) *to enable identified agricultural land uses to continue in operation,*

Comment: The proposal will not have any significant impact upon agricultural land uses situated in the immediate area.

- (c) *to minimise conflict with rural living land uses,*

Comment: It is considered that the proposal is inconsistent with rural living land uses in that it will contribute to additional traffic movements and noise associated with the site.

- (d) *to ensure that agricultural activity is sustainable,*

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

Comment: The application does not seek an agricultural use of the land.

- (e) *to provide for rural residential development on former agricultural land if the land has been remediated,*

Comment: The application does not involve use of the land for rural residential purposes.

- (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,*

Comment: It is considered that the proposal will not assist in the preservation of the rural landscape character of the area given that it is proposed to extend an existing building that currently is situated on a nominal setback to the Bells Line of Road (front) boundary of the site. The extension in association with provision of covered verandah forward of the existing building will contribute to increasing the dominance of the structure.

- (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 conflict with other land uses in the locality,*

Comment: The application does not seek an agricultural use of the land.

- (h) *to ensure that development occurs in a manner:*
- (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,*

Comment: It is considered that the proposal would not have a significant adverse impact having regard to water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands.

- (i) *to prevent the establishment of traffic generating development along main and arterial roads,*

Comment: The application is contrary to this requirement as it does propose the creation of a traffic generating development having direct access from Bells Line of Road.

- (j) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

Comment: The subject land benefits from town water however no reticulated sewer is available to the site. It is not envisaged that the proposal would contribute to significant demand for the provision or extension of services.

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

The subject site benefits from a reticulated water, electricity and telephone services. It is noted that wastewater disposal is required to be undertaken on the subject land. No information has been submitted with the application detailing the capacity of the site to accommodate the additional volume of wastewater anticipated to be generated in conjunction with the proposed development.

Given the issues associated with the application this additional information was not sought from the applicant.

**Clause 22 - Development fronting a main or arterial road**

## ORDINARY MEETING

Meeting Date: 3 February 2009

The provisions of Clause 22(1) of Hawkesbury Local Environmental Plan 1989 provide that development should have regard to the following principles:

- (a) *Development should be of a type compatible with the maintenance and enhancement, as far as is practicable, of the existing scenic character of the locality.*
- (b) *Development should not generate significant additional traffic or create or increase ribbon development directly along a main or arterial road, relative to the capacity and safety of the road.*
- (c) *Any building should be sited and designed to be of an appropriate scale, so as to maintain the character of the area, to minimise disturbance to the landscape, not to intrude into the skyline and to maintain an overall pattern of building development that is consistent with the character of the area.*
- (d) *Any building should be set back, from the nearest alignment of the main or arterial road, the distance to be determined by the Council having regard to:*
  - (i) *the nature, scale and function of the building,*
  - (ii) *the maximisation of sight distances for drivers, including visibility of points of access,*
  - (iii) *the minimisation of distractions to drivers, and*
  - (iv) *any possible need to alter the road alignment in the future.*

As detailed in the report it is considered that the proposal has not satisfied the principles listed above.

In addition to the above, Clause 22(2) of Hawkesbury Local Environmental Plan 1989 provides that Council shall not grant consent to the carrying out of shops within land zoned Rural Living which has direct access to a main or arterial road.

### **Car parking and Access**

The proposal development is defined as a *shop* and access is obtained directly from an arterial road (Bells Line of Road). Thompson Stanbury Associates having regard to the current operation of the site undertook a traffic assessment. This assessment describes the existing car parking arrangements associated with the subject site as follows:

*The building is set-back from the Bells Line of Road pavement by approximately 15m. The land between the Bells Line of Road pavement and the building forms an informal unsealed parking area servicing the retail use providing approximate dimensions of 15m x 60m. No formal ingress or egress driveways provide connectivity between the Old Bells Line of Road pavement and the frontage parking area.*

Whilst it is acknowledged that the plans submitted in conjunction with the application provide for an onsite car parking area it is anticipated that the current usage of the road reserve for car parking purposes will continue given its location immediately adjacent to the retail premises.

The road conditions and traffic flows adjoining the site are described as follows:

*Bells Line of Road forms a State Road function under the care and control of the Roads & Traffic Authority providing an east-west arterial function between North Richmond and Lithgow. Immediately adjoining the subject site, Bells Line of Road forms a 9m wide pavement providing one through lane of traffic in each direction with directional lanes being separated by a double barrier centre line. Marked edge lines delineate the edge of pavement whilst unsealed shoulders are provided along both carriageway alignments. Traffic flow is governed by a sign posted speed limit of 60km/h.*

*The horizontal alignment of Bells Line of Road in the immediate vicinity of the subject site is variable somewhat restricting sight distance to and from abutting land-uses. In this regard, a "Concealed Driveway Ahead" sign is provided for eastbound traffic approximately 200m to the*

## ORDINARY MEETING

Meeting Date: 3 February 2009

*west of the subject site suggesting that the current limited sight conditions are acknowledged by the Roads & Traffic Authority.*

*Directional traffic volumes within Bells Line of Road is tidal during peak periods with eastbound traffic flow dominating during the morning peak and westbound traffic flow dominating during the evening peak. Recent (2008) traffic surveys undertaken on behalf of this Practice at the junction of Bells Line of Road and Comleroy Road to the west of the site indicate following peak hour traffic flows in the vicinity of the site:*

- *Eastbound morning peak hour volumes = 631 vehicles;*
- *Westbound morning peak hour volumes = 241 vehicles;*
- *Eastbound evening peak hour volumes = 379 vehicles; and*
- *Westbound evening peak hour volumes = 510 vehicles.*

Having regard to the road characteristics in the immediate vicinity of the site and the usage of the road reserve Thompson Stanbury Associates provide the following commentary:

### *Lack of Formal Access Driveways*

*The lack of formal site ingress and egress driveways servicing the site results in vehicles accessing and exiting the site at random locations along the entire site frontage. The anomaly in having undefined access locations can lead to conflict between entering and exiting vehicles. In addition, this deficiency in not having defined access locations can lead to confusion for the driver of vehicles trailing vehicles decelerating within Bells Line of Road wishing to access to the site.*

### *Restricted Sight Distance*

*The inconsistent horizontal alignment of Bells Line of Road results in somewhat limited sight distance between the subject site and Bells Line of Road. In particular, this variable alignment in conjunction with dense vegetation along the northern road reservation to the west of the site severely restricts sight distance between vehicles entering / exiting the site and eastbound Bells Line of Road traffic flow.*

*The Roads & Traffic Authority specify a Safe Intersection Sight Distance of 105m for roads with traffic flow governed with a speed limit of 60km/h. Observations have indicated that it is unlikely that 105m of clear sight distance is provided from the site frontage to the west along Bells Line of Road.*

### *Access Treatment*

*The extent of eastbound traffic volumes along Bells Line of Road is sufficient enough to suggest that there is a reasonable probability that vehicles accessing the site from the westbound carriageway may be delayed. The pavement width of Bells Line of Road is not sufficient to allow trailing westbound vehicles to safely pass a stationary vehicle waiting to turn right into the subject site.*

*It is current Roads & Traffic Authority policy that such traffic generating developments such as that proposed should at minimum provide a Type "BAR" (Basic Right Turn) intersection treatment in accordance with Figure 4.8.23 of the Authority's Road Design Guide to ensure that there is no unreasonable conflict between westbound Bells Line of Road traffic and vehicles accessing the site.*

### *Passenger Vehicle Parking*

*Passenger vehicles currently park within the informal and unsealed site frontage apron. There is no linemarking or signposting delineating this parking function such that vehicles park at a variety of angles along the front of the building. This informal arrangement reduces the*

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

*efficiency of the parking area in terms of parking capacity but also reduces the safety in terms of vehicle to vehicle conflicts and vehicle to pedestrian conflicts.*

Given that it is likely that car parking would continue to occur within the road reserve area adjacent to the site this would further exacerbate the issue of available sight distances for vehicles exiting the designated on-site car parking area.

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

**Hawkesbury Development Control Plan 2002**

**Landscaping**

A concept landscape strategy for the site has been developed by the applicant being detailed on the site plan submitted in conjunction with the application. The proposal involves the provision of landscape treatment along the frontage of the site adjacent to the proposed car parking and associated manoeuvring area.

**Car Parking**

Clause 2.5.2 in Part C of Hawkesbury Development Control Plan 2002 requires the following on site parking provision in conjunction with commercial premises and shops:

*Commercial Premises and Shops: 1 space per 30 sq metres of GFA*

The following table details the existing and proposed floor areas associated with centre:

	<b>Area (sqm)</b>	<b>Required (spaces)</b>	<b>Provided (spaces)</b>
<b>SECTION 5 - Reports of Committees</b>			<b>5</b>
<b>ROC - Local Traffic Committee - 14 January 2009 - (80245)</b>			<b>5</b>

As detailed above, the proposal satisfies the car parking provisions contained in Hawkesbury Development Control Plan 2002.

**Access**

No information regarding the numbers, types and frequency of vehicles anticipated to service the site have been provided with the application in order to enable a detailed assessment of the adequacy of the access arrangements associated with the proposal.

The submitted plans provide a driveway, scaling at 5 metres wide at the boundary, being used for entry to the new car parking and delivery area. This width is not adequate to cater for the turning paths associated with a medium rigid vehicle as shown on the plan.

In addition, no works outside of the property are shown on the plans, but the need for this is alluded to in the planning report submitted by the applicant. This report provides that:

*A slip lane, feeding into a dedicated parking area (via the existing vehicular crossing) is considered to be a valid design response, one which will meet the zone objective (i) is met (BHF Report 2007).*

A concept plan of all works proposed within the Bells Line of Road road reserve, inclusive of any slip lane, would be required to be prepared for the consideration by the RTA and Council. The entrance to the site and travel paths to the loading area would be required to be designed in accordance with the requirements of AS2890.2 2002 for the largest vehicle required to service the site. In addition, all on-site car parking areas would be required to meet the requirements of AS2890.1 2004.

Given the issues associated with the application additional information having regard to access and car parking details were not sought from the applicant.

**Signage**

Hawkesbury Development Control Plan 2002 provides that advertising signs are discouraged in rural zones. The application has not included any details relating to signage to be provided in conjunction with the proposed use. Notwithstanding the above it is noted that a significant number of signage structures have been erected to date in association with the existing unauthorised use of the site for the sale of fruit

## ORDINARY MEETING

Meeting Date: 3 February 2009

and vegetables.

The proliferation of these structures has adversely impacted upon the visual character of the area and contributed to the reduction in traffic safety along Bells Line of Road.

### Notification

The application was notified as detailed in Chapter 3 of Hawkesbury Development Control Plan. In response six submissions were received by Council raising objection to the proposal with the matters raised being detailed as follows:

**1. Increased noise disturbance due to long trading hours associated with the operation of the premises and deliveries during early morning and throughout the day.**

Comment: It is considered that the proposal would result in additional noise disturbance to adjacent properties and represents a use that is not consistent with the objectives associated with the Rural Living zone.

**2. Loss of privacy**

Comment: The increased patronage associated with the proposed usage of the site for retail sale of fruit and vegetables has the potential to reduce the level of amenity. Accordingly, the issue of impact upon amenity of adjoining properties is considered a matter that has been given determining weight.

**3. Proliferation of signs on the roadway and fixed on trees.**

Comment: As is the case at present the current unauthorised use of the premises for the retail sale of fruit and vegetables has resulted in a significant amount of advertising signage being placed within the road reserve and on trees in the immediate area. This signage has had the effect of detracting from the overall visual character of the area and has the potential to adversely impact upon traffic safety and flows along the existing arterial road.

**4. Odour issues associated with decomposing waste generated by the premises.**

Comment: This is a matter that can be addressed through appropriate conditions if the application was to be considered for approval.

**5. Car parking within the road reserve will continue causing nuisance to neighbouring properties.**

Comment: As detailed in the main body of this report it is considered that the current usage of the road reserve to provide for car parking associated with the proposal would continue to occur creating traffic safety concerns for neighbouring property owners using their driveways to access or leave their properties.

**6. The site is situated on a bend and the proposal would cause traffic safety concerns.**

Comment: The traffic assessment undertaken in conjunction with the assessment of the application has highlighted issues relating to traffic safety associated with the subject site. It is considered that the location of the proposed retail shop is unsatisfactory given the road conditions immediately adjacent to the site as detailed in the report.

**7. Applicant was informed at time of purchase of the property that it was not a registered business and would not be able to be turned into a fruit shop.**

Comment: Correspondence was forwarded to the applicant on 10 September 2003 advising that there was insufficient information provided to determine whether or not the subject property benefited from 'existing use rights' provisions under the Environmental Planning and

## ORDINARY MEETING

Meeting Date: 3 February 2009

Assessment Act, 1979. In addition, information was provided that a cursory search of Council records was undertaken and that development consent for the manufacture and sale of toys from the premises had never been obtained.

**8. A retail area exists 300 metres away with existing car parking and business zoned land. Approval of the proposal would result in a ribbon-effect of shops along Bells Line of Road.**

Comment: It is considered inappropriate to establish a retail premises on the subject site as detailed in this report. The proposal has the potential to promote further ribbon development that will contribute to an adverse impact upon the immediate area.

**9. The proposal is not acceptable in the Rural Living zone.**

Comment: The proposal, being defined as a shop, is a prohibited land use within the Rural Living zone and does not satisfy the objectives contained in Hawkesbury Local Environmental Plan 1989.

**10. Increased likelihood of insect and vermin infestation.**

Comment: The issue of insect and vermin infestation is a matter that could be addressed through appropriate waste management strategies and conditions should the proposal be deemed an acceptable form of development.

**12. Additional litter would detract from the existing environment.**

Comment: It is noted that an increased incidence of litter has a negative impact upon the overall amenity of the area. Given that the majority of such waste material would be discarded within the road reserve this would place additional burden upon Council/RTA resources.

### Conclusion

The application has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979; Sydney Regional Environmental Plan No. 20; Hawkesbury Local Environmental Plan 1989; Hawkesbury Development Control Plan 2002 and other relevant codes and policies.

The subject site does not benefit from existing use rights provisions under the Environmental Planning and Assessment Act and accordingly the proposed expansion and use of the premises as a shop constitutes a prohibited land use within the Rural Living zone.

The proposal is not consistent with the stated objectives of the Rural Living zone in that it does not provide a positive contribution to the rural residential character of the area, the extensions will increase the dominance of the existing structure given the nominal setback to the Bells Line of Road boundary and it establishes a traffic generating development having direct access to Bells Line of Road. The location of the proposed retail shop is unsatisfactory given the road conditions situated in the vicinity of the subject site resulting in traffic safety concerns.

The proposal represents an unsatisfactory form of development that will contribute to an adverse economic impact upon existing commercial centres and will promote further ribbon development along Bells Line of Road.

Accordingly, the application is recommended for refusal for the reasons contained in the recommendation.

### Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

**RECOMMENDATION:**

That Development Application No. DA0730/07 at Lot 9 DP 613649, 570 Bells Line Of Road Kurmond for a shop - extension and use of existing building for the sale of fruit and vegetables, associated car parking and landscaped area be refused for the reasons detailed as follows:

***Reason for Refusal***

1. Pursuant to the provisions of Section 79C (a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposal constitutes a "shop" being a prohibited land use in the Rural Living Zone under the provisions of Clause 9 - Carrying Out of Development of Hawkesbury Local Environmental Plan 1989.
2. Pursuant to the provisions of Section 79C (a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposal is inconsistent with the stated objectives contained in Clause 9A of Hawkesbury Local Environmental Plan 1989 in respect of the Rural Living Zone in that:
  - (a) the development does not provide primarily for a rural residential land use;
  - (b) the development will create conflict with existing rural living land uses;
  - (c) the development will not assist in the preservation of the rural landscape character of the area and
  - (d) the development involves the creation of a traffic generating development having direct access to an arterial road.
3. Pursuant to the provisions of Section 79C (a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposal is inconsistent with the provisions of Clause 22 Development Fronting a Main or Arterial Road of Hawkesbury Local Environmental Plan 1989 in that it involves direct access to an arterial road and has not satisfactorily addressed the issue of traffic safety.
4. Pursuant to the provisions of Section 79C (b), (c) and (e) of the Environmental Planning and Assessment Act 1979, as amended, the proposal would reduce the amenity of the area in that it will contribute to additional noise disturbance to neighbouring properties.
5. Pursuant to the provisions of Section 79C (b), (c) and (e) of the Environmental Planning and Assessment Act 1979, as amended, the proposal would contribute to an adverse economic impact upon existing commercial centres in the area and would promote further ribbon development along Bells Line of Road.
6. Pursuant to the provisions of Section 79C (1) (e) of the Environmental Planning and Assessment Act 1979, as amended, the proposal is not considered to be in the public interest

**ATTACHMENTS:**

**AT - 1** Locality Plan

**AT - 2** Proposed Site Plan

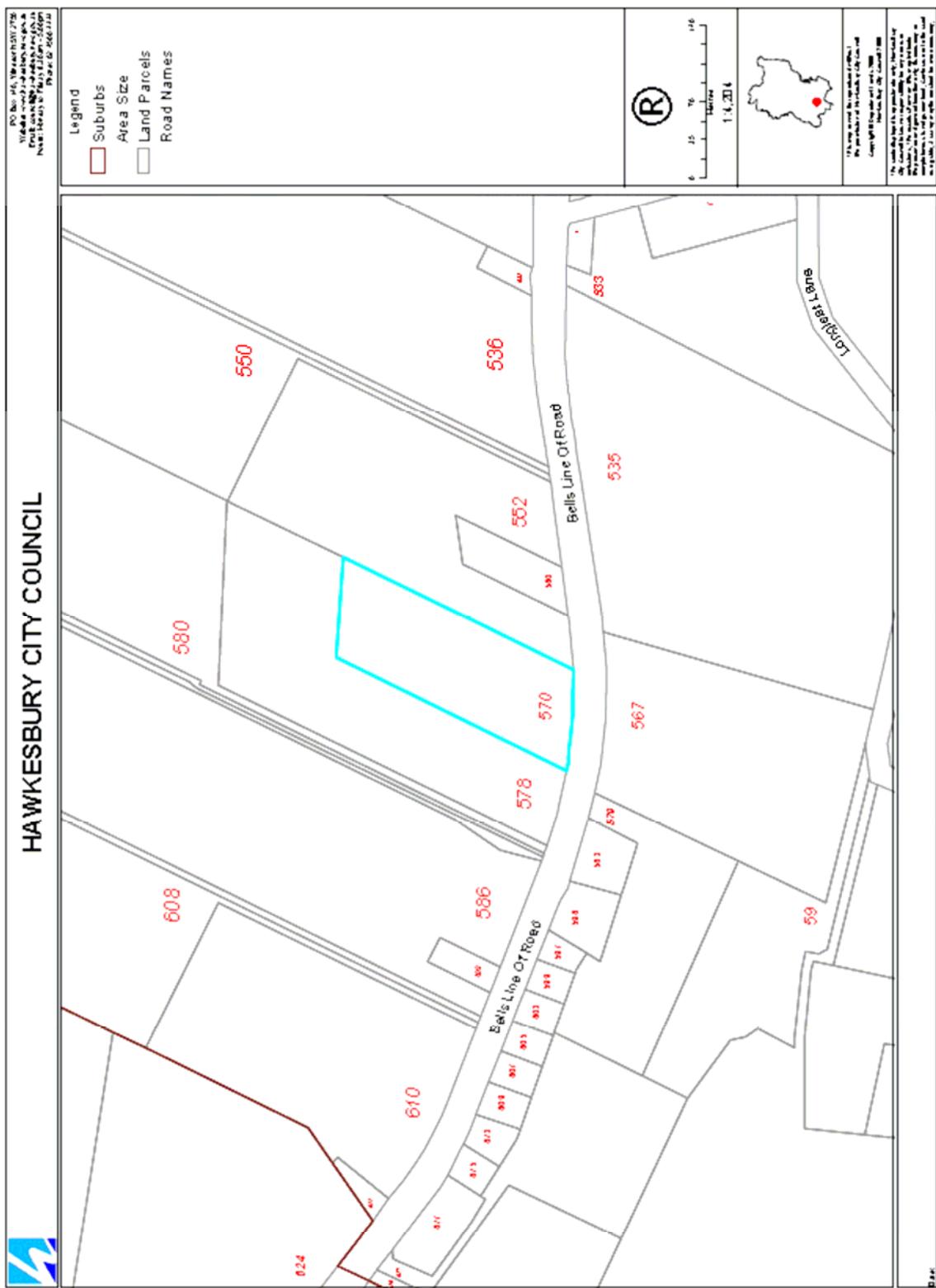
**AT - 3** Proposed Floor Plan

**AT - 4** Elevations

ORDINARY MEETING

Meeting Date: 3 February 2009

AT - 1 Locality Plan



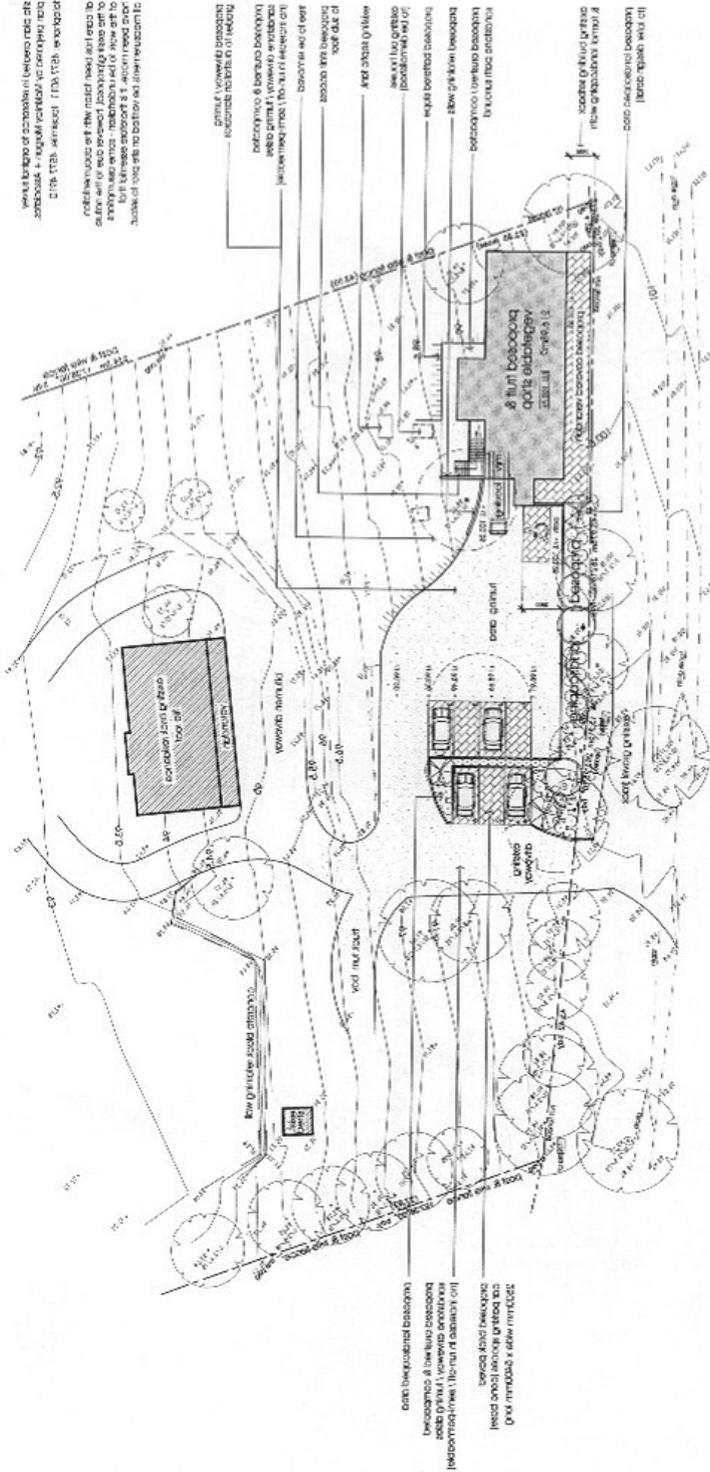
ORDINARY MEETING

Meeting Date: 3 February 2009

AT - 2 Proposed Site Plan

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Notes to be kept on file at the office of the Planning Director. The Planning Director shall be responsible for the review and approval of the site plan. The Planning Director shall also be responsible for the review and approval of the site plan. The Planning Director shall also be responsible for the review and approval of the site plan.



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 Fax: 651.224.1101  
 www.jcozad.com

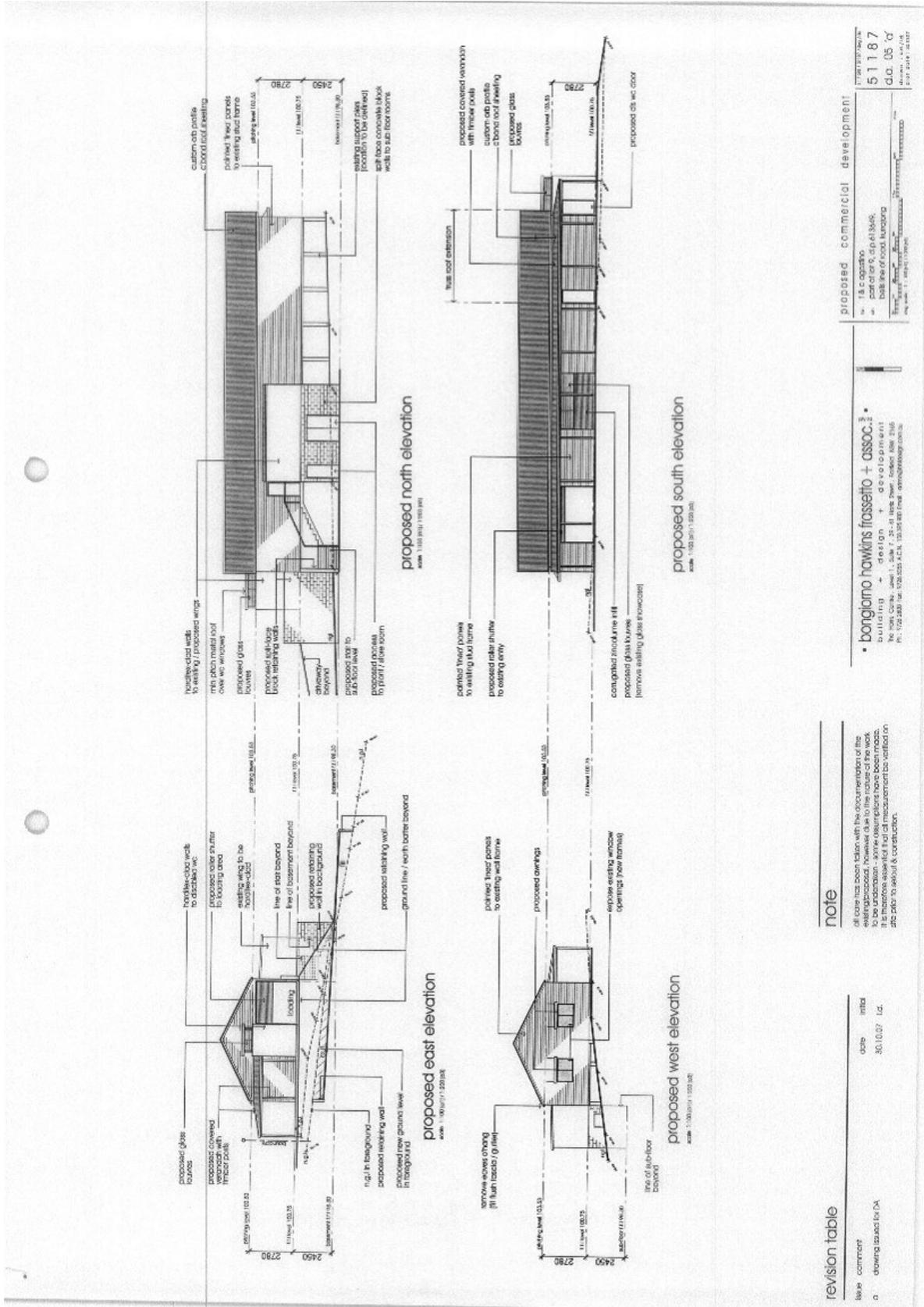
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ORDINARY MEETING

Meeting Date: 3 February 2009

AT - 4 Elevations



**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

**INFRASTRUCTURE SERVICES**

**Item:11**            **IS - Section 64 Contribution - Pitt Town Development - (79357)**

**Previous Item:**        226, Ordinary (21 October 2008)

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**REPORT:**

At the Ordinary Meeting of 21 October 2008 Council was presented with a report regarding contributions under Section 64 of the Local Government Act - Pitt Town Development - For Sewerage Infrastructure where it was resolved:

*“That the Section 64 Contribution plan for the provision of reticulated sewerage services within the defined Pitt Town development area be placed on public exhibition for a period of 28 days.”*

Further to this resolution the Section 64 Contribution Plan for Pitt Town – For Sewerage Infrastructure was placed on public exhibition from 6 November 2008 to 5 December 2008.

During the period of exhibition one submission was received on behalf of the Pitt Town Residents Group.

The following is a summary of the key comments received in the submission and the relevant response.

*Point 1:*

*This current plan is based on the assumption that part of the existing effluent from South Windsor and Windsor will be diverted from McGraths Hill STP to the South Windsor STP.*

*Nowhere in the October 2008 Supplementary report does it mention the December 2007 Council resolution to provide a report on a proposal to provide additional capacity at McGraths Hill STP and including the implementation of a water recycling scheme back to Pitt Town.*

*Response:*

The Johnson Property Group proposed a number of options to service the proposed development at Pitt Town with sewerage infrastructure. These options were purely conceptual at that stage and modifications including the location of the pump station and rising main were subject to change.

These options included:

- 1) Upgrade the existing McGraths Hill Sewage Treatment Plant to take all the effluent from the proposed development.
- 2) Pipe the effluent from the proposed development site to the South Windsor Sewage Treatment Plant and upgrade the South Windsor Sewage Treatment Plant to cater for additional flow.
- 3) Upgrade the McGraths Hill Sewage Treatment Plant with a separate treatment process and return the treated effluent to Pitt Town via a dual reticulation system for treated effluent reuse.
- 4) Divert flow from the McGraths Hill Sewage Treatment Plant to the South Windsor Sewage Treatment Plant to provide capacity to allow influent to be received at the McGraths Hill Sewage Treatment Plant from the proposed Pitt Town Development site (i.e. Divert Pump Station C and Rising main C from the McGraths Hill Sewage Treatment Plant to the South Windsor Sewage Treatment Plant and upgrade the South Windsor Sewage Treatment Plant to cater for greater inflow).

Each option was assessed on its merits and Option 4 was deemed to be the most cost effective and environmentally sound option. In relation to Option 3, being the dual reticulation system for treated effluent reuse, this option was not commercially viable, as it would impose a financial burden on the Pitt Town

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

residents utilising the reuse scheme. Those residents would have had to provide on going funding for the continual operation and maintenance of the scheme.

Further the effluent volumes generated by the proposed Pitt Town development could not have been utilised in its entirety as required to achieve nil discharge.

*Point 2:*

*The option of additional capacity at McGraths Hill STP and water recycling scheme was conditional on there being no additional effluent discharge into South Creek.*

*Yet the currently exhibited plan to divert flows to South Windsor will result in additional discharges into South Creek.*

*Why is Council prepared to allow these additional discharges from the South Windsor STP but not from McGraths Hill STP?*

*Would it have not made better sense to expand capacity at McGraths Hill where treated effluent is discharged through a forestry plantation, wetland system and pasture irrigation system?*

*Response:*

Option 3 required zero additional discharge from the McGraths Hill STP in order to promote reuse within the proposed Pitt Town development and reduce pollutants to South Creek, however as previously stated the volumes generated by the proposed development could not be fully utilised and as such there would have been additional discharge into South Creek

It should also be noted that the existing treated effluent currently being discharged from the McGraths Hill facility is not fully utilised within the wetlands and effluent reuse site.

*Point 3:*

*Of the 21 plus million dollars shown as the total infrastructure and associated costs for the Pitt Town proposal, over 10 million dollars of that amount will be spent on transferring effluent flows to South Windsor STP.*

*Surely it would make both environmental and fiscal sense to spend this money to at least provide additional capacity at McGraths Hill as well as possibly providing the recycling system proposal back to Pitt Town?*

*Response:*

This has been covered in previous responses.

*Point 4:*

*Is it appropriate for Council to accept and endorse this exhibition plan when certain items are only estimated costs?*

*Is there the possibility for future cost blow-outs? And if so, what procedure will Council employ to insulate the community from bearing the effect of any future cost over runs?*

*Response:*

At this stage it is only possible to determine the S.64 contributions on the basis of estimated costs, as there is still a considerable amount of work to be done to provide the sewerage infrastructure for the entire development. The S. 64 plan is created to ensure that the cost of providing the sewerage infrastructure is attributed to the developers of the land.

*Point 5:*

*The PTRG was of the understanding that the current contribution per lot was calculated on the number of additional new lots, not the total number of lots that would eventuate when existing lots were included.*

*Is the figure of \$22,640.00 per lot correct or not?*

**ORDINARY MEETING**

**Meeting Date: 3 February 2009**

*Response:*

The Pitt Town Section 64 Contribution Plan for Sewerage Infrastructure states that the contribution per lot is based on the total cost of infrastructure divided by the total number of developable lots benefiting from this infrastructure. That is \$21,349,000.00 divided by 943 lots (50 existing lots to be subdivided into an additional 893 lots).

$$= \frac{\$21,349,000.00}{943} = \$22,640.00 \text{ per lot}$$

*Point 6:*

*The PTRG were also of the understanding that the additional Sewerage Pump Station would not be located in the protected vegetation and wildlife corridor area SE corner of the Bona Vista precinct. Previous plans have indicated the position to be either within the unmade road corridor of Bootles Lane, Mitchell Place or the Northern unmade section of Hawkesbury Road.*

*When and by whom was the relocation decided and for what reasons?*

*Response:*

Initially, a number of options were proposed to service the future development at Pitt Town with Sewerage Infrastructure and these options were outlined previously.

Each option was assessed on its merits, including the option to locate the pumping station at the south east corner of the Bona Vista property. A review of environmental factors was prepared for this site and was subsequently approved.

*Point 7:*

*As there is no detail of the carrier mains shown throughout the development, will it now mean that some of the individual lots will be required to operate an individual pressure pump system for their effluent disposal?*

*What are the implications of this for the existing home owners in the NW sector? And for the general population of Pitt Town currently not on a sewer system, and who might have thought they could be connected as a result of the development proposal?*

*Response:*

The current proposal includes a low pressure sewer system to service properties larger than 2000sqm on the northern fringe of the proposed Pitt Town development site. Provision of sewerage infrastructure to the "Vermont" area will be investigated in the future however that investigation is not relevant to the contribution plan currently under consideration.

*Point 8:*

*The exhibited plan indicates that construction will extend into 2009. Is this timeline still realistic, given we are almost at the end of 2008?*

*Will any development be permitted prior to completion of these works? If permitted, how many lots will that involve?*

*Response:*

It is proposed that the construction of the necessary sewerage infrastructure will be completed by late 2009.

Within this time frame 80 lots can be connected and pumped to the McGraths Hill Sewage Treatment Plant once the pump station and the rising main to the McGraths Hill Sewage Treatment Plant is completed.

Prior to further lots being developed, completion of the construction of the new Pump Station C and Rising main C, located in Windsor, to divert flow from the McGraths Hill Sewage Treatment Plant to the South Windsor Sewage Treatment Plant will be required.

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

**Conformance to Strategic Plan**

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

*"Strategic Direction: Establish a framework to define and equitably manage the infrastructure demands of the City."*

**Funding**

Funding will be provided through contributions in accordance with the S.64 plan.

**RECOMMENDATION:**

That the Section 64 Contribution plan for the provision of reticulated sewerage services within the defined Pitt Town development area be adopted.

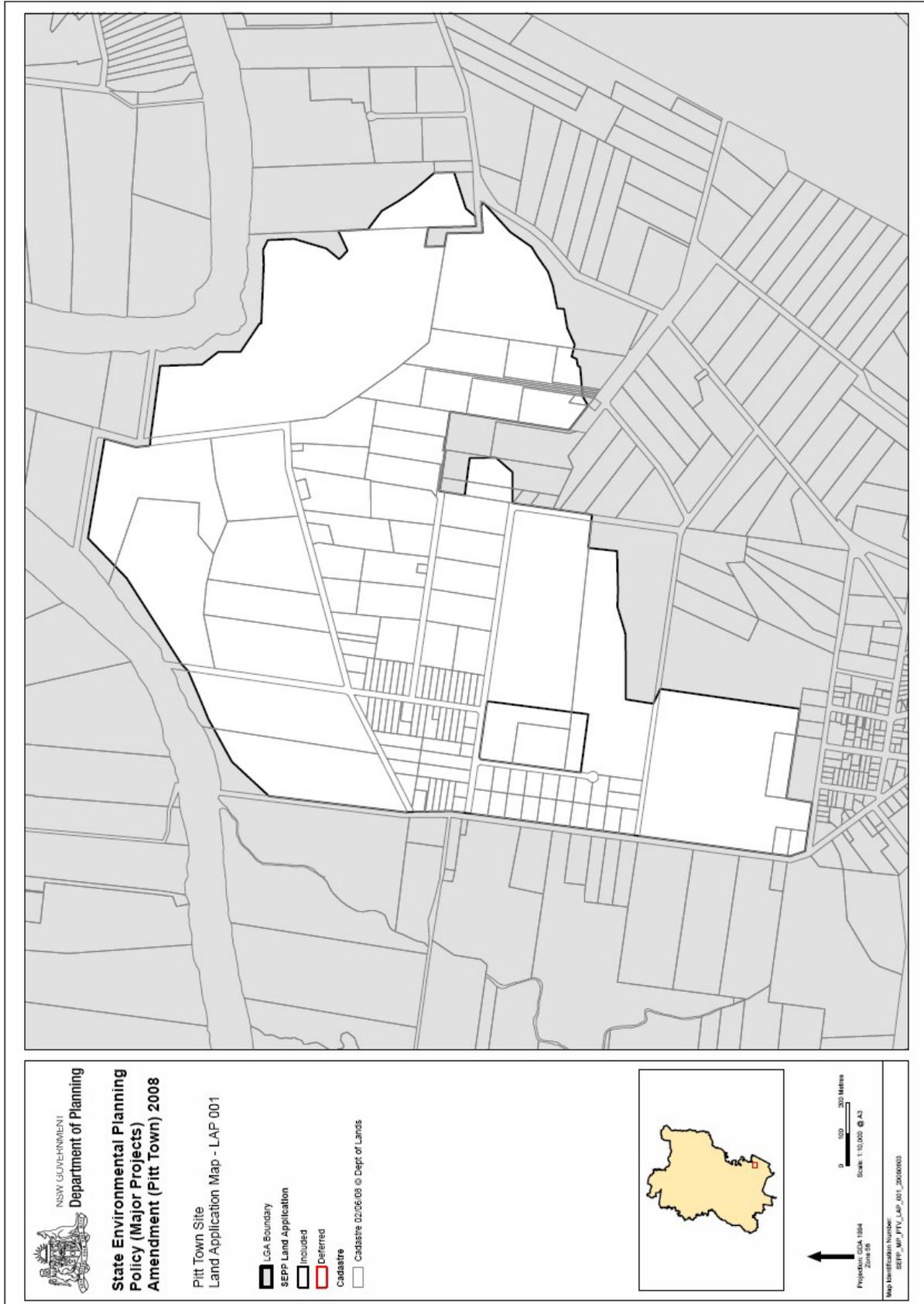
**ATTACHMENTS:**

**AT - 1** Map Showing Pitt Town Defined Development Area

ORDINARY MEETING

Meeting Date: 3 February 2009

**AT - 1 Map Showing Pitt Town Defined Development Area**



oooO END OF REPORT Oooo

**Item:12 IS - Proposed Additional Street Lighting for William Street and Elizabeth Street - Cul-de-sacs, North Richmond - (79346)****REPORT:**

Community representation has been received requesting additional street lighting in the vicinity of the cul-de-sacs in both William Street and Elizabeth Street, North Richmond.

As part of the initial investigation process, comments were sought from residents within the affected streets. Generally street lights are provided on every second power pole and in particular at intersections and the end of a cul-de-sac. Originally street lights would have been provided at the ends of the cul-de-sacs if power poles were in place. In this instance due to the ends of both cul-de-sacs abutting Redbank Creek and not being residential properties, power poles were not required.

The final position for the proposed lights in the cul-de-sacs would be subject to a detailed design by a certified lighting designer. Commissioning of the detailed design is subject to the lighting proposal being accepted by the property owners and the project being given approval by Council.

There are 13 residential properties (some medium density) within the survey area that are within proximity of the two cul-de-sacs. A survey of these property owners and residents, by way of a questionnaire, was undertaken to ascertain community support for the proposed additional street lighting. A total of 16 questionnaires were returned with all 16 in support of the additional lighting.

Comments received to **support** the additional street lighting were as follows:

- Due to the increasing occurrences of arson in the street and in the vicinity, a street light in these two cul-de-sacs would be a great advantage.
- In the interests of public safety, these lights would be a definite advantage.
- During the past years, there have been numerous acts of arson and vandalism committed against buildings, property and vehicles situated in the vicinity of the cul-de-sac. Police and Fire Brigade have always attended. The cul-de-sac area being pitch black contributes to the criminal acts.
- Lots of bins and cars burnt in William Street. Better lighting will help.
- Desperate need of lighting. It will help light up the street for traffic. It will also deter vandals. It is a 'Must'.
- We believe additional lighting in the William Street cul-de-sac would deter the anti-social behaviour that often takes place (i.e. bin burning, egg throwing etc) and deter the suspicious vehicles that park at night sometimes. Also difficult to see the road and parked vehicles especially for visitors and emergency services.
- People head down the street and drink alcohol in their cars in the cover of darkness.

The results of the survey indicate that there is a strong majority in support of the proposed installation of additional street lighting in the vicinity of the 2 cul-de-sacs.

The attached plan "Existing Street Lighting at William Street and Elizabeth Street, North Richmond" indicates the existing location of power poles both with and without lights. Position of the proposed lighting at the 2 cul-de-sacs is subject to a detailed design.

**Conformance to Strategic Plan**

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

*"Objective: Strategic Direction: Establish a framework to define and equitably manage the infrastructure demands of the City."*

**ORDINARY MEETING**

**Meeting Date:** 3 February 2009

**Funding**

Funding is available from the current Street Lighting budget.

**RECOMMENDATION:**

That, due to strong community support, additional street lighting be provided in the vicinity of the cul-de-sacs in both William Street and Elizabeth Street, North Richmond.

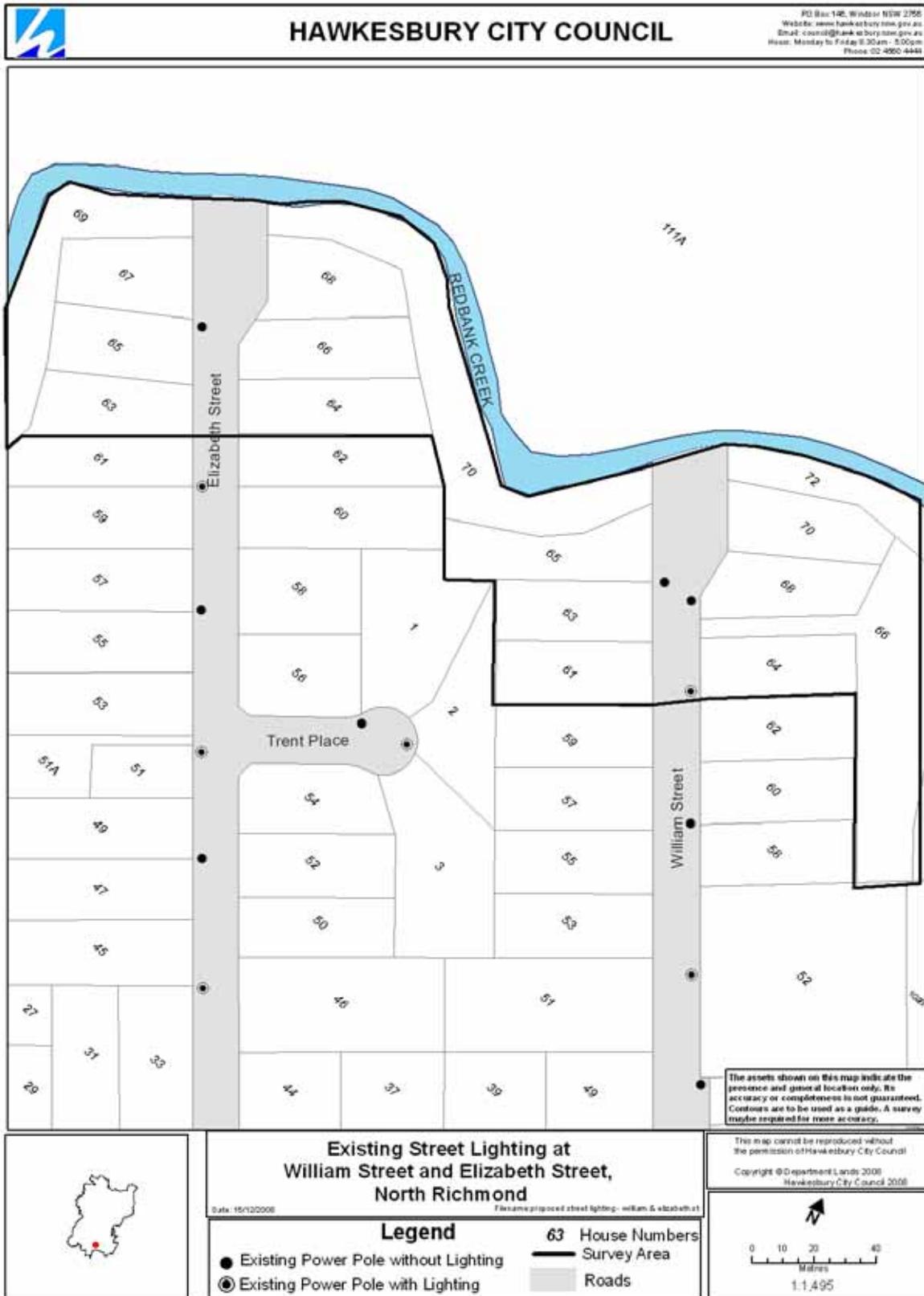
**ATTACHMENTS:**

**AT - 1** Existing Street Lighting at William Street and Elizabeth Street, North Richmond.

ORDINARY MEETING

Meeting Date: 3 February 2009

**AT - 1 Existing Street Lighting at William Street and Elizabeth Street, North Richmond**



oooO END OF REPORT Oooo

**ORDINARY MEETING**

**Meeting Date: 3 February 2009**

ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees

**SECTION 5 - Reports of Committees**

**ROC - Local Traffic Committee - 14 January 2009 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Tuesday, 3 February 2009, commencing at 3.00pm.

**ATTENDANCE**

**Present:** Councillor B Bassett (Chairman)  
Councillor T Tree (Alternate Chairperson)  
Mr J Christie, Officer of Messrs A Shearan, MP and J Aquilina, MP  
Mr R Williams, MP (Hawkesbury)

**Apologies:** Mr R Elson, Department of Transport  
Mr J Suprain, Roads and Traffic Authority  
Sgt A Palmowski, NSW Police Service

**In Attendance:** Mr C Amit, Manager, Design & Mapping Services  
Ms D Oakes, Community Safety Officer

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**SECTION 1 - Minutes**

**Item 1.1 Minutes of Previous Meeting**

The Minutes of the meeting held on 19 November 2008 were confirmed.

**Item 1.2 Business Arising**

**Item 1.2.1 LTC - 14 January 2009 - Item 1.2.1 - Proposed Taxi Zones, George Street, South Windsor (Riverstone) - (80245, 111781)**

**Previous Item:** Item 2.1, Local Traffic Committee (19 November 2008)

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**REPORT:**

Mr C Amit advised that Council at its meeting on 9 December 2008 requested that this matter be referred back to the Committee for further consideration.

The western side was originally considered appropriate as it provided protection for passengers from the weather during pick-up and set-down.

It is proposed that the Taxi Zone be located on the eastern side of George Street, south of the pedestrian crossing adjacent to the existing vacant land at No's 510 – 512.

**RECOMMENDATION:**

That a 12.5m taxi zone be provided in George Street, South Windsor, on the eastern side between the pedestrian crossing and Campbell Street, adjacent to the existing vacant land at No's 510 – 512, in accordance with the amended drawing TR009A/08.

**APPENDICES:**

**AT - 1** Proposed Taxi Zone - George Street, South Windsor – Drawing No. TR009A/08.



**SECTION 2 - Reports for Determination**

**Item 2.1      LTC - 14 January 2009 - Item 2.1 - Zone One Q60 Training Horse Ride 2009 - Upper Colo Reserve (Hawkesbury) - (80245, 85005)**

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**REPORT:**

**Introduction:**

An application has been received from Zone One Of The NSW Endurance Riders' Association to conduct a Zone One Q60 Training Horse Ride on 15 March 2009, utilising Upper Colo Reserve as a base area.

Event Schedule: (Zone One Q60 Training Horse Ride on 15 March 2009):

- Ride A: 35 Kilometres - Training Ride
- Ride B: 20.6 Kilometres - Social Ride
- Duration: between 8.00am and 2.00pm.
- Approximately 60 Participants.
- Riders travel as Single or small groups of 2, 3 and 4.

Refer to attached drawing "Zone One Q60 Training Horse Ride 2009 - TR010/08": Appendix 1

The event organiser advises that the Colo River will not be crossed as part of the route and instead, riders will use the Timber Bridge along Colo Heights Road to cross the Colo River.

Route for the Rides:

Training Ride - 35 Kilometres

- Start Upper Colo Reserve (Ride Base) turn right out of the Reserve into Hulbert Road,
- Travel along Hulbert Road and turn right into Colo Heights Road,
- Travel along Colo Heights Road, crossing the timber bridge over the Colo River, and turn right into Upper Colo Road,
- Travel along Upper Colo Road, past Comleroy Road, and turn left into the Wollemi National Park,
- Travel through the Wollemi National Park to Mountain Lagoon, and turn left into Sams Way,
- Travel along Sams Way and turn left into Mountain Lagoon Road,
- Travel back along Mountain Lagoon Road and turn left into Comleroy Road,
- Travel along Comleroy Road down to the Upper Colo Road junction, and turn right into Upper Colo Road,
- Travel back along Upper Colo Road, Colo Heights Road and Hulbert Road into the Upper Colo Reserve (Ride Base).

Social Ride - 20.6 Kilometres

- Start Upper Colo Reserve (Ride Base) turn right out of the Reserve into Hulbert Road,
- Travel along Hulbert Road and turn right into Colo Heights Road,
- Travel along Colo Heights Road, crossing the timber bridge over the Colo River, and turn right into Upper Colo Road,
- Travel along Upper Colo Road, and turn left into Comleroy Road,
- Travel along Comleroy Road and turn right into Mountain Lagoon Road,
- Travel along Mountain Lagoon Road to the Check Point and turn around.
- Travel back along Mountain Lagoon Road and turn left into Comleroy Road,
- Travel along Comleroy Road down to the Upper Colo Road junction, and turn right into Upper Colo Road,

**ORDINARY MEETING**  
Reports of Committees

- Travel back along Upper Colo Road, Colo Heights Road and Hulbert Road into the Upper Colo Reserve (Ride Base).

Road Inventory

Hulbert Road – Unsealed  
Colo Heights Road - Unsealed  
Upper Colo Road - Unsealed  
Comleroy Road - Unsealed  
Mountain Lagoon Road - Unsealed  
Sams Way - Unsealed

**Discussion:**

It would be appropriate to classify this event as a “Class 2” special event under the “Traffic Management for Special Events” guidelines issued by the Roads & Traffic Authority as this event may impact minor traffic and transport systems and there is a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to this event: Appendix 2 (Dataworks Document No. 2934319)

1. Details of the Special Event - Traffic, Template;
2. Transport Management Plan (TMP) for the 2008 Event- Referred to in the application as Traffic Management Plan Risk Assessment - , and associated TCP for the 2008 Event;
3. Risk Management Plan,
4. Copy of correspondence forwarded to the NSW Police Service;
5. Copy of the Resident letter and Advertisement, inviting participants, from the 2008 Event;
6. The Public Liability Insurance to the value of \$20,000,000, which expired 1 January 2009.

Reserve Matters:

The event organiser has made application with Councils Parks and Recreation Section to utilise Upper Colo Reserve as the Base Area as well as for Camping purposes.

**RECOMMENDATION:**

That:

1. The Zone One Q60 Training Horse Ride 2009, based at Upper Colo Reserve, planned for 15 March 2009, be classified as a “Class 2” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package that explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

**Prior to the event:**

- 4a. the event organiser is to obtain approval to conduct this event, from the NSW Police Service;  
**a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route**

## ORDINARY MEETING

### Reports of Committees

- incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4c. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
  - 4d. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and outlined in the TMP;
  - 4e. should the Colo River be utilised as the crossing point instead of the Timber Bridge along Colo Heights Road, the event organiser is to obtain the relevant approval to conduct this event from NSW Maritime; **A copy of this approval to be submitted to Council**;
  - 4f. should the Colo River be utilised as the crossing point instead of the Timber Bridge along Colo Heights Road, the event organiser is to obtain the relevant approval from the Department of Natural Resources to cross the Colo River; **A copy of this approval to be submitted to Council**;
  - 4g. the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact/delays expected due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
  - 4h. the event organiser is to notify the details of the event to the NSW Ambulance Service, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**
  - 4i. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the event at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**
  - 4j. the event organiser is to obtain approval from the National Parks and Wildlife Service (Department of Environment and Conservation) for the use of Wollemi National Park;
  - 4k. the event organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and design and implement a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
  - 4l. the event organiser is to submit the completed "Special Event - Traffic Final Approval" form to Council;

#### During the event:

- 4m. access is to be maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network are to hold

**ORDINARY MEETING**  
Reports of Committees

- appropriate certification as required by the RTA;
- 4p. the riders are to be made aware of, and are to follow all the general road user rules whilst riding on public roads;
  - 4q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
  - 4r. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
  - 4s. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately upon completion of the activity; and,
  - 4t. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

**APPENDICES:**

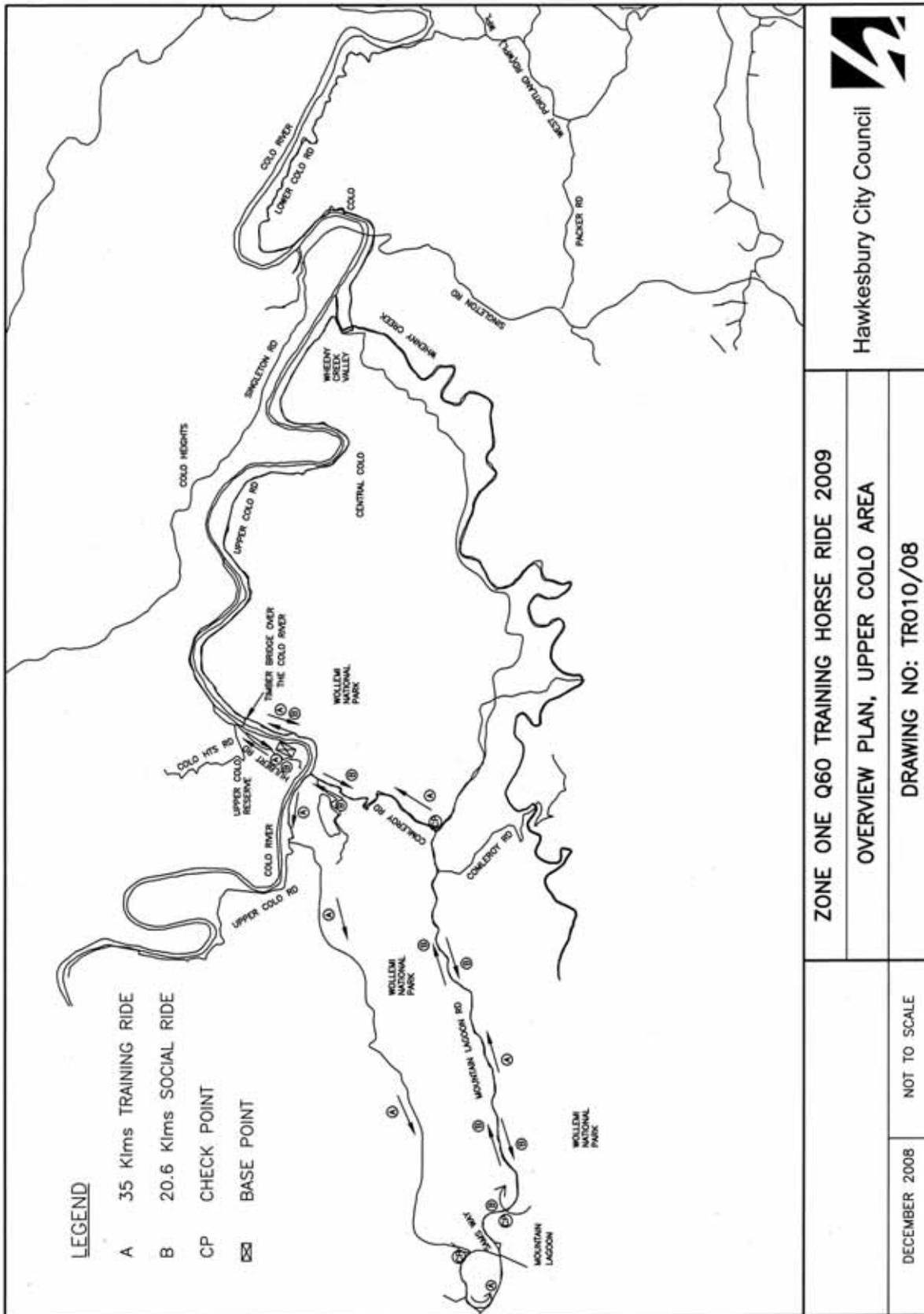
**AT - 1** Zone One Q60 Training Horse Ride 2009- Drawing No: TR010/08.

**AT - 2** Special Event Application - (Dataworks Document No. 2934319) - *see attached.*

ORDINARY MEETING

Reports of Committees

AT - 1 Zone One Q60 Training Horse Ride 2009 - Drawing No: TR010/08



Hawkesbury City Council

ZONE ONE Q60 TRAINING HORSE RIDE 2009  
 OVERVIEW PLAN, UPPER COLO AREA  
 DRAWING NO: TR010/08

DECEMBER 2008 NOT TO SCALE

**SECTION 3 - Reports for Information**

**Item 3.1      LTC - 14 January 2009 - Item 3.1 - Response by RTA to Windsor Public School - School Zone Alert System - (Riverstone) - (80245, 73932)**

**Previous Item:**      Item 4.2, LTC (16 July 2008)

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**REPORT:**

At the Local Traffic Meeting on 16 July 2008, Councillor Basset advised that there have been representations received regarding traffic conditions on George Street, Windsor in the vicinity of Windsor Public School, specifically relating to excessive speed of vehicles, and enquired as to whether School Zone flashing lights were to be installed at that location.

Mr C Amit advised that traffic counts were to be conducted at this location, covering speed and volume of vehicles, with data to be submitted to the Roads and Traffic Authority in support of representations to the Authority for installation of School Zone flashing lights.

Following recommendation by the Local Traffic Committee, Council, at its meeting held on 29 July 2008 resolved the following:

*"That:*

1. *Upon completion of traffic counts, application be forwarded to the Roads and Traffic Authority for installation of School Zone flashing lights; and*
2. *the Roads and Traffic Authority be requested to install School Zone flashing lights at other schools located on high volume traffic routes including classified Main Roads.*

Correspondence has been received from the Roads and Traffic Authority (Dataworks Doc. No. 2928312) advising:

*"I refer to your correspondence dated 26 September 2008 regarding the installation of flashing lights on George Street, Windsor.*

*On 26 September 2007, Premier Morris Iemma announced a \$46.5 million four-year program to further enhance the safety of students in school zones.*

*Flashing light technology and electronic alert systems will be installed in a further 400 school zones, comprising the rollout of 100 systems a year over the next four years.*

*This new technology is reliable, highly visible and doing a good job slowing people down in school zones.*

*The four-year school zone safety program will be funded by revenue from speed cameras installed in school zones.*

*The vast majority of motorists are doing the right thing in school zones, but it is important that motorists get the message that speeding through a school zone is dangerous and reckless behaviour.*

*School zones are there to keep our children safe. There is no excuse for speeding, especially through a school zone.*

*School zones are being selected for the new technology rollout based on safety criteria including traffic and pedestrian volumes, crash history and crash risk. The roll-out of the first 100 sites in 2008 has almost been completed.*

**ORDINARY MEETING**  
Reports of Committees

*Your interest in having flashing lights located at Windsor Public School has been noted and will be considered in the four year program.*

*It is important to note that flashing lights are just one component in improving school road safety. Other measures are also being looked at, such as pedestrian overbridges, marked foot crossings, wombat crossings, pedestrian refuges, traffic signal-controlled pedestrian crossings or fencing which separates children from traffic and guides children towards a safer crossing facility.*

*Should you have and further queries regarding this matter, please do not hesitate to contact RTA's School Projects Officer, Jon Gayland, on 8849 2175."*

Further to the information above, the RTA advise that the following schools within the Hawkesbury Local Government Area have School Zone flashing lights:

1. Pitt Town Public School,
2. Cattai Public School,
3. Bilpin Public School,
4. Colo Heights Public School,
5. Richmond High School to be installed in early 2009.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**Item 3.2      LTC - 14 January 2009 - Item 3.2 - Response by RTA to Speed Limit Signage - Park Road and Railway Road North, Mulgrave; Drift Road, Richmond and Springwood Road, Agnes Banks - (Riverstone & Londonderry) - (80245, 73932)**

**Previous Item:**      Item 4.1, 4.2 & 4.3, LTC (20 August 2008)

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**REPORT:**

At the Local Traffic Meeting on 20 August 2008, Acting Sergeant M Zemaitis requested that speed limit signs and pavement markings be upgraded at the following locations:

1. Item 4.1: Park Road and Railway Road North (between Groves Avenue and Park Road),
2. Item 4.2: Drift Road, at its entrance off Castlereagh Road and that the size of the existing 50kph signs (mid block) be upgraded.
3. Item 4.3: Springwood Road, just east of the Yarramundi Bridge.

Following recommendation by the Local Traffic Committee, Council, at its meeting held on 9 September 2008 resolved for each separate item:

*"That the matter be referred to the Roads and Traffic Authority":*

Correspondence has been received from the Roads and Traffic Authority (Dataworks Doc. No. 2937222) advising:

*"Thank you for your letter dated 15 October 2008 requesting additional speed zone signage on the subject roads within the Hawkesbury LGA.*

*The RTA's Speed Management Unit has reviewed the signage on each road and will arrange for appropriate signage to be installed as soon as practicable.*

*Speed zone signage was installed on Railway Road North in June 2008. The RTA will arrange for this signage to be replaced. Additional signage will also be installed on Park Road in line with existing '50' pavement numerals.*

*'50' signs will be installed on Drift Road, Richmond close to its intersection with Castlereagh Road and existing signage will be upgraded.*

*An additional '60' speed limit sign will be installed for traffic heading east on springwood road near Yarramundi Bridge.*

*If you have any queries please contact me (Peter Carruthers) on 8849 2216."*

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 4 - General Business**

**Item 4.1      LTC - 14 January 2009 - QWN 4.1 - No Right Turn at East Market & March Streets, Richmond - (80245)**

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Mr John Christie

**REPORT:**

Advised that motorists are turning right from East Market Street into March Street (east bound) against the 'No Right Turn' sign.

Requested that the NSW Police Service monitor this illegal and unsafe practice and take any necessary action. It is also noted that this intersection is currently under review by the RTA for traffic management.

**RECOMMENDATION:**

That the matter be referred to the NSW Police Service.

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.2      LTC - 14 January 2009 - QWN 4.2 - Hobartville Public School - Request for School Crossing Supervisor - (80245)**

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Councillor Tiffany Tree

**REPORT:**

Advised that Hobartville Public School have applied for a School Crossing Supervisor with the RTA but have not been successful.

Mr J Christie advised that he would follow this matter up with Mr A Shearan, MP.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.3      LTC - 14 January 2009 - QWN 4.3 - Pedestrian and Access Mobility Plan (PAMP) - (80245)**

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Denise Oakes

**REPORT:**

Advised that the consultants brief for the Pedestrian and Access Mobility Plan is nearing completion and will be reported to the January Bicycle and Access Mobility Committee. The brief will cover the PAMP as well as a review of the existing Bike Plan.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.4      LTC - 14 January 2009 - QWN 4.4 – Traffic Issues in Richmond and North Richmond - Minister for Roads Response Letter - (80245)**

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Councillor Bart Bassett

**REPORT:**

Advised that correspondence has been received from the Minister for Roads, Mr Michael Daley, MP, (Dataworks Doc No.2970553) advising of various issues being investigated related to traffic issues in the Hawkesbury LGA by the RTA.

The Chairman requested that correspondence be forwarded to the Minister to ascertain what is the RTA's timing on the following matters:

- i) Intersection of Kurrajong Road and Old Kurrajong Road traffic flow counts and modelling to determine an appropriate treatment for this intersection;
- ii) Assessing of the intersections of Kurrajong Road, Bosworth Street and March Street; and Bells Line of Road, Grose Vale Road and Terrace Road.

**RECOMMENDATION:**

That the matter be referred to the Minister for Roads.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Wednesday, 18 February 2009 at 3.00pm in the Large Committee Room.

The meeting terminated at 3.50pm.

oooO END OF REPORT Oooo



ordinary  
meeting

end of  
business  
paper

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