



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 08 June 2010

location: council chambers

time: 6:30 p.m.



mission statement

***“To create opportunities
for a variety of work
and lifestyle choices
in a healthy, natural
environment”***

How Council Operates

Hawkesbury City Council supports and encourages the involvement and participation of local residents in issues that affect the City.

The 12 Councillors who represent Hawkesbury City Council are elected at Local Government elections held every four years. Voting at these elections is compulsory for residents who are aged 18 years and over and who reside permanently in the City.

Ordinary Meetings of Council are held on the second Tuesday of each month, except January, and the last Tuesday of each month, except December. The meetings start at 6:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held it will usually start at 6:30pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the issues to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager at least two hours before the meeting of those matters they wish to discuss. A list will then be prepared of all matters to be discussed and this will be publicly displayed in the Chambers. At the appropriate stage of the meeting, the Chairperson will move for all those matters not listed for discussion to be adopted. The meeting then will proceed to deal with each item listed for discussion and decision.

Public Participation

Members of the public can request to speak about a matter raised in the business paper for the Council meeting. You must register to speak prior to 3:00pm on the day of the meeting by contacting Council. You will need to complete an application form and lodge it with the General Manager by this time, where possible. The application form is available on the Council's website, from reception, at the meeting, by contacting the Manager Corporate Services and Governance on 4560 4426 or by email at fsut@hawkesbury.nsw.gov.au.

The Mayor will invite interested persons to address the Council when the matter is being considered. Speakers have a maximum of five minutes to present their views. If there are a large number of responses in a matter, they may be asked to organise for three representatives to address the Council.

A Point of Interest

Voting on matters for consideration is operated electronically. Councillors have in front of them both a "Yes" and a "No" button with which they cast their vote. The results of the vote are displayed on the electronic voting board above the Minute Clerk. This was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

Planning Decision

Under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a 'planning decision' 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.

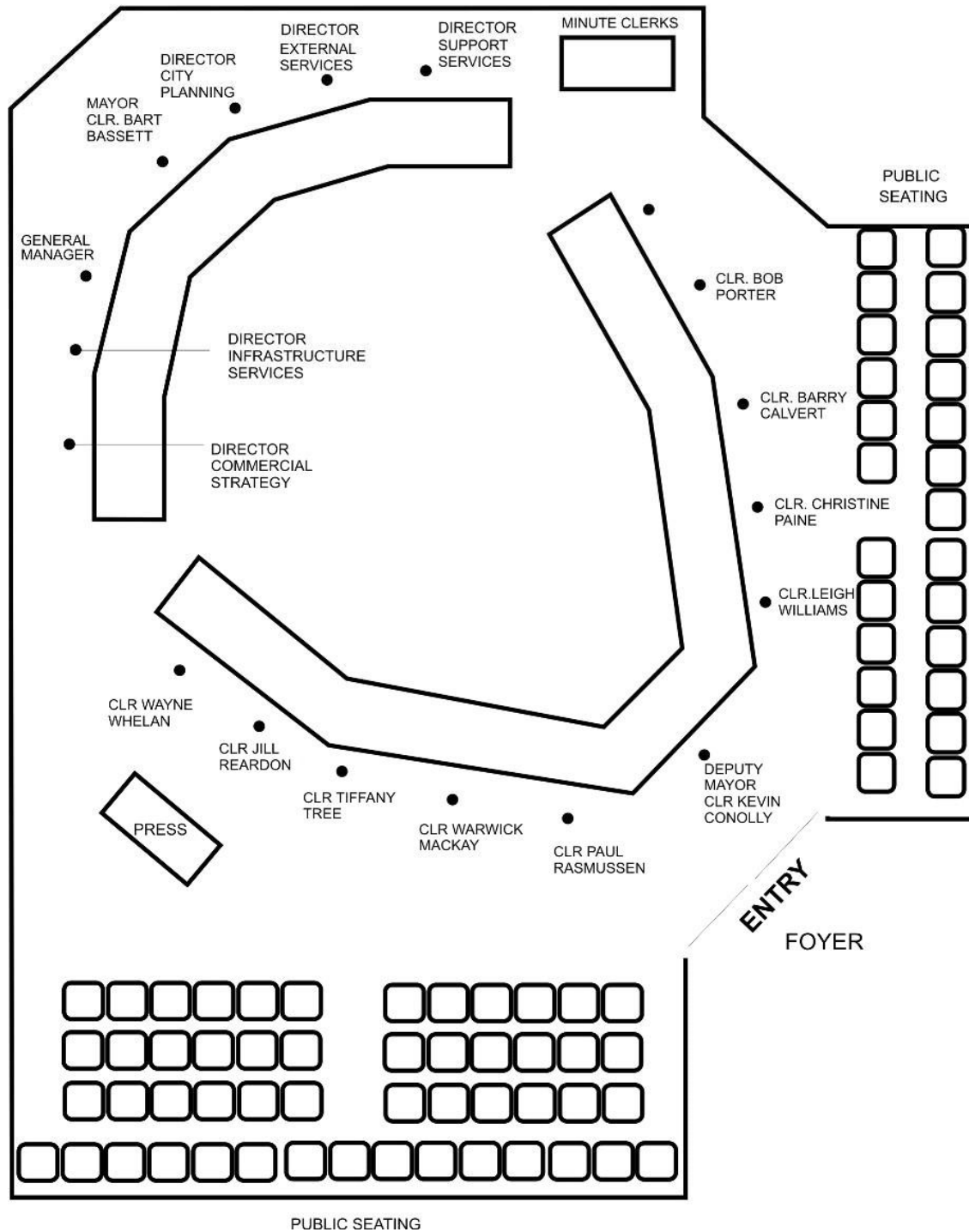
Website

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is www.hawkesbury.nsw.gov.au.

Further Information

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone 02 4560 4426.

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SECTION 1 - Confirmation of Minutes

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SECTION 2 - Mayoral Minutes

MM - Windsor Bridge - (79353)

REPORT:

In a Mayoral Minute on 8 July 2008 I was extremely pleased to advise Council of the State Government's decision to provide funding for the replacement of the Windsor Bridge. The timeframe for the proposed replacement at that time was also encouraging as it indicated that the urgency of the representations made by the Council and community had been acknowledged by the State Government, and they had responded appropriately, with a short timeframe envisaged for the replacement.

Since that time, representatives of the RTA, in a presentation to Council, outlined the proposals that were being considered as part of the project. The proposals included locations, along with the benefits and concerns associated with those locations. Councillors may remember that there were two options proposed for the site downstream of the existing bridge, a higher level option which would allow trucks and buses access to the wharf, under the new structure, and having a reduced grade on the approach to George Street, and a lower level option which would not allow access beneath the new bridge and would also have a steeper grade on the approach to George Street.

Other options included access basically following the current alignment through the cutting within Thompsons Square, with the new bridge located just upstream of the existing bridge, access via Baker Street, access via Kable Street, access off McGraths Hill flats, east of South Creek and following Palmer Street, and a link from Punt Road at Pitt Town to King Road at Wilberforce. At that time, Council strongly supported the location of the proposed new bridge over the Hawkesbury River at Windsor on the eastern side of Thompsons Square (extension of Bridge Street), at the higher level and the RTA was advised accordingly.

Since that time there has been public consultation in relation to the options and it appears that issues regarding heritage matters have virtually stopped progress on the project after a period approaching two years. I understand that there has been a short list of options identified which may again be brought back to the community for further consultation in an effort to source a preferred option.

I believe that the time has come for the State Government to get off the consultation merry-go-round and make the decision that is obviously in the best interest of the community to proceed with the option that Council has endorsed on more than one occasion. That option is the high level bridge aligned with Old Bridge Street, Option 1.

I recommend that the Minister for Roads be advised of Council's great concern regarding the ongoing delay to the replacement of the Windsor Bridge and request that a decision be made immediately to proceed with the previously advised, Council preferred option.

RECOMMENDATION:

That the Minister for Roads be advised of Council's great concern regarding the ongoing delay to the replacement of the Windsor Bridge and request that a decision be made immediately to proceed with the previously advised, Council preferred option.

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Mayoral Minutes

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

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SECTION 3 - Notices of Motion

NM1 - Road Sealing - (111630, 79351)

Submitted by: Councillor Whelan

NOTICE OF MOTION:

That a:

1. Methodology be prepared to enable the prioritisation of unsealed roads which could be sealed should external funding sources become available for that purpose.
2. List of roads be prepared based on the methodology identified and presented to Council in a Briefing Session annually.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM2 - Proposed Access Mobility Committee - (80104, 79351)

Submitted by: Councillor Paine

NOTICE OF MOTION:

That a report be prepared for Council's consideration into the establishment of a separate Access Mobility Committee.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 112 **GM - Precedent Productions - 2010 Hawkesbury Local Business Awards - (79351, 80198)**

Previous Item: 112, Ordinary (30 June 2009)

REPORT:

Executive Summary

Council has been approached by Precedent Productions seeking sponsorship of the 2010 Hawkesbury Local Business Awards (Awards). Precedent Productions founded and manage the Local Business Awards throughout the Sydney, Hunter and Illawarra regions for the past 12 years. It is noted that Precedent Productions previously sought sponsorship from Council in 2009, and were advised following Council's Meeting of 30 June 2009, that Council was not at that time in a position to sponsor the Awards.

Since 2004, Council has supported Hawkesbury Newspapers with the sponsorship of the Hawkesbury Business Excellence Awards. However, Council has been advised that these awards will not be held in 2010. Hawkesbury Newspapers will be a major sponsor of the 2010 Hawkesbury Local Business Awards, with Hawkesbury Courier its media partner.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

Council was approached by Precedent Productions in May 2009 seeking sponsorship for the 2009 Hawkesbury Local Business Awards, and the matter was considered by Council at its meeting on 30 June 2009, and it was resolved that:

"Council advise Precedent Productions Pty Ltd that it is not in a position to sponsor the Hawkesbury Local Business Awards in 2009 due to the lateness of the approach and invite it to approach Council about the Hawkesbury Local Government Awards 2010 with a suitable lead time."

Precedent Productions have again approached Council in their letter dated 21 May 2010 seeking sponsorship of the 2010 Hawkesbury Local Business Awards (Awards).

Precent Productions advise that a record number of businesses in the Hawkesbury registered for the program in 2009, and 9,157 nominations were received, with 413 guests in attendance at the Awards Presentation.

Details about the Awards, advised by Precedent Products, are:

- The Award Region is determined by Hawkesbury Courier's distribution boundary and not Council's Local Government Area (LGA).

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- The Award Program will be run over an 11 week period. The Program Launch will be 15 June 2010, with the Awards Presentation to be held on Wednesday 25 August 2010 at the Windsor Function Centre.
- Weekly promotion of the Awards will be via media partner - Hawkesbury Courier.
- Judging criteria is based solely on aspects of customer service: business appearance and presentation; the range of products and/or services; value for money; and service of customers. Businesses are evaluated entirely from the perspective of the customer.
 - The Awards begin with the call for public nominations of outstanding local businesses.
 - At the close of nominations, all coupons and online votes are collated and those businesses receiving the greatest number of votes in each category become finalists.
 - Finalists will then provide business details to include, products, years in business, history, growth, promotion, staff motivation, successes, recognition, customer support, including local community support - all details are used to filter the finalists.
 - Judging visits commence. Each business is assessed by a panel of judges who conduct their evaluations at separate visits. Judges come from a variety of backgrounds and share the common attribute of being everyday customers. In most instances, businesses are evaluated anonymously to ensure that judges receive the same treatment as any other customer. In some categories of business however, this is not possible. In those cases, impromptu interviews are conducted.

Details about the sponsorship invitation to Council are:

- Major sponsorship valued at \$8,500 has been offered to Council at the existing budget allocation [Sponsorship] of \$5,000.
- Promotion of Council as a Major Sponsor is as follows:

Nomination Coupons	Logo on newspaper coupon Logo on printed coupon pads (at least 20,000 per area)
Finalist Kits (150 per area)	Logo on Certificates Logo on Finalist Information Logo on Invitations Opportunity to include marketing material
Finalists and Winners Lists	Access to Finalists and Winners lists
Media Coverage	Pre-program Teaser Ads - Appears for 2 weeks prior to program launch Logo and comment in launch advertisement Logo and comment in Winners Feature advertisement Mentioned in editorials throughout 11 week program
Website	Logo on program web pages Direct link to Sponsor's website
Presentation Evening	Logo on Program Logo on Guest List Billboards 30 second Audio Visual Commercial Logo appearing on Large Screen Two Speaking opportunities Presentation of 3-6 categories Six Complimentary Tickets Logo on Award Trophies Promotional material at event Corporate signage in venue

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	Tagline placed on Program Logo on Winner's Poster Opportunity to present a prize draw
Sponsorship audit	A presentation kit including all Promotional material List of Award Sponsors for networking purposes Award trophy as Major Sponsor

- At this stage, other sponsors for this year's Awards include: Homes Central (Major Sponsor), Richmond Market Place, the University of Western Sydney, and TVS (the Community TV Station) who are all Support Sponsors, and Hawkesbury Courier (Media Partner).

It is considered that the Awards are an important way in which Council, in partnership with the organiser, can promote local business, encourage good business practice, and recognised excellence and business leadership.

It is considered that Council should support the Awards in 2010. The sponsorship funds sought are the same amount provided in past years and therefore does not place any additional burden on Council's [Sponsorship] budget available for this purpose.

Conformance to Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions statement;

- Help create thriving town centres, each with its own character that attract residents, visitors and businesses.

and is also consistent with Supporting Business and Local Jobs Goal in the Community Strategic Plan being:

- Increased patronage of local businesses and attract new residents and visitors.

Financial Implications

Sponsorship costs will be met from the approved budget allocations for strategic activities.

RECOMMENDATION:

That Council agree to become a Major Sponsor of the 2010 Hawkesbury Local Business Awards to the value of \$5,000 (excluding GST) and that Council's standard Sponsorship Agreement be entered into in respect of this event.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 113 GM - Year of Women in Local Government Sponsorship - (79351,74304)

REPORT:**Executive Summary**

2010 has been designated the Year of Women in Local Government. Council is being invited to sponsor the National program and it is recommended agree to a "Bronze Pledge" of \$500 to support the program.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

The National Steering Committee for the 2010 Year of Women in Local Government with the assistance of the Local Government Management Association (LGMA) National has been working to plan the activities of the Year of Women in Local Government.

Councils around Australia are being requested to come on board as official partners of the program by pledging a small contribution to help meet the costs of the activities. These include assisting the cost of promotion of the national program and marketing materials.

The sponsorship ("Pledge") levels are Gold - \$2,000, Silver - \$1,000 and Bronze - \$500. Each sponsorship allows the Council's name to be placed on the official website and for the logo to be used by the Council.

21 ambassadors have been appointed and are able to be invited by the Council areas to speak at various events and a website has been developed – www.lgwomen2010.org.au.

Councils who provide sponsorship and come on board the program as a partner are invited to take the Partnership Pledge. The main ideals are:

- Raising Awareness of the significant role women play in local government;
- Commitment to local government being an employer of choice through encouraging change to remove barriers to their advancement in the workforce;
- Establishing programs which support these principles;
- Increasing participation of local government women in management, leadership and mentoring.

As Council's focus for 2010 has been celebrating the bicentenary of Governor Lachlan Macquarie naming the Macquarie Towns and coordinating a program of over 70 Council and community events, resources have not been available for specific events for this program. However, to confirm Council's support for the program it could take up a bronze sponsorship. By doing this and accepting the official partnership pledge it would show Council's commitment to the ideals and principles of the program.

The Federal Government has supported commitment to the advancement of women in local government by way of funding for the Australian Local Government Women's Association's 50:50 Visions. This funding will focus on longer-term goals and will include data collection, scholarships and an accreditation and awards program. Council may in the future decide to take up benefits arising from this program.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

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- Maintain its independent identity and voice through strong local government and community institutions.
 - Have constructive and productive partnerships with residents, community groups and institutions.
- and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:
- Have ongoing engagement and communication with our community, governments and industries.
 - Develop and implement a community participation and partnership program.

Financial Implications

Bronze Sponsorship for the activities of the Year of Women in Local Government would be \$500 which could be provided from funds available within the Corporate Communications 2009/2010 Budget.

RECOMMENDATION:

That Council agree to take up a Bronze Sponsorship for \$500 in support of the 2010 Year of Women in Local Government.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 114 **CP - Development Application - Torrens Title Subdivision Into Two Lots - Lot 11 DP 633630, 373 Bells Line of Road, Kurmond NSW 2757 - (DA0602/09, 14610, 95498)**

Development Information

File Number: DA0602/09
Property Address: 373 Bells Line of Road, Kurmond NSW 2757
Applicant: Falson & Associates Pty Limited
Owner: Mr JI Henry
Proposal Details: Torrens Title subdivision into two lots
Zone: Mixed Agriculture
Date Received: 2/10/2009
Advertising: 16/10/2009 - 30/10/2009

Key Issues:

- ◆ Objection under State Environmental Planning Policy No.1
- ◆ Allotment area
- ◆ Integrated Development

Recommendation: That the objection under State Environmental Planning Policy (SEPP) No. 1 not be supported and that Council refuse the application.

REPORT:

Introduction

An application has been received seeking approval for a two lot subdivision of Lot 11 DP 633630 at 373 Bells Line of Road, Kurmond. The existing lot at present contains the Kurmond veterinary clinic.

The subdivision would result in an area of 3165m² being created and the remaining allotment having an area of 10ha. The minimum lot size applying to this land is 10 ha.

The application is being reported to Council as the variation to the minimum allotment area exceeds 10% and it is Council's Policy for all State Environmental Planning Policy (SEPP) No. 1 variations greater than 10% to be considered by Council. This report recommends that Council decline support for the variation and refuse the application.

Description of Proposal

The application is proposing the Torrens title subdivision of land to create two allotment areas of 3165m² and 10ha respectively. The purpose behind the subdivision proposal is to separate the veterinary clinic on the smaller allotment and to have the second lot comply with the minimum lot size requirements of Hawkesbury Local Environmental Plan 1989. The applicant's Statement of Environmental effects states that the subdivision "*will enable the ageing owner of the clinic to dispose of the business which is cost prohibitive if remaining on the larger existing allotment.*"

A proposed dwelling envelope of 3710m² and asset protection areas are located at the south western corner of the larger lot, with an indicative vehicular access point from Bells Lane. No modification is proposed to the operation of the existing veterinary clinic.

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Comment:

In respect to the applicant's claims that the *'business is cost prohibitive'* if it were to remain on the larger existing allotment, no supporting information or documentation was submitted to demonstrate that the disposal of the business was cost prohibitive unless the subdivision was to proceed. The business itself could continue on the subject site or be relocated to another property should a potential owner wish. The subdivision itself is not the determining factor for a business sale.

Council Policies, Procedures and Codes to Which the Matter Relates

State Environmental Planning Policy No. 1
Hawkesbury Local Environmental Plan 1989
Sydney Regional Environmental Plan No 20
Hawkesbury Development Control Plan 2002

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:

a. The provisions (where applicable) of any:

i. Environmental Planning Instrument:

The relevant environmental planning instruments are:

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject property is zoned Mixed Agriculture. Subdivision of land within the Mixed Agriculture zone is permissible only if the area of each of the allotments to be created is not less than 10 hectares.

The subdivision will result in an area of 3165m² being created and the remaining allotment having an area of 10ha. An objection under SEPP No.1 seeking a variation to the lot size requirement in respect to the Mixed Agriculture zone was submitted and it is recommended that Council decline support and refuse the application. This is discussed later in this report.

In addition to the above, the following clauses of Hawkesbury Local Environmental Plan 1989 were taken into consideration:

Clause 2 - Aims, objectives etc
Clause 5 - Definitions
Clause 9 - Carrying out of development
Clause 9a - Zone objectives
Clause 10 - Subdivision general
Clause 11 - Rural Subdivision
Clause 18 - Provision of water, sewerage services, etc
Clause 22 – Development fronting a main or arterial road
Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

An assessment of the Development Application otherwise reveals that the proposal complies with the matters raised in the above clauses of Hawkesbury Local Environmental Plan 1989, with the exception of satisfying the objectives of the mixed agriculture zone within Clause 9A and allotment area contained in Clause 11.

The objectives of the Mixed Agriculture zone are as follows:

- a) *To encourage existing sustainable agricultural activities,*
- b) *To ensure that development does not create or contribute to rural land use conflicts,*
- c) *To encourage agricultural activities that do not rely on highly fertile land,*
- d) *To prevent fragmentation of agricultural land,*

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- e) *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 practises*
- f) *To promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation,*
- g) *To ensure that development retains or enhances existing landscape values that include a distinctive agricultural component,*
- h) *To prevent the establishment of traffic generating development along main and arterial roads,*
- i) *To control outdoor advertising so that it does not disfigure the rural landscape,*
- j) *To ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

Whilst proposed Lot 2 (10 ha) satisfies numerical compliance and is considered to be consistent with the objectives of the Mixed Agriculture zone, proposed Lot 1 (3165m²) is significantly undersized and fails to satisfy several objectives. In respect to objective a) *to encourage existing sustainable agricultural activities*, the reduced lot size of Lot 1 will substantially diminish the ability of the allotment to be used for agricultural use in the future.

If the veterinary clinic were to cease, the smaller allotment would have a dwelling entitlement and would be inconsistent with objective b) *to ensure that development does not create or contribute to rural land use conflicts*. If the subdivision were to proceed, there is both a current and future potential for land use conflict to occur between the smaller allotment and any agricultural use on the remaining land.

The current development standards for rural subdivision specify that the minimum allotment size within the Mixed Agriculture zone is 10 ha. The standards seek to retain this allotment size to ensure the sustainability of agricultural pursuits. The proposed subdivision fragments the allotment, which is zoned specifically for agricultural use and is inconsistent with objective c) *to prevent fragmentation of agricultural land*.

Given the large variation to allotment size and the development considered to be inconsistent with several objectives of the Mixed Agriculture zone, support for the development is not recommended.

The application is considered to be an integrated development as per Section 91 of the Environmental Planning and Assessment Act, 1979 as it requires authorisation under Section 100b of the Rural Fires Act, 1997 in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes from the NSW Rural Fire Service. However, the applicant has failed to provide Council with a bushfire report or payment of a referral cheque to forward to the NSW Rural Fire Service to obtain their concurrence, instead suggesting within their correspondence dated 11 January 2010 that “ *this can be a condition of deferred commencement*. “

The applicant has stated that the reason for not supplying this information is that, due to the uncertainty of the SEPP 1 objection, they wish to have that decision resolved prior to expending funds on a bush fire report and application that will not be necessary unless the SEPP 1 objection is supported.

Comment:

The applicant's desire to have the SEPP 1 matter determined prior to resolving other issues is understood. Council cannot consider a subdivision application in principle. The legislation requires that an application be complete and that the General Terms of Approval are sought for Integrated Applications before Council can approve an application.

The SEPP 1 objection is not recommended for support. Should that recommendation be supported it also follows that the development application should also be refused.

State Environmental Planning Policy No. 1 – Development Standards

An objection under SEPP No. 1 was lodged in respect to the minimum allotment size requirement for land zoned Mixed agriculture.

The applicant's claim that compliance with the development standard is considered unreasonable and unnecessary, for the following reasons:

- *Each of the proposed lots would not be distinguishable in an overall context from those that exist in the surrounding lot pattern.*
- *The allotments are of a size and shape adequate to their respective development.*
- *Lot 2 meets the minimum 10ha requirement within the zone.*
- *Lot 1 is already fenced and has the appearance of a separate allotment.*
- *There would be no adverse impact on amenity or streetscape arising from the subdivision. The dwelling site on Lot 2 is appropriate in its context and locality.*
- *The subdivision has been designed to account for environmental and physical features and allows the best long term management opportunities for the total landholding. There would be no physical alteration to the land given that a dwelling could be erected without a subdivision taking place.*
- *The underlying objectives of the standard are achieved notwithstanding non-compliance with the standard for the smaller lot containing the veterinary clinic.*
- *The underlying objective would be defeated or thwarted if compliance with the standard is required given that the veterinary clinic does not need over 10ha and currently is a burden and consequently not utilized to its proper agricultural potential.*

Comment:

The underlying objective and purpose of the development standard in respect to rural subdivision is to determine minimum allotment areas, to provide for sustainable agriculture and to ensure that the fragmentation of rural land does not affect the long term-productivity of agricultural land. The veterinary clinic already operates and presumably could continue to operate independent of another use on the land.

Subdivision, whilst being one option, is not seen as the most appropriate long term solution for the management of the land in this case. The use of the surplus land as claimed can still be utilised for agricultural pursuits, regardless of the veterinary clinic remaining on the land. Further subdivision is likely to result in the long term productivity of the land being diminished to the point, where agriculture would no longer be sustainable and small lot holdings with dwellings within the rural zone would dominate. The cumulative impact of subdivision below the minimum standard could compromise the agricultural sustainability of the land, which does not promote or coordinate the orderly and economic use of developed land.

The current planning controls seek to retain rural allotments of sufficient size for the sustainability of agricultural pursuits to continue. To permit the fragmentation of rural land would be inconsistent with the planning controls created and if repeated would impact on the agricultural productivity of this land and other land in this area.

Compliance with the development standard is considered both reasonable and necessary in this instance. The continuation of the minimum allotment size will ensure that the long term strategic vision of the zone objectives will remain and that productive agricultural land is not compromised or further lost.

The subdivision of land is not required to facilitate the promotion and co-ordination of the orderly and economic use and development of land and on this basis, the SEPP No. 1 objection is considered not well founded.

Given that the variation in Lot size is in excess of 10%, the application requires the consideration by Council. It is proposed that Council decline support for the proposed subdivision and refuse the application.

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

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.

The proposal is consistent with the aims and objectives of SREP No. 20.

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

Within the Draft Hawkesbury Local Environmental Plan 2009, the subject site is zoned RU1 Primary Production. The subject development is permissible only if the area of each of the allotments to be created is not less than 10 hectares. In the proposed development, an area of 3165m² will be created and the remaining allotment having an area of 10ha. An exception to this development standard can be considered where it is demonstrated by the applicant that:

- a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- b) that there are sufficient planning grounds to justify contravening the development standards.

As detailed earlier in the report, it is considered that the SEPP No. 1 objection has not demonstrated that compliance with the development standard is unreasonable or unnecessary or has provided sufficient justification on planning grounds to warrant contravening the development standard in this instance.

The proposed development provides only one allotment, of the proposed two lot subdivision, that achieves the objectives. The proposal seeks a major variation to the lot size development standard and does not provide appropriate grounds to justify the variation. Justification on planning grounds for choosing 3165m² rather than 1ha or 2ha or some other rural lot size in lieu of the 10 ha minimum has not been provided.

The lot size sought does not appear to align with any existing subdivision lot size provisions under the current or draft HLEP. The proposal does not meet the current and proposed zone objectives for this land that are intended to give priority to agriculture and rural development not housing or other land uses. Hence, it is considered that this subdivision does not meet either the current provisions or the future direction of Council's planning controls for subdivision in rural areas and the major variation proposed cannot be supported on planning grounds.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan

The Hawkesbury Development Control Plan 2002 applies to the proposal. An assessment of the proposal against the relevant provisions of this Plan follows:

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Subdivision Chapter

The following is an assessment against the relevant Rules of the Subdivision Chapter in respect to Part D.

Element	Rule	Complies
General		
Flora and Fauna Protection	<p>(a) Any subdivision proposal which is likely to result in any clearing of native vegetation or impact on any environmentally sensitive area is to be accompanied by a flora and fauna assessment report prepared by a suitably qualified person. This report is to primarily address the Eight Part Test pursuant to the Act (Section 5A), State Environmental Planning Policy 44 – Koala Habitat protection.</p> <p>(b) Vegetation cover should be retained where ever practicable as it acts to stabilize soils, minimize runoff, acts as a pollutant trap along watercourses and is important as a habitat for native fauna.</p> <p>(c) Degraded areas are to be rehabilitated as part of the subdivision.</p> <p>(d) Vegetation should be retained where it forms a link between other bush land areas.</p> <p>(e) Vegetation which is scenically and environmentally significant should be retained.</p> <p>(f) Vegetation which adds to the soil stability of the land should be retained.</p> <p>(g) All subdivision proposals should be designed so as to minimize fragmentation of bushland.</p>	<p>Yes. The site is recognized as containing area's of flora and fauna significance, however the portion of land indicated as the proposed building envelope with asset protection area's has no flora or fauna significance.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Visual Amenity	<p>(a) Building envelopes, accessways and road shall avoid ridge tops and steep slopes.</p> <p>(b) Subdivision of escarpments, ridges and other visually interesting places should:</p> <ul style="list-style-type: none"> Be managed in such a way that the visual impact rising from development on newly created allotments is minimal; and 	<p>Yes</p> <p>Yes</p> <p>Yes</p>

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Element	Rule	Complies
	<ul style="list-style-type: none"> Retain visually significant vegetation such as that found on ridge tops and other visually prominent locations. <p>(c) Development Applications for subdivision shall take into consideration the provisions of SREP No. 20 in relation to scenic quality.</p>	See assessment above.
Heritage	(a) A subdivision proposal on land which contains or is adjacent to an item of environmental heritage as defined in Schedule 1 of the Hawkesbury LEP should illustrate the means proposed to preserve and protect such items.	Yes.
Utility Services	<p>(a) Underground power provided to all residential and industrial subdivisions. Where infill subdivision is proposed, the existing system, whether above or underground shall be maintained.</p> <p>(b) All lots created are to have the provision of power.</p> <p>(c) Where reticulated water is not available, a minimum storage of 100,000 litres must be provided. A minimum of 10,000 litres must be available during bush fire danger periods.</p>	<p>Condition if approval granted.</p> <p>Condition if approval granted.</p> <p>Condition if approval granted.</p>
Flooding, Landslip & Contaminated Land	<p>(a) Compliance with clause 25 of Hawkesbury Local Environmental Plan 1989.</p> <p>(b) Access to the subdivision shall be located above the 1% AEP flood level.</p> <p>(c) Where a subdivision proposal is on land identified as being potentially subject to landslip, the applicant shall engage a geotechnical consultant to prepare a report on the viability of subdivision the land and provide recommendations as to the siting and the type of buildings which could be permitted on the subject land.</p> <p>(d) In the event the Council deems that there is the potential that land subject to a subdivision application is contaminated then the applicant shall engage a suitably qualified person to undertake a soil and</p>	<p>Yes.</p> <p>Yes</p> <p>N/A</p> <p>Not considered to be contaminated.</p>

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Element	Rule	Complies
	ground water assessment. (e) Contaminated Land shall be remediated prior to the issue of the Subdivision Certificate.	N/A
Rural Lot Size and Shape	<p>(a) The minimum allotment size for land within rural and environmental protection zones are contained within Hawkesbury Local Environmental Plan 1989.</p> <p>(b) Lots should be able to accommodate a building envelope of 2000m² 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 will contain the dwelling house, rural sheds, landscaping, and on-site effluent treatment and disposal areas, and bushfire mitigation.</p> <p>(c) In calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle axe handle should be included.</p> <p>(d) The width to depth ratio of allotments should not exceed 1:5.</p> <p>(e) Lot layout shall consider the location of watercourse vegetation and other environmental features.</p>	<p>No (See SEPP 1 comments)</p> <p>No. Unable to demonstrate compliance</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
Effluent Disposal	<p>(a) An effluent disposal report prepared by a suitably qualified person is required to accompany any development application for rural and rural-residential subdivisions.</p> <p>(b) Any system proposed other than a Household Aerated Wastewater Treatment System is required to be installed prior to release of Subdivision Certificate.</p>	<p>No details submitted.</p> <p>No details submitted.</p>
Rural Road and Access Way Design	<p>(a) The design specifications in Figure 4 at the end of this clause are to be met.</p> <p>(b) Where the road width is insufficient or unsatisfactory, an applicant should dedicate or provide land required for local road widening or new roads at no cost to Council.</p>	<p>N/A</p> <p>N/A</p>

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Element	Rule	Complies
	(c) Upgrading of the access way from the nearest sealed road to the proposed subdivision to an all weather standard suitable for the expected traffic generation arising from the subdivision. This work may require the sealing of the pavement dependent upon traffic generation.	N/A
	(d) Where access to the subdivision is via a Crown or Reserve road in addition to the above, the road should be fully constructed to a standard commensurate with roads in the locality and linked to the nearest Council road. Prior to any construction works being undertaken the relevant section of Crown road is to be transferred to Council.	N/A
	(e) The road fronting the subdivision shall be sealed into half width (minimum 3.5 metres). An all weather standard of road construction may be acceptable where the expected traffic volume generated by the subdivision proposal is low and no sealed road in the vicinity.	Yes
	(f) Water courses should be piped where they cross roads and the applicant should create drainage easements generally 10 metres long and 4 metres wide over the point of any discharge of any water from any public road onto private property.	N/A
	(g) All internal driveways shall be constructed to an all weather standard suitable for the expected traffic generation. An all weather access should also be provided across the footway to any battle-axe lot. Such access should be sealed within the vicinity of existing houses on adjoining lots where dust nuisance may occur and also on steeply sloping land.	N/A
	(h) Where 3 or more individual access handles are proposed, common roads are to be provided.	N/A
	(i) Battle-axe handles shall have a minimum width of 6 metres.	N/A
	(j) Access ways should have a maximum	Can condition if

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Element	Rule	Complies
	grade of 25% (1:4) and be sealed if the grade exceeds 1:6, concrete if exceeds 1 in 5.	approved.
	(k) Where an access way meets a public road there should be a minimum sight distance of 70 metres. This may be increased on roads with a high speed limit.	N/A
	(l) Cul-de-sacs for rural roads should have a minimum seal radii of 12.0 metres and boundary radii of 17.0 metres.	N/A

Potential for Landuse Conflict

If the vet practice was to be abandoned the smaller allotment would have a dwelling entitlement. Hence, there is both a current and future potential for landuse conflict between the smaller allotment and the agricultural use of the balance of the land if the subdivision were to proceed.

Currently the Hawkesbury LEP and DCP do not prescribe minimum separation distances; however, recently the Department of Planning released a Discussion Paper SEPP (Exempt and Complying Development Codes 2008 – The Codes SEPP) “New dwellings as Complying Development in Rural, Village and Large Lot Residential Areas Discussion Paper “. (Source: <http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=kkBzd326Tb4%3D&tabid=397&language=en-US>)

The discussion paper approach, once translated in a SEPP, could require minimum separation distances to agricultural development. For example, the discussion paper suggests the development standard for buffers for complying dwellings on lots below 4000m² would be as follows:

“There is a minimum distance of 200 metres between the house and any land used for agricultural purposes that is not in the same ownership as the land on which the dwelling is to be built.”

iv. Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:

There are no planning agreements applicable to the proposed development.

v. Matters prescribed by the Regulations:

The applicant has not provided a bush fire report and effluent disposal report to enable assessment of the application. In this respect, the application is inconsistent with Clause 54 of the Regulations.

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

Context & Setting

The current planning controls seek to retain rural allotments of sufficient size for the sustainability of agricultural pursuits to continue. To permit the fragmentation of rural land would be inconsistent with the planning controls created and if repeated, could impact on the agricultural productivity of this land and other land in this area.

The existing subdivision pattern in the vicinity has largely remained undisturbed, with several allotments in the locality remaining unchanged for several years. Council has maintained the development standards set within Hawkesbury Local Environmental Plan 1989 for rural subdivision.

Access, Transport & Traffic

Vehicle access into the existing veterinary clinic would remain unchanged from Bells Line of Road. The new proposed lot would obtain vehicle access from Bells Lane. No foreseeable impact in relation to the vehicle access point from Bells Lane is envisaged.

Utilities

It is considered that the proposed development will not place unreasonable demands on the provision of services.

Flora & Fauna

The site is recognised as containing areas of flora and fauna significance, however the portion of land indicated as the proposed building envelope with asset protection areas has no flora or fauna significance.

Natural Hazards

The site is recognised as being bushfire prone land with the application considered to be an integrated development as per Section 91 of the Environmental Planning and Assessment Act, 1979 as it requires authorisation under Section 100b of the Rural Fires Act, 1997 in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes from the NSW Rural Fire Service. However, the applicant has not provided Council with a bushfire report or payment of a referral cheque to forward to the NSW Rural Fire Service to obtain their concurrence, instead suggesting within their correspondence dated 11 January 2010 that “ *this can be a condition of deferred commencement.* ”

Cumulative Impacts

Further subdivision could result in the long term productivity of the land being diminished to the point, where agriculture would no longer be sustainable and small lot holdings with dwellings within the rural zone would dominate. The cumulative impact of subdivision below the minimum standard could compromise the agricultural sustainability of the land, which does not promote or coordinate the orderly and economic use of develop land.

c. Suitability of the site for the development:

Given the significant variation in allotment area, with the lack of information to assess the application in respect to bushfire safety and effluent disposal area's, the site suitability cannot be fully assessed.

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

In their letter dated 6 November 2009, the Department of Planning advised that
“ *I note that the proposal involves a variation to the 10 hectare subdivision standard for Mixed Agriculture under the provisions of Hawkesbury Local Environmental Plan 1989. Under the Environmental Planning and Assessment Act, 1979, concurrence is required if Council proposes to grant development consent to the development application. The correspondence from Council does not indicate Council's intention to grant consent to the DA..* ”

It is recommended that Council decline support for the proposed development. However, should the application be approved, then the application is required to be referred to the Department of Planning to obtain their concurrence.

e. The Public Interest

The current planning controls seek to retain rural allotments of sufficient size for the sustainability of agricultural pursuits to continue. To permit the fragmentation of rural land would be inconsistent with the existing and future planning controls.

If the variations were to be repeated on other rural lots this could impact on the agricultural productivity of other land in this area. Having regard to the relevant planning considerations, it is concluded that the proposal is therefore contrary to the public interest.

Conclusion

The current proposal is not consistent with the minimum allotment size requirement for subdivision as per Clause 11(2) of Hawkesbury Local Environmental Plan 1989. SEPP No. 1 is not intended to be used to pre-empt or circumvent the proper strategic planning processes set out in the local environmental planning process.

The use of the surplus land as claimed can still be utilised for agricultural pursuits to take place, regardless of the veterinary clinic remaining on the land. Subdivision, whilst being one option, is not seen as the most appropriate long term solution in this case. The subdivision of land is not required to facilitate the promotion and co-ordination of the orderly and economic use and development of land and on this basis, the SEPP No. 1 objection is considered not well founded.

Developer Contributions

The development is exempt from contributions under Section 94E of the Environmental Planning and Assessment Act 1979 or Council's Section 94A Contributions Plan.

Community Strategic Plan

The proposed development is inconsistent with the *Looking after People and Place* Directions Statement:

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's Town, villages and rural landscapes

The development proposes fragmentation of an existing rural lot, potentially diminishing its ability to be used for sustainable agricultural use in the future and altering the rural landscape.

As well as the *Caring for our Environment* direction:

- Be a place where we value, protect, and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes

The proposed subdivision is inconsistent with this direction as one of the two allotments is significant undersized. The continuation of the minimum allotment size will ensure that the long term strategic vision of the zone objectives will remain and that productive agricultural land is not compromised or further lost.

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.

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RECOMMENDATION:

That:

1. The objection under SEPP No. 1 not be supported.
2. Development application DA0602/09 at Lot 11 DP 633630, 373 Bells Line of Road, Kurmond NSW 2757 for Torrens title subdivision into two lots be refused for the following reasons:
 1. The State Environmental Planning Policy No. 1 objection is not supported as compliance with the statutory development standard was not considered to be unreasonable or unnecessary in the circumstances.
 2. The proposal does not satisfy the objectives of the Mixed Agriculture zone of Hawkesbury Local Environmental Plan 1989, as the development is considered to encourage fragmentation of agricultural land and is not consistent with the character of the area.
 3. Insufficient information was supplied to enable a full assessment of the application.
 4. The repeated cumulative impact of subdivision could impact on the agricultural productivity of the land in the area being diminished.
 5. The proposed subdivision would not maintain the character and pattern of subdivision along this portion of Bells Line of Road.
 6. The development does not satisfactorily demonstrate that no adverse affect upon the rural and natural environment of the area is generated.
 7. The proposed development does not satisfactorily demonstrate the suitability of the site for the proposed land use.
 8. Due to the above reasons, the proposal is considered to not be in the general public interest.

ATTACHMENTS:

- AT - 1 Locality Plan
AT - 2 Plan of Subdivision

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AT - 1 Locality Plan

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AT - 2 Plan of Subdivision

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oooO END OF REPORT Oooo

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Item: 115 **CP - Development Application - Subdivision - 47 McMahons Road, Wilberforce, 80 Royerdale Place and 288 Bull Ridge Road, East Kurrajong - (DA0036/10, DA0037/10, DA0052/10, 39455, 39456, 95498)**

Development Information

File Number: DA0036/10, DA0037/10 and DA0052/10
Property Address: 47 McMahons Road, Wilberforce
80 Royerdale Place, East Kurrajong
288 Bull Ridge Road, East Kurrajong
Applicant: Neil Shedden
Darcy Shedden
Owner: Mr NN Shedden & Mrs DJ Shedden
Proposal Details: DA0036/10 – Subdivision creating 20 lots
DA0037/10 – Subdivision creating 7 lots
DA0052/10 – Subdivision creating 11 lots
Estimated Cost: DA0036/10 - \$65,000
DA0037/10 - \$140,000
DA0052/10 - \$ 70,000
Zone: Mixed Agriculture
Date Received: 25/01/2010 – DA0036/10 and DA0037/10
4/2/2010 – DA0052/10
Advertising: 16/03/2010 - 30/03/2010

Key Issues:

- ◆ Impacts on flora and fauna
- ◆ Impacts on the wetland
- ◆ Traffic
- ◆ Amenity

Recommendation: Approval, subject to conditions

REPORT:

Three development applications have been received proposing subdivision of the property known as Hadden Farm. Hadden Farm is one the largest land holdings in the Hawkesbury area and a total area of approximately 377ha is proposed to be subdivided.

If approved, following completion of all of the subdivisions 36 lots would have been created. 33 of the lots would have a size of approximately one hectare and would be created for rural residential purposes, and three residual lots would be created for agricultural purposes. Plans attached to this report show the existing lot layout and the proposed layouts for the three applications.

Subdivision of this type is permitted under the lot averaging provisions of Hawkesbury Local Environmental Plan 1989. The provisions enable subdivision smaller than the minimum lot size of 10 ha if a regional wetland is involved that can be protected and still enable large scale agriculture to continue on the land.

There are a range of positive outcomes from this proposal as highlighted below:

- the wetland will be contained within as fewer lots as possible, thereby increasing the effectiveness of management practices imposed,
- the proposed rural residential lots will not contain any endangered ecological communities, threatened species, populations or habitat and are sited so as to provide a suitable buffer between

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future development and the wetland, Howes Creek, Hawkesbury River and significant vegetation,

- any endangered ecological community will be contained within and managed on the residual allotments that will be managed as one agricultural allotment,
- all proposed building envelopes are above the 1 in 100 year flood level,
- the proposed subdivisions will enable the conservation of a large farm holding while providing for increased housing for a rural residential lifestyle.

In response to public submissions, it is recommended that the following be imposed as conditions of consent:

- The submission for approval, and the ongoing implementation and review of
 - A Wetland Management Plan;
 - A Vegetation Management Plan;
 - A Farm Management Plan; and
 - A Stormwater Management Plan.

Whilst the three subdivisions have been presented as stages, each subdivision has the capability of being carried out independently of the other subdivisions. There are also previous subdivision approvals related to this land.

Further there is currently a planning appeal being considered by the Land and Environment Court that is related to this site but is entirely separate to these applications. The appeal relates to the delegated refusal of a modification of consent (SA0083/96). The appeal is set for hearing on 9 July 2010. The outcome of that appeal does not alter the considerations for this application.

The applications are being reported to Council at the request of Councillor Williams. The applications are recommended for approval subject to conditions

Background

The land comprising the Hadden Farm holding currently benefits from three previous subdivision approvals:

SA0011/96	9 Lot Subdivision in Two Stages	Approved 28 March 1996
SA0083/96	14 Lot Subdivision	Approved 8 April 1997
MA2010/99	13 Lot Subdivision	Approved 28 June 2000

It was proposed that the creation of lots within each of these subdivisions be carried out in stages, and each of these subdivision approvals have been secured with the completion of at least one of the stages.

Of particular relevance, Development Consent MA2010/99 has been secured with the registration of Stage 1. However, Stage 2 of this subdivision is to create Lots 103 and 104 as referenced and relied upon in the current applications. The registration of this Stage will be required prior to the issue of any construction certificates for any of the proposed subdivisions.

As these subdivisions have commenced, it is proposed that these subdivision approvals be amended to remove the stages not yet completed (except for Stage 2 of MA 2010/99) so that these subdivisions cannot be acted upon further. This is discussed in more detail later in the report.

ORDINARY MEETING**Meeting Date:** 8 June 2010**Description of Proposal**

Three development applications have been received proposing a 36 lot subdivision of the property known as Hadden Farm and comprising the following land:

- Lots 9, 10, 11, 12 & 13, DP 803222, No. 80 Royerdale Place, East Kurrajong
- Lots 1, 2 & 3, DP 1007322, Lot 70 DP 1014332, Lot 77 DP 1010826, No. 47 McMahons Road, Wilberforce
- Part of Lot 32 DP 1028460, No. 288 Bull Ridge Road, East Kurrajong.

A significant wetland identified under Sydney Regional Environmental Plan No. 20 is located predominantly within the Hadden Farm land holding and partly within other properties. The size of this wetland is approximately 144.6ha; 99.1ha of which is classed as being ephemeral. A substantial proportion of this wetland is currently located across a number of different lots specifically part Lot 32 DP 1028460, Lot 70 DP 1014332, Lots 9 – 13 DP 803222, Lots 1 & 2 DP 1007322.

It is proposed that the wetland be contained within the proposed residual farm lots for each subdivision.

The applications are detailed in the following table and subsequent diagrams:

Development Application DA0036/10 – 80 Royerdale Place, East Kurrajong		
Original Lots	Area (ha)	Comments
Lots 9, 10, 11, 12 & 13, DP 803222	50	Contains part of wetland
Part of Lot 32 DP 1028460 (proposed lot 104 – MA2010/99)	134.9	Contains part of wetland
Lots 2, DP 1007322	63.18	Contains part of wetland
Lot 70 DP 1014322	80.84	Contains part of wetland
Total	328.92	
Proposed Lots	Area (ha)	Comments
1	1	Vacant bushland lots to be used for rural residential purposes and which will gain access off Royerdale Place
2	1.26	
3	1	
4	1.27	
5	1.25	Vacant bushland lots to be used for rural residential purposes and which will gain access off the proposed new road from Royerdale Place
6	1	
7	1.08	
8	1	
9	1.03	
10	1.09	
11	1.29	
12	1.43	Vacant bushland lots to be used for rural residential purposes and which will gain access off Royerdale Place
13	1.24	
14	1.29	
15	1.8	
16	1.48	
17	1.75	
18	127.7	Farm land which gains access from Bull Ridge Road and Royerdale Place. This lot will be part of the Hadden Farm holding to be used for large scale farming and will contain part of the wetland

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19	91.33	Farm land which gains access from Stannix Park Road. This lot will be part of the Hadden Farm holding to be used for large scale agriculture and will contain part of the wetland.
20	88.04	Farm land which can gain access from McMahons Road, Stannix Park Road and Rocky Hall Place. This lot will be part of the Hadden Farm holding to be used for large scale agriculture and will contain part of the wetland.
Proposed Road	0.59 (by deduction)	
Total	328.92	

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Development Application DA0037/10 – Stannix Park Road, Wilberforce		
Original Lots	Area (ha)	Comments
Lot 1 DP 1007322	10.0	Contains part of wetland
Lot 2 DP 1007322	63.18	Contains part of wetland
Part Lots 9-13 DP 803222	28.15	Contains part of wetland
Total	101.33	
Proposed Lots	Area (ha)	Comments
22	1	Lots 22 to 27 will be vacant/cleared lots to be used for rural residential purposes. These lots will gain access from a proposed new road from Stannix Park Road
23	1	
24	1	
25	1	
26	1	
27	1	
28	93.33	Farm land which will gain access from the proposed new road from Stannix Park Road. This lot will be part of the Hadden Farm holding to be used for large scale agriculture, and will contain part of the wetland.
Proposed Road	2 (by deduction)	
Total	101.33	

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Development Application DA0052/10 – 47 McMahons Road, Wilberforce		
Original Lots	Area (ha)	Comments
Lot 3 DP 1007322	28.52	Contains part of wetland
Lot 77 DP 1010829	10	
Lot 70 DP 1014332	80.84	Contains part of wetland
Part 32 DP 1028460	7.2	
Total	126.56	
Proposed Lots	Area (ha)	Comments
32	114.8	Farm land which can gain access from McMahons Road, Stannix Park Road and Rocky Hall Place. This lot will be part of the Hadden Farm holding and is to be used for large scale agriculture. This lot will contain the existing farm buildings and improvements and part of the wetland.
33	1	Lots 33 to 36 will be vacant/predominantly cleared lots to be used for rural residential purposes. These lots will gain access from Stannix Park Road.
34	1	
35	1	
36	1	
37	1.4	Will contain an existing dwelling house and outbuildings
38	1.05	Lots 38 to 42 will be vacant/ predominantly cleared lots to be used for rural residential purposes. These lots will gain access from a proposed new road from Stannix Park Road
39	1.35	
40	1.08	
41	1.75	
42	1.13	
Total	126.56	

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History of Development Applications DA0036/10, DA0037/10 & DA0052/10

The 3 DAs have been considered concurrently and due to the complexity of the history and the layers of lot layout there has been considerable discussion about the proposal with the applicant and owners. The following summarises the history of those discussions:

25 January 2010	Development Application DA0036/10 received
25 January 2010	Development Application DA0037/10 received
4 February 2010	Development Application DA0052/10 received
11 March 2010	Applications exhibited until 30 March 2010
15 April 2010	Letter to applicant requesting additional information in respect to demonstrating compliance with Clause 11(5) to Hawkesbury Local Environmental Plan 1989, Sydney Regional Environmental Plan No. 20 and the subdivision chapter of Hawkesbury Development Control Plan, land contamination, and effluent disposal.
15 April 2010	Meeting held with applicant to discuss the matters raised in Council's letter of 15 April 2010.
21 April 2010	Additional information in respect to land contamination provided.
27 April 2010	Additional information received in respect to the agricultural potential of the residual farming lots.
30 April 2010	Additional information received in respect to the management of the wetland and the farm.
3 May 2010	Meeting held with applicant to discuss additional information. Letter received from applicant consolidating additional information.
4 May 2010	Plans indicating location of effluent disposal areas on each proposed lot received.

Council Policies, Procedures and Codes to Which the Matter Relates

The following planning instruments are relevant in the assessment of this application:

- Environmental Planning and Assessment Act, 1979
- Environmental Planning and Assessment Regulation, 2000
- State Environmental Planning Policy No. 44 – Koala Habitat
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River
- Hawkesbury Local Environmental Plan 1989
- 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:

a. The provisions (where applicable) of any:

I Environmental Planning Instrument:

The relevant Environmental Planning Instruments are considered below:

Environmental Planning and Assessment Act, 1979 and Regulations 2000

S.80(A) (1)(b) and (5) of the Environmental Planning and Assessment Act 1979 permits the imposition of a condition of consent requiring the surrender or modification of a previous consent granted in relation to land to which the development applications relates. With the imposition of a condition, the applicant is

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required to provide a Notice of modification or surrender of a development consent under Section Clause 97 of the Environmental Planning and Assessment Regulations 2000.

As previously discussed, a number of subdivision applications have been approved over the land, which have been secured by the creation of some of the lots. A condition of consent is proposed to require the modification of these consents in accordance with the EP & A Act, 1979 and EP & A Regulations 2000 so that these subdivisions cannot be acted upon further.

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

The subject land contains a wetland (No 118) identified by SREP No. 20. Specifically Clauses 6(1), 6(2), 6(3), 6(4), 6(5), 6(6), 6(7), 6(11) and 11(17) & 11(18) of the Plan applies to the proposal and have been considered in the table below:

Specific Planning Policies and Recommended Strategies	Consistent	Comment
Total Catchment Management	Yes	It is considered that the proposed development will have no significant adverse impact on the catchment of the River.
Environmentally Sensitive Areas	Yes	With the implementation of a Wetland Management Plan, Vegetation Management Plan and Farm Management Plan it is considered that the proposed subdivisions will have no significant adverse impact on environmentally sensitive areas such as wetlands, the River, escarpments, flora and fauna habitats and corridors.
Water Quality	Yes	It is considered that the proposed subdivisions and future residential or agricultural use of the lots will have no significant adverse impact on the water quality of Howes Creek, the River or wetlands with the implementation of a Wetland Management Plan and Farm Management Plan
Water Quantity	Yes	Stormwater measures will be implemented.
Cultural heritage	Yes	The proposed subdivision pattern ensures that the identified Aboriginal sites on the land are contained within one allotment and within a vegetation conservation area so as to prevent disturbance these site.
Flora and Fauna	Yes	The Flora and Fauna Assessments submitted with the applications demonstrate that there will be no significant adverse impact on flora and fauna species, populations or habitats. The wetland located on the land will be managed by a Wetland Management Plan thereby satisfying the strategies for wetlands contained within this Plan.

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Agriculture/aquaculture and fishing	Yes	The proposal is considered consistent with the strategies for agriculture as the subdivisions will enable the rationalisation of the existing farm thereby enhancing its long term use for large scale agriculture. The location of the proposed rural residential lots, combined with farm management practices in the vicinity of these lots, will ensure that conflict between the two land uses will be minimised.
Rural residential development	Yes	It is considered that the proposed subdivision will not reduce the sustainability of the existing farm being used for grazing purposes. The application demonstrates that the land is suitable for onsite effluent disposal.

Development Controls	Consistent	Comments
Sewerage systems or works	Yes	Development consent required. It is considered that the onsite disposal of effluent will have no significant adverse impacts on nearby wetlands and watercourses, or significant vegetation.
Development in mapped wetlands	Yes	The proposed subdivisions will not result in the creation of a new boundary within the wetland. Any variations proposed to existing boundaries that intersects the wetland will either remove those boundaries from the wetland or affect a minor change to portions of the boundary which are located outside of the wetland.

The applications satisfactorily demonstrate 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.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The 'Flora and Fauna Assessment' Reports for each application identified the land as being 'potential habitat', but not 'core koala habitat' as defined by State Environmental Planning Policy No. 44.

Therefore Council is not prevented from granting consent to the proposal under the provisions of this Policy.

State Environmental Planning Policy No. 55 - Remediation of Land

Where a proposed development involves a change in the use of the land, this Policy requires consideration as to whether the land is potentially contaminated.

The owner has provided details of the practices of the farm, which they have owned for the past 30 years and have used for non intensive horse and cattle grazing. It has also been advised that no dips have been used in this time.

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It is therefore considered unlikely that the land is contaminated as to cause harm and prevent the future development of the land. The land is considered suitable for the proposed development and a Preliminary site investigation is not required. The application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

An assessment of the proposed development against the relevant Clauses of Hawkesbury Local Environmental Plan 1989 follows:

General Provisions of HLEP 1989

Clause 2 - Aims, objectives etc,

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

Clause 8 - Zones indicated on the map

The land is zoned Mixed Agriculture.

Clause 9A - Zones Objectives

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

The objectives of the Mixed Agriculture zone are:

- (a) *to encourage existing sustainable agricultural activities;*

Comment:

It is considered that the proposal is not detrimental to the sustainability of Hadden Farm for agricultural purposes.

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

Comment:

It is considered that the proposed development will not result in land use conflicts subject to the imposition of buffer areas between rural residential lots and agricultural lots. To this end, areas within agricultural lots that adjoin residential lots will be limited in the type of activities that can be carried out within these areas. It is proposed that these measures will be detailed within the proposed Farm Management Plan.

- (c) *to encourage agricultural activities that do not rely on highly fertile land;*

Comment:

The proposed development will allow the continued use of a large farm holding for agricultural uses appropriate to the soil classification of the land.

- (d) *to prevent fragmentation of agricultural land;*

Comment:

The lot averaging provisions provide for the creation of 1 ha allotments that are of rural residential proportions. The LEP only provides for this exception on the basis of an improved outcome for the wetland and the long term sustainability of large scale agriculture. The proposal seeks to locate the small lots in an area that has been identified as unsuitable for agricultural purposes.

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(e) *to ensure that agricultural activities occur in a manner:*

- a. *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*
- b. *that satisfies best practice guidelines and best management practices,*

Comment:

Subject to the recommendations within the Flora and Fauna Assessments provided and the implementation of a Wetland Management Plan, a Farm Management Plan and a Stormwater Management Plan it is considered that the proposal will have no significant adverse impact on the River, surface and groundwater quality and surface conditions or the wetlands in the locality. The provision of Management Plans is discussed further in this Report.

(f) *to promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation,*

Comment:

The three Development Applications are supported by flora and fauna assessments which conclude that the proposed subdivisions are “*unlikely to result in a significant impact on any threatened species, populations or EECs or their habitats*”. Each Assessment Report has provided recommendations to minimise the impact of the subdivisions and the future development of the resultant lots. These recommendations will be included within any consent.

(g) *to ensure that development retains or enhances existing landscape values that include a distinctive agricultural component,*

Comment:

It is considered that the proposed development is not inconsistent with the existing landscape character.

It is considered that the proposed development will not have a significant adverse impact on the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality,

It is considered that the proposed development will not have a significant adverse impact on the hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance.

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

Comment:

The proposed development is not considered to be traffic generating.

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

Comment:

The proposal does not include advertising signs.

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

Comment:

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It is considered that the proposed development will not create unreasonable economic demands for the provision or extension of public amenities or services.

Specific Provisions of HLEP 1989

Clause 10 - Subdivision - general

This clause states that a person shall not subdivide land without the consent of Council.

Clause 11 - Rural subdivision - general provisions

Relevant extracts are:

(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 dividing the area of the original allotment in hectares:

(a) by 10, if the land is in the Mixed Agriculture zone, or

(b) by 4, if the land is in the rural Living 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) N/A

(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 frontage ratio of the 1 hectare allotments is satisfactory given the intended rural-residential use. Likewise the depth to frontage ratio of the residual farm lots is considered 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, minimize the impact on any threatened species, populations or endangered ecological community or regionally significant wetland, watercourses, agriculture and bush fire threat, and*

Comment:

It is considered that, with the incorporation of the recommendations contained within the flora and fauna assessments into the development and the implementation of a Wetland Management Plan, Stormwater Management Plan, Farm Management Plan and Vegetation Management Plan, the proposed subdivision and subsequent development of the lots will have no adverse impacts on threatened species, populations

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or endangered ecological community, on wetlands, watercourses, the use of the land for agriculture or increased bush fire threat.

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

Comment:

A suitable geotechnical assessment has been provided for each subdivision demonstrating that the resulting allotments are capable of supporting on-site disposal of effluent for the intended rural residential use.

- (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 proposed subdivision provides suitable areas on each proposed rural residential allotment for a dwelling house, effluent disposal areas and asset protection areas in accordance with the requirements of Hawkesbury Development Control Plan. See assessment below.

- (4) *A subdivision of land within the Mixed Agriculture or Rural Living zone complies with this clause only if:*
- (a) *the number of allotments proposed for dwelling houses does not exceed the number of allotments that could have been created for dwelling-houses by a subdivision of the land immediately prior to the commencement day, and*

Comment:

Amendment No 126 to Hawkesbury Local Environmental Plan 1989 commenced on 24 March 2005. The proposal involves the subdivision of land described as:

- | | | |
|---------------------------------------|--|----------------------|
| • Lots 9, 10, 11, 12 & 13, DP 803222, | (Deposited Plan registered 3.7.1990) | Total area: 50 ha |
| • Lots 1, 2 & 3, DP 1007322, | (Deposited Plan registered 21.10.1999) | Total area: 101.7 ha |
| • Lot 70 DP 1014332, | (Deposited Plan registered 30.5.2000) | Total area: 80.84 ha |
| • Lot 77 DP 1010826, | (Deposited Plan registered 14.2.2000) | Total area: 10.0 ha |
| • Part of Lot 32 DP 1028460, | (Deposited Plan registered 21.5.2001) | Total area: 134.9 ha |

The land has a combined area of 377.44ha, and therefore a potential of 37.744 allotments for dwelling houses prior to the commencement day. The proposed subdivisions will result in a total of 36 lots being created.

- (b) *at least 20% of the land is occupied by an endangered ecological community or is a regionally significant wetland, and*

Comment:

The wetland located within the area is considered to be of regional significance given its size (approximately 144.6ha) and its inclusion within Sydney Regional Environmental Plan No. 20.

The table below demonstrates that more than 20% of the subject land is wetland.

Lot/DP	Size of Lot (ha)	Area of Wetland (ha)	% of Lot
Part of Lot 32 DP 1028460	134.9	29.32	21.7%
Lot 70 DP 1014322	80.84	28.51	35.3%

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Lots 9-13 DP 803222	50.00	14.43	28.9%
Lot 2 DP 1007322	63.18	12.88	20.4%
Lot 1 DP 1007322	10.00	2.88	28.8%
Lot 77 DP 1010829	10.0	0	0%
Lot 3 DP 1007322	28.52	0	0%
Total	377.44	88.02	23.3%

- (b) *the Council is satisfied that there will be a better environmental outcome from a lot averaging subdivision than would result without such a subdivision and that the long term survival of the endangered ecological community or regionally significant wetland will be enhanced, and*

Comment:

The premise of the applications is that the proposed subdivisions will result in a better environmental outcome by consolidating parts of the wetland into the larger residual farm lots when compared to previous subdivision approvals of the land which would result in the wetland being within numerous lots, subject to different ownership and without management practices being employed.

Hawkesbury Local Environmental Plan 1989 permits the subdivisions if it is demonstrated that a better environmental outcome will result. In this regard such factors as the impacts from creating the subdivisions and the impacts of future development and continuous use of the rural residential lots needs to be considered.

The Statement of Environmental Effects for each subdivision states that the rural lifestyle lots have been located on the less productive and less sensitive land, and that *"the proposal will have a beneficial effect on the wetland by confining the rural lifestyle allotments to an area which is removed from the wetland by a minimum distance of approximately 600m. The wetland will be contained within three large allotments which are managed as one holding by the owners of Hadden Farm"*

It is considered that a better environmental outcome will be achieved from the lot averaging subdivisions, as:

- the lot averaging subdivision enables a subdivision configuration which will ensure that the wetland is contained within as fewer lots as possible, thereby increasing the effectiveness of management practices imposed,
- the proposed rural residential lots will not contain any endangered ecological communities, threatened species, populations or habitat and are sited so as to provide a suitable buffer between future development and the wetland, Howes Creek, Hawkesbury River and significant vegetation, and
- the proposal results in future development of lots having a greater separation from the significant landscape features, thereby minimising any impacts on these features.

- (c) *any endangered ecological community will be contained within and managed on neighbourhood property under the provisions of the Community Land Development Act 1989, and*

Comment:

The applicant advises:

"This clause does not apply to the proposal as the endangered ecologically community is contained within the regionally significant wetland. As identified in the Travers flora and fauna assessment, the endangered ecological communities are wetland species which occur only within the regionally significant wetland. Their survival is due to good management practices which have been implemented for many years by Hadden Farm. The identified EEC's are currently contained within an area used for grazing and this

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situation will continue, as the EEC will, as a consequence of this subdivision, form part of an allotment designed for large scale agriculture."

River-flat Eucalypt Forest on Coastal Floodplains occurs as a narrow band of vegetation immediately surrounding the wetland. This community is found in wet conditions and therefore is dependant on the presence of the wetland and is considered to be part of the wetland community. As it is not a separate community to that of the wetland, and the wetland is to be contained within an allotment for large scale agriculture (see (e) below), it is considered that there is no requirement for the communities to be contained within a neighbourhood property (community lot) under the Community Land Development Act 1989.

- (d) *any regionally significant wetland will be contained within and managed on neighbourhood property under the provisions of the Community Land Development Act 1989 or on an allotment designed for large scale agriculture, and*

Comment:

Each subdivision will result in one residual farmland lot being created which contains a portion of the wetland and rural residential lots which do not contain any part of the wetland. At the completion of all subdivisions, three rural farm lots which are capable of being used for large scale agriculture will result.

- (e) *the allotments proposed for a dwelling-house do not contain an endangered ecological community or, unless they are allotments designed for large scale agriculture, a regionally significant wetland.*

Comment:

The rural residential lots created by each subdivision will not contain any Endangered Ecological Communities. Only the three rural farm lots contain Endangered Ecological Communities.

(4A) N/A

- (5) *Despite subclause (2), the Council may consent to a lot averaging subdivision of land in the Mixed Agriculture zone that creates allotments of not less than 1 hectare if the Council is satisfied that the subdivision will result in a regionally significant wetland being contained and managed within an allotment used for large scale agriculture.*

Comment:

The location of the proposed rural residential lots are in areas unsuitable for agricultural purposes, and therefore the proposed subdivision will not decrease the useable farming area, or affect the stocking capacity of the land. The applicant has provided details that indicate that the notional stocking rate for each of the residual farm lots are 356 head (Residual Lot 18), 261 head (Residual Lot 28), and 423 (Residual Lot 32).

It is considered that, in the context of the Hawkesbury Local Government Area, Hadden Farm is used for large scale agriculture. It is further considered that the proposed subdivision will not diminish this potential and that each residual farm lot resulting from the subdivisions can be used independently for large scale agriculture.

Each subdivision will result in the portion of the wetland in the area being contained with the large residual farm lot and therefore the proposal are considered consistent with this subclause.

- (6) *Consent must not be granted to a subdivision of land within Zone No 1(a), 1(b), 1(c), 1(c1), 7(d) or 7(d1) 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 Council.*

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Comment:

All building envelopes have been located on land having a level above the 1 in 100 year flood level.

(7) N/A

(8) N/A

(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.*

Clause 18(1) - Provision of water, sewerage etc services

This clause states that development consent will not be granted unless satisfactory arrangements have been made for the provision of water, sewerage, drainage and electricity to the land.

Comment:

The land will be subject to onsite collection of water and disposal of effluent. Written evidence that satisfactory arrangements for the provision/extension of telephone and electrical services to this development will need to be provided.

Clause 25 - Development on flood liable land

Clause 25 sets out the requirements for flood liable land. An assessment of the proposed development against the relevant subclauses is addressed below:

(2) *A building shall not be erected on any land lying at a level lower than 3 metres below the 1-in-100 year flood level for the area in which the land is situated, except as provided by subclauses (4), (6) and (8).*

Comment:

The 1-in-100 year flood level for the locality is approximately 13mAHD. In accordance with this subclause, proposed buildings are required to be sited on land having a level of 10mAHD or higher.

All building envelopes within the resultant lots have been located on land with a level above the 1 in 100 year flood level.

(5) *The Council shall, in the assessment of a development application, consider the flood liability of access to the land and, if the land is within a floodway, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this clause have been satisfied.*

NB: floodway means the channel of a river or stream and those portions of the flood plain adjoining the channel which constitute the main flow path for floodwaters.

Comment:

Access to the subject lots is via Stannix Park Road, Royerdale Place and Bull Ridge Road, which have a level above the 1 in 100 year flood level in these areas, and provide access to flood free areas. It is considered that the land is not located within a floodway.

Clause 28 - Development in the vicinity of a heritage item

The subject land is located within the vicinity of 103 Stannix Park Lane Park which is listed as a local and state heritage item. It is considered that the proposed subdivisions and subsequent development of the resultant lots can be achieved without any adverse impact on the heritage item.

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The subject properties fall within Class 3 and 5 as identified on the Acid Sulfate Soils Planning Map. The proposed development does not include any works as defined within this Clause and therefore no further investigations in respect to acid sulphate soils are required. The proposal is consistent with the requirements of this Clause.

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

Draft Hawkesbury Local Environmental Plan 2009 applies to the proposal. This draft Plan was exhibited 5 February 2010 to 12 April 2010.

Under this Plan the subject land is proposed to be zoned part RU1 Primary Production and part E2 Environmental Conservation. The minimum lot size requirement for the RU1 zone is 10 ha and the minimum lot size requirement for the E2 zone is 40 ha. Clause 4.1A of the draft Plan relates to the subdivision of the land.

The proposed subdivisions are not consistent with the draft Plan in respect to minimum allotment size having regard to the Environmental Conservation E2 zone and the lot averaging provisions. However, these development applications were lodged in January 2010, and the draft Plan had not been exhibited at that time nor was it considered to be imminent or certain at that time.

iii Development Control Plan applying to the land:

Hawkesbury Development Control Plan

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

Subdivision Chapter

The following is an assessment against the relevant Rules of the Subdivision Chapter:

Element	Rule	Complies
General		
Flora and Fauna Protection -	(a) Any subdivision proposal which is likely to result in any clearing of native vegetation or impact on any environmentally sensitive area is to be accompanied by a flora and fauna assessment report prepared by a suitably qualified person. This report is to primarily address the Eight Part Test pursuant to the Act (Section 5A), State Environmental Planning Policy 44 – Koala Habitat protection.	Yes
	(b) Vegetation cover should be retained where ever practicable as it acts to stabilize soils, minimize runoff, acts as a pollutant trap along watercourses and is important as a habitat for native fauna.	Yes
	(c) Degraded areas are to be rehabilitated as part of the subdivision.	Yes

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Element	Rule	Complies
	<p>(d) Vegetation should be retained where it forms a link between other bush land areas.</p> <p>(e) Vegetation which is scenically and environmentally significant should be retained.</p> <p>(f) Vegetation which adds to the soil stability of the land should be retained.</p> <p>(g) All subdivision proposals should be designed so as to minimize fragmentation of bushland.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Visual Amenity	<p>(a) Building envelopes, accessways and road shall avoid ridge tops and steep slopes.</p> <p>(b) Subdivision of escarpments, ridges and other visually interesting places should:</p> <ul style="list-style-type: none"> • Be managed in such a way that the visual impact rising from development on newly created allotments is minimal; and • Retain visually significant vegetation such as that found on ridge tops and other visually prominent locations. <p>(c) Development Applications for subdivision shall take into consideration the provisions of SREP No. 20 in relation to scenic quality.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>See assessment above.</p>
Heritage	<p>(a) A subdivision proposal on land which contains or is adjacent to an item of environmental heritage as defined in Schedule 1 of the Hawkesbury LEP should illustrate the means proposed to preserve and protect such items.</p>	<p>Yes</p>
Utility Services	<p>(a) Underground power provided to all residential and industrial subdivisions. Where infill subdivision is proposed, the existing system, whether above or underground shall be maintained.</p> <p>(b) All lots created are to have the provision of power.</p> <p>(c) Where reticulated water is not available, a minimum storage of 100,000 litres must be provided. A minimum of 10,000 litres must be available during bush fire danger periods.</p>	<p>Yes</p> <p>Condition</p> <p>Condition with future development of the lots</p>
Flooding, Landslip & Contaminated Land	<p>(a) Compliance with clause 25 of Hawkesbury Local Environmental Plan 1989.</p>	<p>Yes</p>

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Element	Rule	Complies
	<p>(b) Access to the subdivision shall be located above the 1% AEP flood level.</p> <p>(c) Where a subdivision proposal is on land identified as being potentially subject to landslip, the applicant shall engage a geotechnical consultant to prepare a report on the viability of subdivision the land and provide recommendations as to the siting and the type of buildings which could be permitted on the subject land.</p> <p>(d) In the event the Council deems that there is the potential that land subject to a subdivision application is contaminated then the applicant shall engage a suitably qualified person to undertake a soil and ground water assessment.</p> <p>(e) Contaminated Land shall be remediated prior to the issue of the Subdivision Certificate.</p>	<p>Yes</p> <p>N/A</p> <p>Not considered to be contaminated</p> <p>N/A</p>
Rural Lot Size and Shape	<p>(a) The minimum allotment size for land within rural and environmental protection zones are contained within Hawkesbury Local Environmental Plan 1989.</p> <p>(b) Lots should be able to accommodate a building envelope of 2000m² 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 will contain the dwelling house, rural sheds, landscaping, and on-site effluent treatment and disposal areas, and bushfire mitigation.</p> <p>(c) In calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle axe handle should be included.</p> <p>(d) The width to depth ratio of allotments should not exceed 1:5.</p> <p>(e) Lot layout shall consider the location of watercourse vegetation and other environmental features.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Effluent Disposal	<p>(a) An effluent disposal report prepared by a suitably qualified person is required to accompany any development application for rural and rural-residential subdivisions.</p> <p>(b) Any system proposed other than a Household</p>	<p>Yes</p> <p>N/A</p>

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Element	Rule	Complies
	Aerated Wastewater Treatment System is required to be installed prior to release of Subdivision Certificate.	
Rural Road and Access Way Design	(a) The design specifications in Figure 4 at the end of this clause are to be met.	N/A
	(b) Where the road width is insufficient or unsatisfactory, an applicant should dedicate or provide land required for local road widening or new roads at no cost to Council.	N/A
	(c) Upgrading of the access way from the nearest sealed road to the proposed subdivision to an all weather standard suitable for the expected traffic generation arising from the subdivision. This work may require the sealing of the pavement dependent upon traffic generation.	New road proposed
	(d) Where access to the subdivision is via a Crown or Reserve road in addition to the above, the road should be fully constructed to a standard commensurate with roads in the locality and linked to the nearest Council road. Prior to any construction works being undertaken the relevant section of Crown road is to be transferred to Council.	N/A
	(e) The road fronting the subdivision shall be sealed into half width (minimum 3.5 metres). An all weather standard of road construction may be acceptable where the expected traffic volume generated by the subdivision proposal is low and no sealed road in the vicinity.	N/A
	(f) Water courses should be piped where they cross roads and the applicant should create drainage easements generally 10 metres long and 4 metres wide over the point of any discharge of any water from any public road onto private property.	N/A
	(g) All internal driveways shall be constructed to an all weather standard suitable for the expected traffic generation. An all weather access should also be provided across the footway to any battle-axe lot. Such access should be sealed within the vicinity of existing houses on adjoining lots where dust nuisance may occur and also on steeply sloping land.	Condition
	(h) Where 3 or more individual access handles are proposed, common roads are to be provided.	N/A

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Element	Rule	Complies
	(i) Battle-axe handles shall have a minimum width of 6 metres.	
	(j) Access ways should have a maximum grade of 25% (1:4) and be sealed if the grade exceeds 1:6, concrete if exceeds 1 in 5.	Yes
	(k) Where an access way meets a public road there should be a minimum sight distance of 70 metres. This may be increased on roads with a high speed limit.	Condition
	(l) Cul-de-sacs for rural roads should have a minimum seal radii of 12.0 metres and boundary radii of 17.0 metres.	Condition
		N/A

Notification Chapter

The adjoining neighbours were notified as per the requirements of this Chapter of the DCP. Twelve (12) submissions were received in respect to the applications. The matters raised in the submissions are discussed further in this Report.

iv Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:

There has been no planning agreement or draft planning agreement entered into under Section 93F of the Environmental Planning and Assessment Act, 1979.

v Matters prescribed by the Regulations:

There are no matters prescribed in the regulations which would affect the proposal.

b. The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:**Context And Setting**

Adjoining and nearby landuses predominantly consist of rural residential purposes, and agricultural purposes. The proposal is compatible with the adjoining landuses.

There are a few scattered lots in the locality with areas of approximately 4000m². These are located along Bull Ridge Road, Uworra Road and Royerdales Place. There is a pocket of rural residential lots of approximately 2 ha each located in Stannix Park Road, near the intersection with Putty Road. However, the majority of lots in the locality, excluding Haden Farm, are approximately 10 ha in size.

It is considered that the proposed subdivisions are not inconsistent with the subdivision character of the locality, in that they will result in pockets of smaller lots surrounded by larger allotments.

Access, Transport and Traffic

Development of the resultant lots will not create unreasonable impacts on the local road network. Appropriate access to all resultant lots can be achieved.

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Flora and Fauna

The following Flora and Fauna Assessment Reports were submitted in support of the proposed subdivisions:

- DA0036/10 - Flora and Fauna Assessment Proposed Subdivision Hadden Farm (South-east) Stannix Park Lane, Wilberforce, Travers bushfire & ecology, January 2010, Ref: 9093F
- DA0037/10 - Flora and Fauna Assessment Proposed Subdivision Hadden Farm Royerdale Place, East Kurrajong, Travers bushfire & ecology, January 2010, Ref: 9075F
- DA0052/10 - Flora and Fauna Assessment Proposed Subdivision Hadden Farm (South-West) Stannix Park Road, Wilberforce, Travers bushfire & ecology, January 2010, Ref: 9098F

The Reports conclude that the proposed subdivisions are *unlikely to result in a significant impact on any threatened species, populations or EEC's or their habitats*. As such no further assessments are considered to be required under the Environmental Planning & Assessment Act, 1979, the Environment Protection & Biodiversity Conservation Act 1999 or the Fisheries management Act 1994.

It is therefore considered that the requirements of Part 5A of the EP & A Act are satisfied in that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats

Each Report provides recommendations in respect to their respective subdivisions:

DA0036/10 Recommendations (Royerdale Place)

- *The Wetland Management Plan (Conacher Travers 1999) should be amended to include the proposed development and redrafted to bring inline with contemporary conservation and management practices.*
- *It is recommended that a Vegetation Management Plan (VMP) be prepared to identify the ongoing management of habitat resources, weeds, future landscaping, mature trees and existing and proposed fauna corridors within the development landscape. The Plan should aim to protect the habitat resources for the local populations of Yellow-bellied Glider, Little Lorikeet, powerful Owl, Gang-gang Cockatoo, Glossy Black –Cockatoo, East-coast Freetail-bat, Eastern Bentwing-bat and large-footed Myotis. This would include priority to retain hollows and any sap feed trees within APZ's. Restoration works should be encouraged for out of APZ areas where future fauna movements may be enhanced. Restoration works should be undertaken along identified corridor routes.*
- *All areas of fallen bark, ground hollows and rock slabs identified as fauna habitat prior to construction with development envelopes are to be relocated to proposed conservation areas and corridors under the direction of a fauna ecologist.*
- *Any hollow that is required to be removed should be replaced as a nest box of equal characteristics at a ratio of 2:1 within any bushland area being conserved on the study area. Nest boxes prepared should be designed specifically for threatened fauna species recorded.*
- *The felling of all hollow-bearing trees is to be conducted under the supervision of a fauna ecologist. Hollows of high quality or with fauna recorded residing within should be sectionally dismantled and all hollows should be inspected for occupation, activity and potential for reuse. Re-used hollows or those with likely occupation are to be relocated to natural areas within close proximity to the site.*
- *Given the presence of threatened hollow-dependent fauna species, all hollows identified for removal should be inspected prior to removal by way of stag-watching surveys at sundown by a fauna ecologist. Where any threatened or non-threatened species are identified the fauna ecologist should advise of best course of action including postponing tree removal during potential nesting/breeding periods. Where threatened species are identified the option to alter building envelopes or retain trees within APZ's should be undertaken.*

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- *Deadwood and dead trees should be considered for their ecological benefit during the selection of trees for removal within APZ's.*
- *A resident education program must be implemented to ensure future residents are aware of conservation management issues and their responsibilities, such as in regard to threatened species presence, the conservation purposes of buffer zones and the APZs.*

DA0037/10 Recommendations (Stannix Park Road)

- *Retain all identified hollow-bearing trees.*
- *Remove trees S02, S03, S10 and S21 in the proposed road corridor because of poor health or due to road pavement.*
- *The proposed six lots should have a viable potential building area without many constraints however generally tree retention should be given regard to and as indicated on Figure 2 the main clump of trees forming the disturbed woodland can be retained, and only lose 3 trees for developmental purposes.*
- *Continue to manage the existing vegetation in the disturbed woodland so it's compliant with Planning for Bush Fire Protection 2006.*

DA0052/10 Recommendations (McMahons Road)

- *Retain all identified hollow-bearing trees. Design road access and other services within lots to prevent additional tree removal.*
- *Although it is expected all hollow-bearing trees that were identified can be retained, should they require removal for whatever reason they should be replaced with nest boxes. Replacement should be of equal characteristics at a ratio of 2:1 within any bushland area being conserved within the residual Lot 32. Nest boxes prepared should be designed to replicate the hollow characteristic lost, with one bat box and one small hollow box replacing all small hollows (<10cm).*
- *The retention of bushrock in its natural state outside of development footprints should be ensured.*
- *Landscaping within the eastern portions of Lots 38 to 42 should facilitate locally occurring native shrub species as well as regenerating trees. This is to encourage the retention of terrestrial connectivity in association with the retained canopy connectivity. This landscaping should be compliant with bushfire protection measures.*

Comment:

A document entitled 'Heads of Consideration for the ongoing stewardship of Hadden Farm' has been submitted for each of the applications. The purpose of these documents is to provide the foundation for the monitoring of the performance of the natural environment and the development of a Wetland Management Plan, a Vegetation Management Plan and a Farm Management Plan for the management of the Wetlands, Endangered Ecological Communities and native vegetation within the residual farm lots.

The 'Heads of Consideration for the ongoing stewardship of Hadden Farm' documents require annual audits to be carried out for five years, as well as revegetation/regeneration of native vegetation.

It is considered that the Wetland Management Plan, the Vegetation Management Plan and the Farm Management Plan be reviewed on an annual basis and be amended (if appropriate) to respond to the findings of the monitoring. This is proposed for the first five years, however the continued monitoring and revision of these Plans is considered necessary every three years thereafter to respond to changes in the conditions of the environment and to ensure the sustainability of the Wetland and significant native vegetation.

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In addition, it is considered that a timeframe for the establishment of any proposed revegetation/regeneration works is required. A condition of consent is to be imposed requiring the nomination of times frames for works within the Wetland Management Plan and Vegetation Management Plan to be carried out to be submitted for approval.

Waste

The following geotechnical reports in respect to onsite wastewater disposal were submitted in support of the proposed subdivisions:

- DA0036/10 - Proposed Residential Rural Development (Hadden Farm South East) Stannix Park & McMahon's Roads, Wilberforce Geotechnical Investigation for On-site Effluent Disposal, Geotechnique P/L, 4 December 2009, Ref: 12134/2-AA Revised
- DA0037/10 - Proposed Residential Rural Development (Hadden Farm North East) Stannix Park & McMahon's Roads, Wilberforce Geotechnical Investigation for On-site Effluent Disposal, Geotechnique P/L, 15 December 2009, Ref: 12134/1-AA (Revised 2)
- DA0052/10 - Proposed Residential Rural Development (Hadden Farm South West) Stannix Park Road, Wilberforce Geotechnical Investigation for On-site Effluent (Wastewater) Disposal, Geotechnique P/L, 19 January 2010, Ref: 11867/2-AA

Comment:

The Geotechnical Reports submitted demonstrate that onsite effluent disposal can be achieved for each resultant lot by way of a mound system or an aerated system. However, due to site constraints, remedial measures, including topsoil up to 600mm thick over the effluent disposal areas, are required.

Given the potential variations between constraints of each of the proposed lots and the recommended remedial measures identified within the geotechnical reports, individual geotechnical assessments will be required when each lot is developed for residential purposes.

Plans have been submitted identifying the proposed locations of the effluent disposal areas. The plans have been reviewed by Council's officers. In regard to Development Application DA0037/10 for the 7 lot subdivision and Development Application DA0052/10 for the 11 lot subdivision, the location of these disposal areas are not considered ideal in relation to their excessive distance from the building envelope, and in some cases their proximity to dams and pockets of remnant vegetation. It is further considered that the effluent disposal areas can be accommodated within the asset protection zones surrounding the building sites, thereby reducing the cost associated with the systems by locating them closer to the dwellings, and by enhancing lawns and gardens for bush fire management.

Water

Stormwater runoff from development of the resultant lots and from constructed roads will travel downstream to enter the wetlands, Howes Creek and eventually the Hawkesbury River. To reduce the adverse environmental impacts from stormwater runoff on these receivers it is considered reasonable that a Stormwater Management Plan be required to address the quality and quantity of stormwater leaving the lots.

Natural Hazards

The subject land is identified as 'bushfire prone land'. The following bushfire assessment reports were submitted in support of the proposed subdivisions:

- Bushfire Protection Assessment Rural Residential Subdivision Hadden Farm (South East) Stannix Park Lane, Wilberforce, January 2010, Ref: 9093

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- Bushfire Protection Assessment Proposed Rural Residential Subdivision Hadden Farm North Royerdale Place, East Kurrajong, January 2010, Ref: 9075B
- Bushfire Protection Assessment Rural Residential Subdivision Hadden Farm (South West) Stannix Park Road, North Wilberforce, January 2010, Ref: 9098B

Comment:

The applications were referred to NSW Rural Fire Service for approval. In their letters of 12 April 2010, 21 April 2010 and 20 May 2010 the NSW Rural Fire Service granted a bush fire safety authority for each subdivision subject to conditions. These conditions will be incorporated into any development consent issued by Council.

Heritage

A number of Aboriginal sites have been identified within existing lots 9 to 13 DP 803222 Royerdale Place. The proposed subdivisions will result in these sites being located within a single residual farm lot and within a vegetation conservation area.

Two Archaeological Reports have been provided with the applications:

- Proposed Rezoning Hadden Valley Estate Archaeological Survey for Aboriginal Sites; prepared by Elizabeth Rich, dated March 1992; and
- Archaeological Assessment Proposed Subdivision (Part) Hadden Farm, Wilberforce, prepared by Conacher Travers, dated October 1999.

Comment:

The proposed subdivision is consistent with the recommendations within these Reports, in that the sites will be located within an area nominated for ecological conservation.

Cumulative Impact

The proposed development is compatible with the surrounding landuses and no significant negative cumulative impact is foreseen given that the subdivision will result in a better environmental outcome with the incorporation of the proposed management practices.

c. Suitability of the site for the development:

Based upon the assessment of the applications it is considered that the site is suitable to support the proposed development for the following reasons:

- The environmentally sensitive areas, such as watercourses, the wetland and Endangered Ecological Communities will be located and managed within the larger residual lots;
- Lots created for rural residential purposes will be located within areas that do not contain the identified environmentally sensitive areas;
- Suitable areas located above the 1 in 100 year flood level have been provided on each resultant lot for future development.

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

Integrated Development

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NSW Rural Fire Services

The proposed development is 'integrated development' and requires the approval of NSW Rural Fire Services.

The applications were referred to NSW Rural Fire Service for approval. In their letters of 12 April 2010, 21 April 2010 and 20 May 2010 the NSW Rural Fire Service granted a bush fire safety authority for each subdivision subject to conditions.

These conditions will be incorporated within any consent.

Office of Water

The applications were referred to NSW Government Office of Water. In their letters of 25 March 2010, the Office of Water advised the subdivisions do not involve any works that would trigger the need to obtain a controlled activity approval or the issue of General Terms of Approval by the Office

Public Submission

The applications were publicly exhibited between 16 March 2010 and 30 March 2010. As a result 12 submissions were received. The matters raised in these submissions are addressed below:

All Applications

Four submissions were received in relation to all three subdivision applications. The matters raised in these submissions include:

- *Increase in traffic flow on roads that are inadequate for such volume of traffic;*
- *Increase in noise, especially considering the undulating terrain;*
- *Increase the destruction of trees and plants in the initial clearing to say nothing of the additional clearing of trees and habitat by the purchasers of such small blocks.*
- *Size of blocks far too small*
- *Inconsistency with regard to surrounding lot sizes*
- *Inconsistent with 10 ha minimum lot size which our properties are to abide by*
- *Pollution loads on the wetland*
- *Loss of character*
- *Decrease in value of properties in the locality*
- *Impacts on adjoining fish farm from new houses – chemical and pollutant runoff onto the farm*

Comment:

The increase in traffic resulting from the subdivisions, and in particular from the subdivision along Royerdale Place, which will create 17 rural residential allotments along this road, is considered to be within the capacity of the local road network.

Whilst a substantial amount of clearing will be required in respect to the 17 lots along Royerdale Place, the flora and fauna assessments conclude that no significant adverse impact will result on threatened species and populations, endangered communities, or their habitats. In addition, conservation measures have been proposed in the form of a Wetland Management Plan, a Vegetation Management Plan, and a Farm Management Plan. Water quality will be ensured through the implementation of a Stormwater Management Plan. The creation and implementation of these Plans will be ensured through conditions of consent.

The circumstances of the proposal allows consideration of allotments with a minimum size of 1 hectare within a lot averaging subdivision in accordance with the requirements of Hawkesbury Local Environmental Plan 1989 as previously demonstrated.

DA0036/10 (Royerdale Place)

Six submissions were received specific to Development Application DA0036/10 for the 20 lot subdivision. The matters raised in these submissions are addressed below:

- *Extra traffic on an inadequate street – narrow, blind corners, no street light – pedestrian safety, wildlife safety – extra traffic noise, headlights and speeding – upgrading of the road? – safety in times of bush fire*
- *Location of new road close to a blind corner.*
- *Loss of amenity – Noise, visual, rural character, loss of vegetation and natural rock formations*
- *Effect on flora and fauna, and the wetlands*
- *The small size of the lots*
- *Current electricity supply inadequate*
- *10+ acre lots more appropriate*
- *Erosion, sedimentation and contamination of wetlands and creek*

Comment:

Royerdale Place is considered to be of satisfactory condition, and capable of supporting the proposed additional traffic movements which will result from the future development of the proposed lots. Appropriate sight distances for the new road can be assured by the inclusion of a condition of consent in this regard and with the assessment of construction certificate plans.

The proposed subdivision has been assessed by the Rural Fire Services, and a Bush Fire Authority has been granted for the development.

It is considered that the future development of the proposed lots for residential purposes will have no significant adverse impact on the amenity and character of the locality. Native vegetation located outside building envelopes will be required to be retained, and vegetation corridors are to be maintained at three points along Royerdale Place.

Along Royerdale Place, all building envelopes are located at least 5 metres below the level of the road, which runs along the top of the ridge. Any future dwelling houses or ancillary buildings will therefore be located below the ridge line and the tree line, thereby minimising the visual impact of these building when viewed by surrounding public and private land.

With the implementation of the Wetland Management Plan, Vegetation Management Plan, Farm Management Plan and the Stormwater Management Plan, it is considered that the proposed subdivision will have no significant adverse impact on flora and fauna, or the wetland.

Written confirmation, from the energy provider, that satisfactory arrangements for the provision of electricity to the development will be required as a condition of consent.

DA0037/10 (Stannix Park Road)

Two submissions were received specific to Development Application DA0037/10 for the 7 lot subdivision. The matters raised in these submissions:

- *Size of lots – not large enough to be used for any rural (farm) purpose – Why would you put a domestic subdivision in the middle of this farming land?*
- *Visual impact when lots are developed for rural residential purposes;*
- *Loss of privacy*

Comment:

As previously discussed Hawkesbury Local Environmental Plan 1989 permits the subdivision.

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It is considered that this subdivision and the subsequent development of the proposed lots will have no significant adverse visual impact or unreasonably result in the loss of privacy.

DA0052/10 (McMahons Road)

No submissions specific to Development Application DA0052/10 for the 11 lot subdivision was received.

e. The Public Interest:

The proposed subdivisions will enable the conservation of a large farm holding while providing for increased rural residential housing. Whilst the subdivisions are located within an environmentally sensitive area, it is considered that the impacts resulting from the subdivisions and future development of the lots can be mitigated through the implementation of management practices. With the imposition of these practices the proposed development can be considered to be in the public interest.

Hawkesbury Community Strategic Plan

The proposed development is consistent with the *Shaping Our Future Together* Directions statement. In particular it supports the *Looking after people and place* directions:

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's town, villages and rural landscapes.
- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.

and Goals:

- Accommodate at least 5,000 new dwellings to provide a range of housing options (including rural residential) for diverse population groups whilst minimising environmental footprint;

as well as the Caring for our Environment directions:

- To look after our cultural and environmental assets for future generations so that they too can enjoy and benefit from a clean river and natural eco-systems, rural and cultural landscape.

and Goals

- Healthy and sustainable Hawkesbury River and waterways.

Developer Contributions

The Hawkesbury Section 94A Development Contributions Plan 2006 commenced on 10 May 2006. The Plan applies to all land in the Hawkesbury City Local Government Area with the exception of Pitt Town and applications for development and complying development received by Council prior to 10 May 2006.

The Plan requires a contribution be paid for works with an estimated cost of \$100,000 or more. In accordance with this Plan a Development Contribution of \$700.00 applies to Development Application DA0037/10.

As the estimated cost of development for Development Applications DA0036/10 and DA0052/10 is less than \$100,000, payment of a contribution is not required.

Accordingly an appropriate condition will only be imposed in respect to DA0037/10

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Conclusion

The proposed developments are consistent with the relevant provisions of Hawkesbury Local Environmental Plan 1989, Sydney Regional Environmental Plan No. 20, State Environmental Planning Policies No. 44 & 55, and Hawkesbury Development Control Plan.

It is considered that the proposed subdivisions and the future development of the resultant lots will have no significant adverse impact on the locality, subject to the implementation of appropriate environmental monitoring and control measures. In this regard a Wetland Management Plan, Vegetation Management Plan, Farm Management Plan and Stormwater Management Plan will be required as conditions of consent where appropriate.

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. Development Application DA0036/10 at Lots 9, 10, 11, 12 & 13, DP 803222, No. 80 Royerdale Place, East Kurrajong, Lot 2 DP 1007322, Lot 70 DP 1014322, No. 47 McMahons Road, Wilberforce and Part of Lot 32 DP 1028460, No. 288 Bull Ridge Road, East Kurrajong for Subdivision – 20 lot subdivision be approved subject to the conditions within Attachment 5 attached to the Report.
2. Development Application DA0037/10 at Lots 9, 10, 11, 12 & 13, DP 803222, No. 80 Royerdale Place, East Kurrajong and Lots 1 & 2 DP 1007322 No. 47 McMahons Road, Wilberforce, No. 288 Bull Ridge Road, East Kurrajong for Subdivision – 7 lot subdivision be approved subject to the conditions within Attachment 6 attached to the Report.
3. Development Application DA0052/10 at Lot 3 DP 1007322, Lot 70 DP 1014332, Lot 77 DP 1010829, No. 47 McMahons Road, Wilberforce and Part of Lot 32 DP 1028460, No. 288 Bull Ridge Road, East Kurrajong for Subdivision – 11 lot subdivision be approved subject to the conditions within Attachment 7 attached to the Report.

ATTACHMENTS:

- AT – 1 Plan of the Locality and Showing Existing Lot Layout
- AT - 2 Subdivision Plan DA0036/10
- AT - 3 Subdivision Plan DA0037/10
- AT - 4 Subdivision Plan DA0052/10
- AT - 5 Development Consent Conditions for DA0036/10
- AT - 6 Development Consent Conditions for DA0037/10
- AT - 7 Development Consent Conditions for DA0052/10

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AT – 1 Plan of the Locality and Showing Existing Lot Layout

Proposed Subdivision

**Lots 9, 10, 11, 12 & 13, DP 803222, 80 Royerdale Place, East Kurrajong
Lots 1, 2 & 3, DP 1007322, Lot 70 DP 1014332, Lot 77 DP 1010826, 47 McMahons Road, Wilberforce
Lot 32 DP 1028460, 288 Bull Ridge Road, East Kurrajong.**

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

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AT - 2 Subdivision Plan DA0036/10

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AT - 3 Subdivision Plan DA0037/10

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ORDINARY MEETING

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AT - 4 Subdivision Plan DA0052/10

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AT - 5 Development Consent Conditions for DA0036/10

Recommended Conditions for Development Application DA0036/10 for a 20 lot torrens title subdivision of Lots 9 -13 DP 803222, Lot 2 DP 1007322, Lot 70 DP 1014322 & Part of Lot 32 DP 1028460 Stannix Park Road and Royerdale Place, Wilberforce

Rural Fire Services General Terms of Approval

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

1. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on lots 1 -17 within the subdivision which specifies that the proposed lots cannot be sold until they are hazard reduced with vegetation managed as an outer protection area (OPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones.'
2. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s) on proposed Lots 18 – 20, to a distance of 20 metres (or to the property boundary where insufficient), shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

4. Public road access (including the central road servicing proposed lots 5 – 10) shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
 - All roads should be through roads. Dead end roads are not recommended, but if unavoidable should incorporate a 12 metre outer radius turning circle, are clearly signposted as a dead end and direct traffic away from the hazard.

Hawkesbury City Councils Conditions

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.

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3. All vegetative debris (including felled trees) resulting from the approved clearing of the site is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

Prior to the 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 road, access and drainage 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 City Planning or an Accredited Certifier.
6. Under the provisions of the Roads Act [NSW] 1993, all works within the road reserve are to be approved and inspected by Hawkesbury City Council as the roads authority.

Accordingly plans for the intersection works for the new road with Royerdale Place are to be lodged with Council for approval. Payment of a planning checking and inspection fee of \$ 1452.20, valid until 30 June 2010.

Certification is to be provided by a suitably qualified engineer to confirm that the design and location of the proposed intersection affords appropriate site distance for vehicles.

The approval for the works under the Roads Act is to be obtained from Council prior to the issue of any Construction Certificate for works on the site.

7. Payment of a Construction Certificate checking fee of \$2386.00 and a Compliance Certificate inspection fee of \$4781.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2010. Fees required if an Accredited Certifier is used will be provided on request.

Note this amount includes road works and road drainage, additional fees may be applicable for stormwater management for the individual lots, once the water quality treatment device requirements are known.

8. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.
9. Prior to the issue of the construction certificate or an approval under the Roads Act [NSW] 1993, a stormwater management plan, addressing both stormwater quantity and quality is to be submitted to and approved by Council.

To protect the downstream wetland from the impacts of the proposal, stormwater is to be treated to ensure a neutral or beneficial effect on water quality is achieved. Water quality modelling using MUSIC (or other suitable water quality monitoring) is to be provided demonstrating that the proposed measures will achieve the required outcome.

10. A performance, damage and defects bond to the value of \$ 57,600.00 must be lodged with Hawkesbury City Council prior to the issue of the Roads Act Approval or any Construction Certificate for works on the site. The bond is to cover any restoration required in Council's roads resulting from the deterioration caused by construction traffic.

The bond can be in the form of an unconditional bank guarantee or cash deposit.

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The bond is refundable on application, 12 months after the completion of all work subject to satisfactory performance of the road.

11. Registration of Stage 2 of the subdivision approved by Development Consent MA2010/99 to create proposed Lots 103 and 103, being a subdivision of Lot 32 DP1028460.
12. Development Consents SA0011/96, SA0083/96 and MA2010/99 shall be modified to remove all proposed lots that have not yet been created/registered. Written notice in accordance with Clause 97 of the Environmental Planning and Assessment Regulations 2000 is to be provided.

Prior to Commencement of Works

13. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
14. 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.
15. 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.
16. 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.
17. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of site works. Such facility shall be located wholly within the property boundary.

During Construction

18. The topsoil shall be stripped and stockpiled and used to cover the batters.
19. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stoneflagging or terracing shall be constructed.
20. No excavated material, including soil shall be removed from the site. No fill materials shall be imported to the site without separate approval from Council.
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.
23. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
24. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
25. Site and construction works (including the delivery of materials/equipment to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
26. The site shall be kept clean and tidy during the construction period and all unused materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:

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- a. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b. Construction waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
27. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
28. The construction of stormwater management devices in accordance with the approved stormwater management plan and construction certificate plans.
29. 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.
30. The road shoulders and full width sealed pavement of the new road shall be constructed generally as shown on the approved plan.

The following construction standards are required:

- a. The sealed pavement is to be constructed to a width complying with Table 4.1 of 'Planning for Bushfire Protection 2006' (as a minimum);
 - b. A minimum 12 metre outer radius turning circle is to be constructed at the termination of the new road;
 - c. The intersection design with Royerdale Place is to be designed and constructed in accordance with Austroads Volume 5 'Intersections at Grade', for rural intersections. The works are to make a practical connection with the existing all weather pavement at the northern extension of Stannix Park Lane.
31. A pavement 4m wide shall be constructed along the access strip to Lot 2 appropriate to the gradient of the land in accordance with the following table:

Gradient	Surface Construction
0-16%	Compacted crushed rock
17-20%	Bitumen seal
21-25%	Reinforced concrete

Driveway gradient shall not exceed 25% in any section.

32. A bitumen sealed rural footway crossing shall be constructed to lot 2 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
33. Street name signs shall be provided at the junction of the new road/s
34. All necessary street signage and pavement markings shall be installed.
35. All works shall be carried out in accordance with the recommendations within 'Flora and Fauna Assessment Proposed Subdivision Hadden Farm Royerdale Place, East Kurrajong, Travers bushfire & ecology, January 2010, Ref: 9075F.

Prior to Issue of Subdivision Certificate

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36. 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.
37. A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
38. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
39. Easements 4m wide and 10m long shall be created over the site for drainage discharge from roads (at no cost to Council).
40. The creation of any rights of carriageway and/or easements for drainage required to provide legal access and/or right to drain water.
41. All new roads, including pathways and drainage, shall be dedicated.
42. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
43. A Plan of Management for the water quality/stormwater management devices shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the devices including monitoring, inspection and maintenance requirements and time intervals for such monitoring, inspection and maintenance.
44. The new road/s shall be named.
45. The 600m² house site and asset protection zones, as shown on the approved plans, shall be established as an outer protection zone (OPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones.' Vegetation shall be selectively cleared in accordance with the recommendations within the 'Flora and Fauna Assessment Proposed Subdivision Hadden Farm Royerdale Place, East Kurrajong, Travers bushfire & ecology, January 2010, Ref: 9075F.
46. Creation of a restriction on use of land pursuant to Section 88E of the Conveyancing Act as follows:
 - a. Requiring that the water quality treatment/stormwater drainage devices on each lot are maintained by those lots benefiting from the device, for perpetuity and in accordance with the approved plan of management.
47. Submission for approval of the following:
 - a. A Farm Management Plan;
 - b. A Wetland Management Plan; and
 - c. A Vegetation Management Plan

These Plans shall be prepared by a suitably qualified person in conjunction with one another and in accordance with the following:

- a. Heads of Consideration for the Ongoing Stewardship of Hadden Farm – North, Travers Bushfire & Ecology, 30 April 2010, Ref: A10049 –DA36/10
- b. Recommendations within Flora and Fauna Assessment Proposed Subdivision Hadden Farm Royerdale Place, East Kurrajong, Travers bushfire & ecology, January 2010, Ref: 9075F
- c. The approved Stormwater Management Plan
- d. The Department of Climate Change & Water's NSW Wetlands Policy, March 2010
- e. Any relevant best practice guidelines and best management practices

Each Management Plan shall be reviewed on an annual basis for the first five years following registration of the linen plan; and then every three years after. This requirement shall be incorporated into the Plans.

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The Wetland Management Plan and Vegetation Management Plan shall nominate the times frames in which works (eg revegetation/regeneration) within the Plans are to be carried out.

48. The dwelling site, effluent disposal area and asset protection zones as shown on the approved plans shall be defined on the final plan of subdivision.
49. The area on Lot 19 which is located between the wetland and the boundaries of Lots 1 and 17 and generally corresponding with the area edged in yellow and marked '2' in Figure 2 to the Flora and Fauna Assessment Proposed Subdivision Hadden Farm Royerdale Place, East Kurrajong, Travers bushfire & ecology, January 2010, Ref: 9075F shall be defined on the final plan of subdivision as a conservation area to protect the identified Endangered Ecological Community and Aboriginal Sites and to provide a buffer zone between the wetland and future residential development.
50. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:
 - a. Requiring that all development, including but not limited to the house site, disposal and buffer areas are to those areas defined on final plan of subdivision.
 - b. Requiring that a Wastewater Feasibility Assessment be submitted with any future development application involving on site disposal of effluent on the lots.
 - c. Prohibiting clearing of native vegetation other than for maintenance of bushfire asset protection zones as identified on the final subdivision plan.
 - d. Requiring the implementation of the approved Wetland Management Plan, Farm Management Plan and Vegetation Management Plan in perpetuity on Lots 18, 19 & 20.
 - e. Requiring that future development of the lots is carried out having regard to the recommendations contained within Flora and Fauna Assessment Proposed Subdivision Hadden Farm Royerdale Place, East Kurrajong, Travers bushfire & ecology, January 2010, Ref: 9075F.
 - f. Requiring the implementation of the approved Vegetation Management Plan as relevant to Lots 1 to 17.
 - g. Prohibiting development within the Conservation zone.
51. Payment of a Linen Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

Advisory

*** Should any Aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

*** The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (c) Natural Gas Company
- (d) a local telecommunications carrier

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

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- *** 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.

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AT - 6 Development Consent Conditions for DA0037/10

Recommended Conditions for Development Application DA0037/10 for a seven (7) lot torrens title subdivision Lots 1 & 2 DP 1007322, Lots 9 – 13 DP 803222 Royerdale Place and Stannix Park Road, Wilberforce

Rural Fire Services General Terms of Approval

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

1. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on proposed lots 22 to 27 within the subdivision which specifies that the proposed lots cannot be sold until they are hazard reduced with vegetation managed as an outer protection area (OPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

3. Access, including the proposed Right of Access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
4. Access shall link to Stannix Park Lane as depicted on Travers Bushfire and Environmental's Schedule 2 Drawn by BC/KA and dated 17/05/10.

Hawkesbury City Councils Conditions

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

Prior to the 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

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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 road, access and drainage 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 City Planning or an Accredited Certifier.
6. Under the provisions of the Roads Act [NSW] 1993, all works within the road reserve are to be approved and inspected by Hawkesbury City Council as the roads authority.

Accordingly plans for the intersection works for the new road with Stannix Park Road are to be lodged with Council for approval. Payment of a planning checking and inspection fee of \$1452.20, valid until 30 June 2010.

Certification is to be provided by a suitably qualified engineer to confirm that the design and location of the proposed intersection affords appropriate site distance for vehicles.

The approval for the works under the Roads Act is to be obtained from Council prior to the issue of any Construction Certificate for works on the site.

7. Payment of a Construction Certificate checking fee of \$7000.00 and a Compliance Certificate inspection fee of \$14,000.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2010. Fees required if an Accredited Certifier is used will be provided on request.

Note this amount includes road works and road drainage, additional fees may be applicable for stormwater management for the individual lots, once the water quality treatment device requirements are known.

8. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$700.00 shall be paid to Hawkesbury City Council..

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

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

9. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.
10. Prior to the issue of the construction certificate or an approval under the Roads Act [NSW] 1993, a stormwater management plan, addressing both stormwater quantity and quality is to be submitted to and approved by Council.

To protect the downstream wetland from the impacts of the proposal, stormwater is to be treated to ensure a neutral or beneficial effect on water quality is achieved. Water quality modelling using MUSIC (or other suitable water quality monitoring) is to be provided demonstrating that the proposed measures will achieve the required outcome.

11. A performance, damage and defects bond to the value of \$ 110,400.00 must be lodged with Hawkesbury City Council prior to the issue of the Roads Act Approval or any Construction Certificate

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for works on the site. The bond is to cover any restoration required in Council's roads resulting from the deterioration caused by construction traffic.

The bond can be in the form of an unconditional bank guarantee or cash deposit.

The bond is refundable on application, 12 months after the completion of all work subject to satisfactory performance of the road.

12. Development Consent SA0011/96 shall be modified to remove all proposed lots that have not yet been created/registered. Written notice in accordance with Clause 97 of the Environmental Planning and Assessment Regulations 2000 is to be provided

Prior to Commencement of Works

13. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
14. 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.
15. 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.
16. 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.
17. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of site works. Such facility shall be located wholly within the property boundary.

During Construction

18. The topsoil shall be stripped and stockpiled and used to cover the batters.
19. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stoneflagging or terracing shall be constructed.
20. No excavated material, including soil shall be removed from the site. No fill materials shall be imported to the site without separate approval from Council.
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.
23. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
24. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
25. Site and construction works (including the delivery of materials/equipment to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.

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26. The site shall be kept clean and tidy during the construction period and all unused materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b. Construction waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
27. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
28. The construction of stormwater management devices in accordance with the approved stormwater management plan and construction certificate plans.
29. 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.
30. The road shoulders and full width sealed pavement of the new road shall be constructed generally as shown on the approved plan.

The following construction standards are required:

- a. The sealed pavement is to be constructed to a width complying with Table 4.1 of 'Planning for Bushfire Protection 2006' (as a minimum);
 - b. A minimum 12 metre outer radius turning circle is to be constructed at the termination of the new road. The turning bay arrangement shown is to be deleted;
 - c. The intersection design with Stannix Park Road is to be designed and constructed in accordance with Austroads Volume 5 'Intersections at Grade', for rural intersections;
31. Street name signs shall be provided at the junction of the new road/s
 32. All necessary street signage and pavement markings shall be installed.
 33. All works shall be carried out in accordance with the recommendations within 'Flora and Fauna Assessment Proposed Subdivision Hadden Farm (South-east) Stannix Park Lane, Wilberforce, Travers bushfire & ecology, January 2010, Ref: 9093F'.

Prior to Issue of Subdivision Certificate

34. 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.
35. A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
36. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
37. Easements 4m wide and 10m long shall be created over the site for drainage discharge from roads (at no cost to Council).
38. The creation of any rights of carriageway and/or easements for drainage required to provide legal access and/or right to drain water.
39. All new roads, including pathways and drainage, shall be dedicated.

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40. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
41. A Plan of Management for the water quality/stormwater management devices shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the devices including monitoring, inspection and maintenance requirements and time intervals for such monitoring, inspection and maintenance.
42. The new road/s shall be named.
43. The 600m² house site and asset protection zones, as shown on the approved plans, shall be established as an outer protection zone (OPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones.' Vegetation shall be selectively cleared in accordance with the recommendations within the 'Flora and Fauna Assessment Proposed Subdivision Hadden Farm (South-east) Stannix Park Lane, Wilberforce, Travers bushfire & ecology, January 2010, Ref: 9093F'.
44. Creation of a restriction on use of land pursuant to Section 88E of the Conveyancing Act as follows:
 - a. Requiring that the water quality treatment/stormwater drainage devices on each lot are maintained by those lots benefiting from the device, for perpetuity and in accordance with the approved plan of management.
45. Submission for approval of the following:
 - a. A Farm Management Plan;
 - b. A Wetland Management Plan; and
 - c. A Vegetation Management Plan

These Plans shall be prepared by a suitably qualified person in conjunction with one another and in accordance with the following:

- a. Heads of Consideration for the Ongoing Stewardship of Hadden Farm – South East, Travers Bushfire & Ecology, 30 April 2010, Ref: A10049-DA0037/10
- b. Recommendations within Flora and Fauna Assessment Proposed Subdivision Hadden Farm (South-east) Stannix Park Lane, Wilberforce, Travers bushfire & ecology, January 2010, Ref: 9093F
- c. The approved Stormwater Management Plan
- d. The Department of Climate Change & Water's NSW Wetlands Policy, March 2010
- e. Any relevant best practice guidelines and best management practices

Each Management Plan shall be reviewed on an annual basis for the first five years following registration of the linen plan; and then every three years after. This requirement shall be incorporated into the Plans.

46. The dwelling site and asset protection zones as shown on the approved plans shall be defined on the final plan of subdivision.
47. The area on Lot 28 which is located between the wetland and the boundaries of Lots 1 and 17 and generally corresponding with the area edged in yellow and marked '2' in Figure 2 to the Flora and Fauna Assessment Proposed Subdivision Hadden Farm Royerdale Place, East Kurrajong, Travers bushfire & ecology, January 2010, Ref: 9075F shall be defined on the final plan of subdivision as a conservation area to protect the identified Endangered Ecological Community and Aboriginal Sites and to provide a buffer zone between the wetland and future residential development.
48. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:

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- a. Requiring that all development, including but not limited to the house site, disposal and buffer areas are to those areas defined on final plan of subdivision.
 - b. Requiring that a Wastewater Feasibility Assessment be submitted with any future development application involving on site disposal of effluent on the lots.
 - c. Prohibiting clearing of native vegetation other than for maintenance of bushfire asset protection zones as identified on the subdivision plan.
 - d. Requiring the implementation of the approved Wetland Management Plan, Farm Management Plan and Vegetation Management Plan in perpetuity on Lot 28.
 - e. Requiring that future development of the lots is carried out having regard to the recommendations contained within Flora and Fauna Assessment Proposed Subdivision Hadden Farm (South-east) Stannix Park Lane, Wilberforce, Travers bushfire & ecology, January 2010, Ref: 9093F
 - f. Prohibiting development within the Conservation zone.
49. Payment of a Linen Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

Advisory

*** Should any Aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

*** The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (c) Natural Gas Company
- (d) a local telecommunications carrier

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

*** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

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AT - 7 Development Consent Conditions for DA0052/10

Recommended Conditions for Development Application DA0052/10 for an eleven (11) lot torrens title subdivision of Lot 3 DP 1007322, Lot 77 DP 1010829, Lot 70 DP 1014322, Stannix Park Road, Wilberforce and Part of Lot 32 DP 1028460, No. 288 Bull Ridge Road, East Kurrajong

Rural Fire Services General Terms of Approval

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

1. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling on proposed Lot 37, to a distance of 10 metres or to the property boundary to the western elevation, 20 metres or to the property boundary to the northern and eastern elevations and 25 metres or to the property boundary for the southern elevation shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

3. The existing building on proposed Lot 37 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. Where applicable, this includes any sub floor areas, openable windows, doors, vents, weepholes and eaves.

Hawkesbury City Councils Conditions

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

Prior to the 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

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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 road, access and drainage 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 City Planning or an Accredited Certifier.
6. Under the provisions of the Roads Act [NSW] 1993, all works within the road reserve are to be approved and inspected by Hawkesbury City Council as the roads authority.

Accordingly plans for the intersection works for the new road with Stannix Park Road are to be lodged with Council for approval. Payment of a planning checking and inspection fee of \$1452.20, valid until 30 June 2010.

Certification is to be provided by a suitably qualified engineer to confirm that the design and location of the proposed intersection affords appropriate site distance for vehicles.

The approval for the works under the Roads Act is to be obtained from Council prior to the issue of any Construction Certificate for works on the site.

7. Payment of a Construction Certificate checking fee of \$7000.00 and a Compliance Certificate inspection fee of \$14,000.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2010. Fees required if an Accredited Certifier is used will be provided on request.

Note this amount includes road works and road drainage, additional fees may be applicable for stormwater management for the individual lots, once the water quality treatment device requirements are known.

8. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.
9. Prior to the issue of the construction certificate or an approval under the Roads Act [NSW] 1993, a stormwater management plan, addressing both stormwater quantity and quality is to be submitted to and approved by Council.

To protect the downstream wetland from the impacts of the proposal, stormwater is to be treated to ensure a neutral or beneficial effect on water quality is achieved. Water quality modelling using MUSIC (or other suitable water quality monitoring) is to be provided demonstrating that the proposed measures will achieve the required outcome.

10. A performance, damage and defects bond to the value of \$ 110,400.00 must be lodged with Hawkesbury City Council prior to the issue of the Roads Act Approval or any Construction Certificate for works on the site. The bond is to cover any restoration required in Council's roads resulting from the deterioration caused by construction traffic.

The bond can be in the form of an unconditional bank guarantee or cash deposit.

The bond is refundable on application, 12 months after the completion of all work subject to satisfactory performance of the road.

11. Registration of Stage 2 of the subdivision approved by Development Consent MA2010/99 to create proposed Lots 103 and 103, being a subdivision of Lot 32 DP1028460.

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12. Development Consents SA0083/96 and MA2010/99 shall be modified to remove all proposed lots that have not yet been created/registered. Written notice in accordance with Clause 97 of the Environmental Planning and Assessment Regulations 2000 is to be provided.

Prior to Commencement of Works

13. 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.
14. 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.
15. 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.
16. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of site works. Such facility shall be located wholly within the property boundary.

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 natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
19. Site and construction works (including the delivery of materials/equipment to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
20. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b. Waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
21. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
22. The construction of stormwater management devices in accordance with the approved stormwater management plan and construction certificate plans.
23. 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.
24. All works shall be carried out in accordance with the recommendations within Flora and Fauna Assessment Proposed Subdivision Hadden Farm (South-West) Stannix Park Road, Wilberforce, Travers bushfire & ecology, January 2010, Ref: 9098F'

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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. To ensure that appropriate legal access is available to all lots in the subdivision, the road approved by DA0037/10 shall be constructed and dedicated. The road shoulders and full width sealed pavement of the new road shall be constructed generally as shown on the approved plan.

The following construction standards are required:

- a. The sealed pavement is to be constructed to a width complying with Table 4.1 of 'Planning for Bushfire Protection 2006' (as a minimum);
- b. A minimum 12 metre outer radius turning circle is to be constructed at the termination of the new road. The turning bay arrangement shown is to be deleted;
- c. The intersection design with Stannix Park Road is to be designed and constructed in accordance with Austroads Volume 5 'Intersections at Grade', for rural intersections;

Certification is to be provided from a registered surveyor to confirm that the dedication will occur upon registration of the plan of subdivision.

29. A Plan of Management for the water quality/stormwater management devices shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the devices including monitoring, inspection and maintenance requirements and time intervals for such monitoring, inspection and maintenance.
30. Creation of a restriction on use of land pursuant to Section 88E of the Conveyancing Act as follows:
 - a. Requiring that the water quality treatment/stormwater drainage devices on each lot are maintained by those lots benefiting from the device, for perpetuity and in accordance with the approved plan of management.
31. Easements 4m wide and 10m long shall be created over the site for drainage discharge from roads (at no cost to Council).
32. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
33. The 600m² house site and asset protection zones, as shown on the approved plans, shall be established as an outer protection zone (OPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones.' Vegetation shall be selectively cleared in accordance with the recommendations within the 'Flora and Fauna Assessment Proposed Subdivision Hadden Farm (South-West) Stannix Park Road, Wilberforce, Travers bushfire & ecology, January 2010, Ref: 9098F'
34. Submission for approval of the following:
 - a. A Farm Management Plan;
 - b. A Wetland Management Plan; and
 - c. A Vegetation Management Plan

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These Plans shall be prepared by a suitably qualified person in conjunction with one another and in accordance with the following:

- a. Heads of Consideration for the Ongoing Stewardship of Hadden Farm – South West Travers Bushfire & Ecology, 30 April 2010, Ref: A10049- DA52/10
- b. Recommendations within Flora and Fauna Assessment Proposed Subdivision Hadden Farm (South-West) Stannix Park Road, Wilberforce, Travers bushfire & ecology, January 2010, Ref: 9098F
- c. The approved Stormwater Management Plan
- d. The Department of Climate Change & Water's NSW Wetlands Policy, March 2010
- e. Any relevant best practice guidelines and best management practices

Each Management Plan shall be reviewed on an annual basis for the first five years following registration of the linen plan; and then every three years after. This requirement shall be incorporated into the Plans.

35. The dwelling site and asset protection zones as shown on the approved plans shall be defined on the final plan of subdivision.
36. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:
 - a. Requiring that all development, including but not limited to, the house site, disposal and buffer areas are to those areas defined on final plan of subdivision.
 - b. Requiring that a Wastewater Feasibility Assessment be submitted with any future development application involving on site disposal of effluent on the lots.
 - c. Prohibiting clearing of native vegetation other than for maintenance of bushfire asset protection zones as identified on the subdivision plan.
 - d. Requiring the implementation of the approved Wetland Management Plan, Farm Management Plan and Vegetation Management Plan in perpetuity on Lot 32.
 - e. Requiring that future development of the lots is carried out having regard to the recommendations contained within Flora and Fauna Assessment Proposed Subdivision Hadden Farm (South-West) Stannix Park Road, Wilberforce, Travers bushfire & ecology, January 2010, Ref: 9098F
37. 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.
38. Payment of a Linen Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

Advisory

- *** Should any Aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- *** The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrier

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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.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 8 June 2010

Item: 116 CP - DA0101/10, 7 Bateman Place, Bligh Park - Waiving of Section 94A Contribution - (623, 95498)

REPORT:

Executive Summary

On 12 May 2010 development consent was issued for the erection of a single storey dwelling to replace an existing dwelling on the site that was destroyed by fire. One of the conditions of consent was the imposition of a development contribution (Section 94A) of \$2,054. Whilst this condition was correctly imposed it is considered appropriate in the circumstances that the contribution be waived in this case.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

On 18 February 2010 a development application was received at Council for the erection of a "single storey brick veneer dwelling and the demolition of existing (burnt down house)".

Following submission of additional information regarding aspects of the application to assist assessment, development consent was issued on 12 May 2010 with the inclusion of the following consent condition:

"Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$2054.00 shall be paid to Hawkesbury City Council.

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

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

The imposition of this condition was correct as the current Section 94A Development Contributions Plan requires this contribution to be levied on this development for a dwelling. The above condition requires the contribution to be paid prior to the issue of the construction certificate for the dwelling.

On 20 May 2010 Council received a request from the applicant/owner of the land requesting that the imposition of the contribution be reconsidered. At the time of writing this report the payment had not been made.

If the developer contribution had been paid then Council does not have the power to reconsider or remove the condition as the payment is required to be accounted for in the provisions of the Section 94A Plan. If this was the case, should Council wish to support the applicant's request, Council would need to resolve to donate funds to the applicant and source those funds from general revenue and not from the Section 94A fund.

As the contribution has not been paid, Council has the power to consider whether the imposition of the condition is reasonable in the circumstances. If the request is supported, the condition can be removed (under the provisions of S96(1) - Minor error, misdescription or miscalculation).

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In the circumstances of this matter, i.e., the development application is to replace a dwelling that was burnt down, it would seem reasonable that this request be supported and it is recommended that the condition should be removed from the consent.

Conformance to Community Strategic Plan

The proposal to reconsider imposing a development contribution on a development that is simply replacing a destroyed dwelling is consistent with the intent of the Community Strategic Plan in that the decision will show transparent leadership in the Council supporting the applicant to rebuild their home.

Financial Implications

No financial implications applicable to this report.

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 support the removal, via the provisions of Section 96(1) of the Environmental Planning and Assessment Act, of condition 10 of the development consent for DA0101/10 that imposes the requirement to pay a contribution under the provisions of Section 94A. The current fee for the processing of this Section 96 application also be waived.
2. An exemption from contribution payments for development to replace dwellings that have been destroyed through unforeseen circumstances be considered during the upcoming review of the current Hawkesbury City Council Section 94A Development Contributions Plan 2006.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 8 June 2010

Item: 117 CP - Community Sponsorship Program - (2009 - 2010) - (96328, 95498)

Previous Item: 140, Ordinary (28 July 2009)
148, Ordinary (11 August 2009)
171, Ordinary (25 August 2009)
256, Ordinary (24 November 2009)
58, Ordinary (30 March 2010)

REPORT:

Executive Summary

This report has been prepared to advise Council of applications for financial assistance received from community groups and individuals following the closure of the final round (Round 3) of the Community Sponsorship Program (CSP) for 2009/2010. The report identifies funding, allocated in previous CSP funding rounds, which is available for reallocation to fund these additional requests.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Applications for Community Sponsorship can be received by Council at any time and are reported to Council up to four times a year. Information about the Community Sponsorship Program is placed on Council's web-site.

Background

On 13 March 2007 Council resolved to adopt a Sponsorship Policy, prepared in accordance with the guidelines issued by the Independent Commission Against Corruption. To give effect to the Sponsorship Policy, criteria and administrative arrangements for a Community Sponsorship Program were developed with implementation commencing in 2007/2008.

Community Sponsorship Program 2009/2010

Budget for Community Sponsorship Program

Total (amended) Budget for Financial Year 2009/2010	\$100,770
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Expenditure to date:

Allocated to Hawkesbury Eisteddfod	\$18,540
St Monica's school (Sect 94A Reimbursement Donation)	\$30,000
Approved under Round 1 (21 applicants)	\$31,322
Allocated to Macquarie 2010 Seeding Grants	\$10,000
Allocated under Round 2 (14 applicants)	\$5,648
Allocated under Round 3 (9 applicants)	\$5,260
Total	\$100,770

Current Situation

Successful applicants were advised of the approval of their sponsorship grants. Subsequent to this advice, the organisers of the Scheyville Trashed Sculpture Competition (which was funded under Round 3 of the CSP) have advised staff that the \$500 approved is no longer required as the Competition will not be

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proceeding. In addition, the \$1,700 provided to the Friends of the Hawkesbury Art Community and Regional Gallery for the replacement of an Artists Trail sign (funded under Round 2 of the CSP) was in excess of the actual amount required to complete this project. In total an amount of \$1,700 is available for re-allocation.

Table 1 summarises applications received since the close of Round 3 that may be approved for funding using the re-allocated funds identified above.

Table 1 - Requests for financial assistance additional round of 2009/2010
Community Sponsorship Program

No.	Applicant	Type	Proposal	\$
1	Macquarie Towns Scottish Society	MA	Annual Scottish Ball	500
2	Matt Abela	MA	Representative karate	100
3	Jake Abela	MA	Representative karate	100
4	Courtney Wright	MA	Representative swimming	100
5	Cameron Ezzy	MA	Representative karate	100
6	Harry Thomas	MA	Representative swimming	100
7	Kurrajong-Colo RSL SubBranch	MA	Reimbursement of hire of chairs for ANZAC and Remembrance Days	485

MA = Minor Assistance

The applications have been assessed against the applicable criteria outlined in Council's Community Sponsorship program. These reflect the provisions of Council's adopted Sponsorship Policy and the amounts recommended for approval are consistent with the policy. A more complete summary of the assessment of applications against the Community Sponsorship Program is appended to this report.

Conformance to Strategic Plan

The proposal is consistent with the Shaping our Future Together Direction statement:

- Have constructive and productive partnerships with residents, community groups and institutions

and is also consistent with the strategy in the Community Strategic Plan being:

- Develop and implement a community partnership and participation program

It will also contribute to the Goal within the *Shaping our Future Together* element within the Community Strategic Plan:

- Support community initiatives and volunteers

and assist Council to achieve the following CSP measure:

- Level of support to community organisations

Funding Implications

Funding allocations recommended in this report are available within current budget provisions.

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RECOMMENDATION:

That Council approve payments of Section 356 Financial Assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report.

ATTACHMENTS:

AT - 1 Assessment of Applications under Additional Round of Community Sponsorship Program 2009-2010.

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**AT - 1 Assessment of Applications under Additional Round of
Community Sponsorship Program 2009-2010**

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Item: 118 **CP - Changes to Joint Regional Planning Panel, Delegations back to Council - (117061, 95498)**

Previous Item: 102. Ordinary (26 May 2009)

REPORT:

Executive Summary

The Department of Planning has undertaken a review of Joint Regional Planning Panels (JRPP) operations and is proposing a number of minor changes to the operations of those panels.

The review is proposing changes to the legislation that will enable Council to be the consent authority for modification applications to approvals already granted by the JRPP, and the possibility for the JRPP Chair to delegate certain applications back to Council. These delegations would relate to a limited number of proposals. These delegations would be on the condition that those applications are determined by an officer of Council under delegation and not by the full Council or Council Committee. The Department of Planning has written to Council requesting written confirmation of agreement with these changes.

It is recommended that Council agree to these proposed changes to the JRPP operations.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

On 1 July 2009 Joint Regional Planning Panels (JRPP) commenced operations. "*The objective of a JRPP is to create a panel of people with appropriate expertise to determine development proposals of regional significance providing stronger decision making through greater expertise, independence and regional knowledge.*" Regional development (relevant to the Hawkesbury), as announced by the Minister in 2008, includes the following:

- Commercial, residential, retail and tourism with a capital investment value (CIV) between \$10M and \$100M.
- Public and private community infrastructure and ecotourism with a CIV of more than \$5M, e.g schools, community halls, libraries etc.
- Designated Development (Environmental Impact Assessment (EIS) required).
- If Council is the proponent or is conflicted in relation to a development with a CIV of more than \$5M.

Development Applications for projects classed as regional development, as above, are assessed by Council officers first. The Council officer's assessment and recommendations are then referred to a JRPP for determination.

JRPPs consist of five members. Three members are appointed by the Minister to participate in JRPP matters across the region, and two members appointed by Council, to participate in JRPP development and planning matters in the Hawkesbury.

A regional panel is not subject to the direction or control of the Minister, except in relation to the procedures of a regional panel and to the extent provided for in the Environmental Planning and Assessment Act.

On 26 May 2009 Council considered a report on the operations of the JRPP and nominated the General Manager and the Director City Planning to be the Council nominees to represent Council on the JRPP as required. Since then Hawkesbury City Council has had only one development application referred to the JRPP, being a Crown development for a climate change experiment on the UWS site at Richmond.

Review of JRPP Operations and Proposed Changes

The Department wrote to Council on 18 May 2010 advising of the review and proposed changes. A copy of the letter is Attachment 1 to this report. The following is a summary of the proposed changes:

1. Return of Modification Applications to Council

Where an application has previously been approved by the JRPP, the Council would be the consent authority for Section 96(1A) modification applications (Modifications involving Minimal Environmental Impact).

2. Delegation of certain applications back to Council by the JRPP Chair.

The Minister's letter states the following:

"I am proposing that the Regional Panel Chairs delegate Regional Panel applications in three circumstances where your Council has agreed that these applications will be determined by appropriate senior staff and not by the full Council or Council Committee, consistent with the theme of depoliticising the planning system."

The three circumstances are:

- Straightforward applications where no objections have been received and the assessment report recommends approval. (This would be a similar application to the single JRPP application that Hawkesbury City Council received for the climate change experiment at UWS).
- Designated Development with a Capital Investment Value (CIV) of \$5 million or less. This would be regardless of objections received, provided the assessment report recommends approval (with or without conditions).
- Applications in particular areas and precincts where detailed planning has occurred, e.g., specific precinct plans, provided the development is strictly in accordance with identified planning controls and where the assessment report recommends approval. Council would need to nominate these areas or precincts where detailed planning controls exist that clearly outline what development is appropriate, such as business parks. Hawkesbury City Council does not have any areas or precincts that would qualify for the delegation of these applications.

The delegation would not apply in the above circumstances where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

The delegated Council officer would be able to refuse an application even if the assessment report recommends approval. However, this would be rare and would need to be supported by sound planning reasons.

The above changes are proposed to be implemented for a trial period of 12 months with a review following that trial period to determine if other measures can be applied.

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The Minister's letter requires from Council *"a written commitment to confer the delegations to an appropriate level of officer, and information on applicable precincts and areas."* The Panel Chair would then contact Council with details regarding delegations and commencement date.

As mentioned, Council does not receive many applications that require referral to the JRPP, and to date only one application has qualified. It is recommended that Council commit to determining the above applications under delegation as this will result in potential time savings for Hawkesbury applicants.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Maintain its independent identity and voice through strong local government and community institutions.

and is also consistent with the nominated strategy in the Community Strategic Plan being:

- Have ongoing engagement and communication with our community, governments and industries.

Whilst the delegations from the JRPP are conditional, it is considered that it is more appropriate that these applications are determined by an appropriate Council officer that is employed to implement the adopted Council Policies.

Financial Implications

Assessment of applications that are considered by the JRPP are currently advertised, processed, assessed and the report is written by Council staff. The determination of these applications by an appropriate Council officer will have savings in staff time and processing days where the application does not require referral and arrangement of a meeting of the JRPP.

RECOMMENDATION:

That:

1. Council provide a written commitment to the Minister for Planning confirming that the applications delegated back to Council by the Joint Regional Planning Panel Chair will be determined under the delegated authority of the General Manager and not by the full Council or a Council Committee,
2. The determination of these applications under the delegated authority of the General Manager will not be subject to the application being called to Council for consideration or determination.
3. Councillors be notified, via memorandum or newsletter, when an application has been delegated back to Council by the Joint Regional Planning Panel Chair.
4. Following the next review of the Department of Planning, the outcomes of that review be reported to Council.

ATTACHMENTS:

AT - 1 Letter from Minister for Planning outlining Review and Changes to JRPP Operations

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Meeting Date: 8 June 2010

AT - 1 Letter from Minister for Planning outlining Review and Changes to JRPP Operations

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Item: 119 CP - Pecuniary interest exemption under Section 458 of the Local Government Act 1993 - Draft Hawkesbury Local Environmental Plan 2009 - (95498)

REPORT:

Executive Summary

The purpose of this report is to seek a resolution of Council to apply to the Minister for Local Government for a pecuniary interest exemption under Section 458 of the *Local Government Act 1993*.

The exemption is required as it is likely that Councillors will have a pecuniary interest in considering a forthcoming report dealing with the draft Hawkesbury Local Environmental Plan 2009.

Background

Draft Hawkesbury Local Environmental Plan 2009 is a City-wide local environmental plan (LEP) which affects every property in the City. The draft plan has recently been publicly exhibited and will be the subject of a forthcoming report to Council. The purpose of the forthcoming report will be to seek Council's adoption of the draft plan, either in its current form or an amended form, and to forward it to the Department of Planning for finalisation and gazettal.

The intent of the draft plan is for it to be as much as possible a "like for like" conversion of Hawkesbury Local Environmental Plan 1989 to the Department of Planning's standard format for local environmental plans without substantially changing the existing land use planning zones/rules, underlying permitted or prohibited land uses, or minimum lot size provisions. Notwithstanding this intent, the draft plan will result in changes (mostly very minor) to permissible uses throughout land use zones and on specific lands.

Recent consideration by Council staff of Chapter 14 of the *Local Government Act 1993* (the Act), in particular Sections 442, 443 and 448, reveal that due to the effect of the draft plan, it is likely many, if not all, Councillors will have to declare a pecuniary interest when dealing with the forthcoming report.

In ordinary circumstances when a Councillor declares a pecuniary interest, they are required by Section 451 of the Act, to not be present at, or in sight of, the meeting at any time during which the matter is being considered or discussed by the Council or at any time during which the Council is voting on any question in relation to the matter. Given that the majority, or all, of the Councillors will need to declare a pecuniary interest, it is very likely that Council will not have a quorum for that item.

Section 458 of the Act gives the power to the Minister of Local Government to grant exemption, should the Minister consider that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or that it is in the interests of the electors for the area to do so. It is therefore recommended Council seeks such an exemption for relevant Councillors.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Have transparent, accountable and respected leadership and an engaged community

and is also consistent with a strategy in the Community Strategic Plan being:

- Have ongoing engagement and communication with our community, governments and industries

Financial Implications

No financial implication applicable to this report

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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 Council seek pecuniary interest exemptions for relevant Councillors, under Section 458 of the *Local Government Act 1993* from the Minister of Local Government to enable Council to consider forthcoming reports concerning Draft Hawkesbury Local Environmental Plan 2009.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 8 June 2010

Item: 120 CP - Policy Register Review - Archiving of Policies - (95498)

Previous Item: 217, Ordinary (30 October 2007)
72, Ordinary (24 April 2007)
224, Ordinary (26 July 2005)

REPORT:

Executive Summary

This report recommends the archiving of a number of Council Policies. The recommendations are as a result of the review of Council's Policy Register.

Consultation

It is considered that due to the outdated or superseded nature of the policies, public notification is not required.

All of Council's current Policies are available for public view on Council's website.

Background

On 26 July 2005 Council considered a report regarding the review of Council's Policy Register and resolved as follows:

"That the Council Policy Register be reviewed to contain only matters relating to Council's position or strategic direction on a particular matter or interim matters, pending inclusion in Council's Local Environmental Plan, and Development Control Plan."

Since July 2005, Council has considered reports in April 2007 and October 2007 regarding the review of Council's Policy Register. This report continues the review by proposing the archiving of outdated or superseded policies.

Below is a table identifying the Policies recommended for archiving and the reasons why.

Policy	Reason for Archiving
Hawkesbury District Eisteddfod Society	Superseded by Sponsorship Policy.
Road Safety Program	This is an operational matter.
Castlereagh Regional Waste Depot - Community Monitoring Committee	Now monitored by the Department of Environment Climate Change and Water
Dangerous Dogs	Superseded by design criteria contained in the Companion Animals Act 1998.
Community Representatives on Council Committees	Superseded by Committee constitutions.
Aboriginal & Torres Strait Island Employment : Guidelines for Local Government in the Daruk Region	Superseded by "Equal Employment Opportunity" Operation Management Standard.
AIDS and Local Government Guidelines on Policy and Procedures	Superseded by "Equal Employment Opportunity" Operation Management Standard.

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Policy	Reason for Archiving
Honours and Awards	This is no longer relevant and no longer required.
Local Government Equal Employment Opportunity Policy	Superseded by "Equal Employment Opportunity" Operation Management Standard.
Paid Maternity Leave	Superseded by "Paid Maternity Leave" Operation Management Standard.
Staff Policy - Educational Assistance	Superseded by "Tertiary Education Assistance" Operation Management Standard.
Request from Charities for Free Entry to the Waste Management Facility	Superseded by Sponsorship Policy.
Legal Services	Superseded by Code of Conduct.
Housing Numbering	This is an operational matter based on the relevant Australian Standard.
Alfresco Dining	Superseded by Outdoor Dining and Footpath Trading Policy.
Seniors Card Activities	Dog registration discount is now set by Companion Animals Act 1998. Swimming pool entry discount to be incorporated into Management Plan Fees and Charges
Use of Public Reserves – Trail Bikes	This is an operational matter.
Hawkesbury Bicycle Network	This is an operational matter, the intent of the Policy is contained within the Hawkesbury Mobility Plan 2010 and its implementation will be via the Hawkesbury Mobility Plan Implementation Committee.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Have transparent, accountable and respected leadership and an engaged community

Financial Implications

No financial implication applicable to this report.

RECOMMENDATION:

That the Policies in the table included in the report be archived for the reasons outlined.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 8 June 2010

**Item: 121 CP - Execution of 2010/2011 Funding Agreement - Community Services
Department of Human Services NSW - (116110, 96328)**

REPORT:

Executive Summary

This report has been prepared to seek Council's approval to execute a funding agreement with Community Services, Department of Human Services NSW for various programs funded by the Department for the 2010/2011 financial year.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

Hawkesbury City Council receives funding from Community Services, Department of Human Services NSW to operate a number of community services within the City of Hawkesbury. The programs and funding levels for 2010/2011 are outlined below:

Local Government Salary Subsidy – Hawkesbury Youth Worker	\$13,452
Local Government Salary Subsidy – Hawkesbury Community Worker	\$13,452
Community Hub Project – Hawkesbury	\$120,221
Forgotten Valley Community Development & Youth Project	\$85,431
Forgotten Valley Family Support Service	\$99,055
Richmond Occasional Child Care Centre	\$30,494
Forgotten Valley Vacation Care	\$3,345
Hawkesbury (Early Intervention) Family Worker	\$130,730
Forgotten Valley Pre-school	\$101,015
Total 2010/2011 Funding	\$597,285

With the exception of the Local Government Salary Subsidy Programs, Council has delegated management responsibility for the operation of these funded services to Peppercorn Services Inc. (PSI). This delegation requires PSI to operate within the policy and operational framework defined by Council's legal and statutory responsibilities as the funding auspice for these services. These responsibilities are clearly outlined in the documents which drive the operations of these services including:

- the funding agreement between Council and Community Services, Department of Human Services NSW;
- the Children's Services Regulation;
- the industrial awards under which staff are employed;
- other legislation relating to workplace safety, child protection etc and
- the *Associations Incorporation Act 2009*.

Peppercorn Services Inc. has established a financial, operational and governance systems to manage and operate the services transferred to its control in compliance with these documents and regulations.

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Council has received advice from Community Services, Department of Human Services NSW confirming funding levels for 2010/2011 and requesting that Council execute a funding agreement to facilitate the provision of funds for the listed services.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Have friendly neighbourhoods, connected communities and supported households and families.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities.

The Community Strategic Plan plans and advocates for the continued provision of a range of human services to address the diverse needs of the Hawkesbury community. Executing funding agreements for the provision of these human services in partnership with government agencies and community organisations is a primary strategy for achieving the broad thrust of the Community Strategic Plan.

Financial Implications

There are no financial implications arising out of this report. With the exception of the Richmond Occasional Child Care Service (and the two Local Government Salary Subsidies), the operations of the programs listed above are wholly derived from external grants - there is no requirement for a Council contribution. Council does provide a contribution to subsidise the operation of the Richmond Occasional Child Care Service and provision for this amount is incorporated in Council's draft 2010/2011 Budget.

RECOMMENDATION:

That Authority be given to execute, under the Seal of Council, a funding agreement with Community Services, Department of Human Services NSW to accept funds of \$597,285 for the operation of the programs listed in this report for the 2010/2011 financial year.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 122 **IS - Endorsement for Actions in the Draft Cumberland Plain Recovery Plan - (95494, 79354)**

Previous Item: 117, Ordinary (30 June 2009)

REPORT:

Executive Summary

The Department of Environment and Climate Change and Water (DECCW) prepared a Draft Recovery Plan for threatened biodiversity of the Cumberland Plain. DECCW sought to undertake formal consultation with relevant authorities in relation to the measures which have been identified as Council's area of responsibility under the recovery plan, with a view to seeking Council's agreement.

A report was considered by Council at its meeting of 30 June 2009 where it was resolved to defer the matter to a Councillor Briefing Session. The item was considered at the Councillor Briefing Session of 7 July 2009, and advice has now been received from DECCW advising the plan has completed the advertising process. DECCW is seeking concurrence to the plan from Council to allow the final plan to be published mid year.

It is recommended that the proposed actions in the Cumberland Plain Recovery Plan, be endorsed in principle, and be subject to the allocation of available funding.

Consultation

DECCW has advertised the Cumberland Plain Recovery Plan allowing an opportunity for public comment.

Background

The Department of Environment and Climate Change and Water (DECCW) prepared a Recovery Plan for threatened biodiversity of the Cumberland Plain. The Plan includes objectives and actions for the recovery of threatened species, endangered populations and threatened ecological communities listed under the NSW Threatened Species Conservation Act 1999 (TSC Act) and the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Plan has been prepared to meet the requirement of both the TSC Act and the EPBC Act.

Under S.59 of the TSC Act, a recovery plan must state what actions must be carried out to ensure the recovery of that species and identify the persons or public authorities that are responsible for the implementation of actions identified in the plan. Further, a measure must not be included in a recovery plan for implementation by a public authority unless the Chief Executive Officer responsible for the public authority approves of the inclusion of that measure.

As such, DECCW is now undertaking formal consultation with Council in relation to the measures which have been identified as Council's area of responsibility under the recovery plan, with a view to seeking Council's agreement. The actions in question are:

- 1.4 Local councils will have regard to the priority conservation lands identified in the recovery plan in identifying areas for inclusion in environment protection and regional open space zones
- 1.5 In circumstances where impacts on the Cumberland Plain's threatened biodiversity are unavoidable, as part of any consent, approval or license that is issued, ensure that offset measures are undertaken within the priority conservation lands where practicable

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- 2.1 Preferentially target any future investment associated with the management of the Cumberland Plain's threatened biodiversity to the priority conservation lands where practicable
- 2.2 Support and promote the adoption of best practice standards for bushland management and restoration (as specified in Appendix 2) on public and private lands within the Cumberland Plain
- 2.5 Local Government manage to best practice standards (as specified in Appendix 2) any lands which are under their ownership or for which they have care, control and management, which:
 - contain any of the threatened biodiversity addressed by the recovery plan
 - are located within the priority conservation lands, or if located outside these lands, have primary management objectives that are compatible with biodiversity conservation
- 3.4 Work collaboratively with local government authorities to inform communities about the value and role of remnant vegetation on the Cumberland Plain, the best practice standards for its management, and any opportunities to participate in the recovery program
- 3.5 Work with Aboriginal communities, landowners, community groups, and students to deliver best practice management in the priority conservation lands and other lands with conservation management outcomes, and to identify other opportunities for involvement in the recovery program
- 3.6 Establish and promote best practice management demonstration sites for the Cumberland Plain's threatened biodiversity
- 3.7 Develop interpretive programs for key local reserves that contain examples of the threatened biodiversity addressed in the recovery plan
- 4.4 DECCW will encourage local councils to prepare or review biodiversity strategies to be consistent with the recovery plan and that guide protection, management and strategic investment in threatened biodiversity, both within and outside of the priority conservation lands
- 4.5 DECCW will work collaboratively with local councils to enhance the compliance and enforcement program with regard to the unauthorised clearing of bushland on the Cumberland Plain

In the initial report there were some concerns that actions 2.2; 3.5 and 3.7 may potentially impact upon Council's resources and therefore required discussion and concurrence. In the final plan DECCW has indicated (in their Appendix 1 - Cost and implication details) that the funding sources for these are unsecured funds. Therefore there is no onus on Council to find such funding, and Council will be able to apply for grants should they become available.

All other actions identified by DECCW are considered to have a minimal impact on existing arrangements and are therefore suitable for endorsement.

Conformance to Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Directions statement;

- Be a place where we value, protect and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes;
- To look after our cultural and environmental assets for future generations so that they too can enjoy and benefit from a clean river and natural eco-systems, rural and cultural landscapes.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Create a sustainable land use strategy that protects environmentally sensitive lands; (in line with actions 1.5, 2.2, 2.5, 4.5).
- Facilitate ecologically sustainable development through the retention and long term management of natural assets (in line with actions 1.4, 2.1, 4.4).
- Encourage and educate the community to care for their environment. (in line with actions 3.4, 3.6, 3.7)

The Draft Recovery Plan for Cumberland Plain seeks endorsement from Council to protect and enhance Cumberland Plain in order to conserve this natural asset for future generations.

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Cumberland Plain has recently been listed as Critically Endangered under the TSC and EPBA Act.

The implementation of the priorities as previously stated would be effective immediately. Currently Council, through the Bush Regeneration Budget and Bushcare Budget Council is already maintaining, enhancing and conserving identified Cumberland Plain on Public land. These works (best practice bush regeneration, revegetation, volunteer bush regeneration) fall directly under the priorities and management strategies outlined in the draft recovery plan. Council also has sought the appropriate licensing through DECCW to undertake these works in and around threatened communities and species.

The proposed implementation timeframe for this matter, as specified in the CSP Milestones is 2012.

Financial Implications

As previously stated the recommended allocation of funding to implement these measures were identified as unsecured for the endorsement. This demonstrates that there is no requirement by Council to allocate specific funding towards implementation. There have been several sites on public land that have been identified to contain Cumberland Plain. Currently these reserves have priority in the allocation of annual contracts as per Council approved budget. Where grant funding becomes available these reserves will be considered for restoration grants.

In terms of the economic impact on the community and operational funds would be a positive impact through;

- increased aesthetics of parks and reserves through the removal of weeds, and hence prevent weed encroachment onto neighbouring properties
- decrease in the use of maintenance funding where cessation of mowing in reserves which will naturally regenerate, taking into consideration that maintaining Asset Protection Zones (APZ's) and protection of infrastructure from damage by over grown vegetation will be continued.

Council's expenditure on protecting and enhancing Cumberland Plain in the 2009/10 financial year is listed below.

Expenditure No. 1 50 2678 7631

Oakville park \$5,000

Old Stock Route Rd Reserve \$3,000

George St Reserves \$15,000

Expenditure No. 148 2676 5753 (Storm Water Levy)

George St Reserve; \$6,000

Grant Funding

George St Reserve; \$6,000

Woodbury Reserve \$8,200

RECOMMENDATION:

That the proposed actions relating to Hawkesbury City Council within the Draft Cumberland Plain Recovery Plan be endorsed subject to funding and resource availability.

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ATTACHMENTS:

AT - 1 Draft Cumberland Plain Recovery Plan *(to be distributed under separate cover)*.

oooO END OF REPORT Oooo

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Item: 123 **IS - Proposal to Extend the Hawkesbury Oasis Aquatic Centre - (95495, 79340, 34584)**

Previous Item: 239, Ordinary (10 November 2009)

REPORT:

Executive Summary

In November 2009, Council considered a report in relation to a proposal to extend the Hawkesbury Oasis Aquatic Centre gymnasium. At the time, a business case based on different scenarios was referred to and possible funding sources were identified for the project. Council subsequently approved the proposal.

The purpose of this report is to provide Council with the latest project progress, revised financial estimates and a business case evaluation of the revised estimates.

It is recommended that the information presented be noted and an amended proposal be endorsed. This matter will also need to be taken into consideration when considering a related item included in the confidential section of this Business Paper regarding tenders called for the project.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

The Young Men's Christian Association of Sydney (YMCA) is currently responsible for the management and operation of the Hawkesbury Leisure Centres, being the Oasis Aquatic Centre and the Hawkesbury Indoor Stadium. The YMCA has managed these Centres since 2004 and in late 2008 Council extended the management contract for a further five years to 30 June 2014.

At the meeting of 10 November 2009, Council considered a report regarding a proposal to extend the Hawkesbury Oasis Aquatic Centre gymnasium (the Centre) by approximately 200sqm.

The report was based on an evaluation of a business case prepared by Council's Chief Financial Officer (CFO) to expand the gymnasium at the Centre. The business case was based on an estimated project capital cost, estimated annual additional operating costs, and estimated annual reduction in the Centre's deficit currently funded by Council.

The capital costs included ground works, construction, carpets, lights, air-conditioning, painting, administration costs and a contingency amount. The estimated costs, provided by the YMCA and reviewed by the Chief Financial Officer, were based on the construction cost per square metre of similar projects undertaken by YMCA in other locations.

The operational costs included staffing costs, additional electricity, building maintenance costs and the leasing costs of additional gymnasium equipment to cater for the increased membership numbers.

The estimated annual reduction in the Centre's deficit currently funded by Council was based on three different scenarios with regard to increases in memberships resulting from the extension of the facility.

The report referred to sensitivity analysis on alternative gymnasium membership provided by YMCA.

In this regard, the YMCA expansion base case assumed increases in the gymnasium membership by 35%. The base case was determined in reference to a detailed study of the population catchments, existing

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gymnasiums in the surrounding areas, and YMCA benchmarks of gymnasium membership per square metre of facility.

Increases in gymnasium membership of 25% (medium case) and 18% (low case) were also considered as part of the business case supporting the proposal. The medium case is a discount on membership increases compared to the base case, whilst the low case is a discount of 50% on membership increases compared to the base case.

In the report to Council on 10 November 2009, it was outlined that based on the entire grant funding sought being successful, the Net Present Value (NPV) financial model resulted in a cumulative positive return in Year 1, for both the base case and the medium case. Low case membership projections resulted in a cumulative positive return in Year 2.

Also, in the report to Council on 10 November 2009, various funding source combinations were proposed and adopted based on the acceptance or rejection of grant funding being sought at the time. The report outlined capital costs of \$337,200. At that meeting, Council resolved as follows:

"That:

1. *The proposal to extend the Hawkesbury Oasis Aquatic Centre by approximately 200m² as outlined in the report be approved.*
2. *The proposal be funded as follows:*
 - (a) *\$110,000 from the YMCA, from the grant previously approved under the NSW Department of Community Services Area Assistance Scheme 2009.*
 - (b) *(i) \$110,000 from the grant recently applied for by the YMCA from the NSW Community Building Partnership Program, or*
(ii) If the NSW Community Building Partnership Program grant application is unsuccessful, \$110,000 to be funded Council from the Council's S94 Internal Reserve
 - (c) *(i) \$117,200 from an application under Round Two of the Regional and Local Infrastructure Program, or*
(ii) If the Round Two of the Regional and Local Infrastructure Program application is unsuccessful, \$117,200 to be funded from Council's S94 Internal Reserve."

As indicated in part 2(a) of the above resolution, the YMCA was successful in receiving approval of a grant of \$110,000 under the NSW Department of Community Services Area Assistance Scheme 2009 towards the capital costs of the project. At the time of the Council's resolution both the YMCA and Council had applied for grants to cover the remaining capital costs of \$227,200. If the grants applied for by the YMCA and Council were unsuccessful, Council resolved in parts 2(b)(ii) and 2(c)(ii) above to fund the project from Council's S94 Internal Reserve.

Following Council's resolution of 10 November 2009, the YMCA was successful in receiving approval of a further grant of \$110,000 from the NSW Community Building Partnership Program. Council was also successful in receiving approval of a grant of \$117,200 under Round Two of the Regional and Local Infrastructure Program.

The original proposal for an extension to the Centre of approximately 200sqm was amended due to additional requirements including Building Code of Australia requirements. The amended proposal to extend the Centre includes an increased floor area to the gymnasium and extension to the crèche totalling approximately 208sqm, with two new toilets and office space being provided within the existing gymnasium area of approximately 26sqm. Therefore, the amended proposal is approximately 234sqm compared to the original proposal of approximately 200sqm.

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The report also indicated that subject to the Council approval of the project, appropriate action would be taken to prepare and lodge a Development Application and subsequently call for tenders.

Accordingly, a Development Application was lodged and ultimately approved on 1 April 2010. Subsequently tenders for the construction of the gymnasium expansion were then called.

Council received a number of tenders and a report is included in the confidential section of this Business Paper. As such, no detail regarding the tender, other than an approximate amount, will be referred to in this report.

Following the receipt of tenders for the project, the total estimated project costs were revised for the expansion of the gymnasium. The following table provides a summary of the revised estimated project costs:-

Construction, Project Management and Contingency Costs	\$483,973
Architects Fees	\$ 19,400
Structural Engineering & Supervision	\$ 9,528
Development Approval Costs	\$ 4,451
Fire Safety Requirements	\$ 6,080
Electrical Switchboard Upgrade	\$ 9,024
Air conditioning Design	\$ 3,200
Landscaping	\$ 3,000
Miscellaneous	\$ 7,508
Total Estimated Project Cost	\$546,164

It is noted that the total revised estimated project costs of \$546,164, as outlined in the above table, are approximately \$209,000 more than the original estimated capital costs of \$337,200. The increased costs of the project are due to a number of reasons including the following:

- The Commonwealth Government Infrastructure Program and its effect on market forces.
- Building Code of Australia requirements for additional two toilet facilities.
- Replacement of low retaining wall with a higher wall for emergency exit from the Child Care area.
- Additional footings through fill material and increased steel and concrete required in slab due to existing fill.
- Switchboard upgrade.
- Fire service upgrade to meet Building Code of Australia requirements.
- After hours work to minimise disruption of the operation of the Oasis Centre and Gymnasium during construction.
- Sound reduction between Gymnasium, Weight Room, Office and Child Care area.
- Additional 12 sqm over proposed area due to fitting in with the existing building.
- Matching the existing facade of the building.

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- Increased capacity of the air-conditioning units over standard building due to the high heat load of a Gymnasium.
- Increased building costs nine months from original estimates.

In light of the revised estimated project costs being higher than the estimated capital cost included in the report supporting the proposal submitted to Council at the meeting of 10 November 2009, and confirmation of grant funding availability, a full review of the gymnasium expansion business case has been undertaken by Council's Acting Chief Financial Officer.

As referred to earlier within this report, the main components of the business case are estimated capital costs, estimated additional operational costs, and estimated annual reductions in the Centre's deficit currently funded by Council as a result of increased membership numbers.

The revised business case was based on the same base case, medium case, and low case scenarios used in the previous business case, as no change in these estimates has been identified at this stage. The estimated additional operational costs were also unchanged.

The revised business case, based on total estimated project costs of \$546,164, grant funding of \$337,200 and Council funding of \$208,964 resulted in a cumulative NPV for the three scenarios considered as outlined below.

Base Case

Should the base case of an increase of 35% in gymnasium memberships be achieved, based on the secured grant funding, the NPV financial model results in a cumulative positive return in Year 3.

Medium Case

Should the medium case of an increase of 25% in gymnasium membership be achieved, based on the secured grant funding, the NPV financial model results in a cumulative positive return in Year 4.

Low Case

Alternatively, should the low case projections be achieved, the NPV model results in a cumulative positive return in year 10.

As previously outlined, Council and YMCA have been successful in securing the following funding:

- \$110,000 – (YMCA) from a grant under the NSW Department of Community Services Area Assistance Scheme.
- \$110,000 – (YMCA) from a grant under the NSW Community Building Partnership Program.
- \$117,200 – (Council) from a grant under Round Two of the Regional and Local Infrastructure Program.

The above results in a total of \$337,200 being available to fund the project through grant funds.

Whilst all the grant funding sought and proposed in the report of the 10 November 2009 has been successful, a funding shortfall has been identified as a result of the revised project costs estimates being higher than originally estimated.

This leaves a balance of \$208,964 to be funded through Council funds. As suggested in the previous report to Council, it is proposed that this amount be funded from Council's S94 Internal Reserve. This Reserve currently has \$468,000 available and all identified buildings in the S94 Plan have been completed or are fully funded.

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The Acting Chief Financial Officer has prepared a report on the project. The report includes a risk analysis, justification, costs of the project and funding sources available. Attached to the report are a series of NPV's on various sensitivity analysis criteria and alternative funding sources, a breakdown of the capital costs and the detailed business case as prepared by the YMCA. The Acting Chief Financial Officer's recommendation was that based on this information a report could be submitted to Council recommending that the project proceed.

It is considered that based on the business case evaluation outlined in the report and the benefits to the community of an expanded Leisure Centre, that this proposal be endorsed.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Maintain and review sustainable long term financial framework.

Financial Implications

This report identifies funding requirements of \$208,964. These funds are available as part of Council's S94 Internal Reserve.

RECOMMENDATION:

That:

1. The proposal to extend the Hawkesbury Oasis Aquatic Centre as amended which includes an increased floor area to the gymnasium and extension to the crèche totalling approximately 208sqm, with two new toilets and office space being provided within the existing gymnasium area of approximately 26sqm as outlined in the report be endorsed.
2. The proposal be funded as follows:
 - a. \$110,000 from the YMCA from the grant approved under the NSW Department of Community Services Area Assistance Scheme 2009.
 - b. \$110,000 from the YMCA from the grant approved under the NSW Community Building Partnership Program.
 - c. \$117,200 from the Council from the grant approved under Round Two of the Regional and Local Infrastructure Program.
 - d. The remaining amount of approximately \$209,000 be funded from Council's S94 Internal Reserve.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CONFIDENTIAL REPORTS

INFRASTRUCTURE SERVICES

Item: 124 IS - Tender No. 01810 - Construction of Additions to Oasis Swimming Centre -
(95495, 79340, 34584) **CONFIDENTIAL**

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

ORDINARY MEETING

Meeting Date: 8 June 2010

SUPPORT SERVICES

Item: 125 **SS - Property Matter - Lease to Sarah Turner - Shop 11 Glossodia Shopping Centre, Glossodia - (112106, 95496, 117936) - CONFIDENTIAL**

Previous Item: 107, Ordinary (30 March 2010)

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Heritage Advisory Committee Minutes - 6 May 2010 - (80242)

The meeting commenced at 5.05pm in Council Chambers.

Present:	Mr Graham Edds Professor Ian Jack Mr Jonathan Auld Ms Michelle Nichols Ms Danielle Wheeler Mr Donald Ellsmore	Chair Deputy Chair Community Member Community Member Community Member Heritage Advisor
Apologies:	Councillor Jill Reardon Ms Jan Barkley Jack Ms Shari Hussein	Hawkesbury City Council Community Member Hawkesbury City Council
In Attendance:	Ms Carol Edds Mr Matthew Owens Ms Robyn Kozjak (Minute taker)	Community Member Hawkesbury City Council Hawkesbury City Council
Non Attendance	Ms Deborah Hallam	Community Member

REPORT:

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Jonathan Auld and seconded by Professor Ian Jack that the Minutes of the Heritage Advisory Committee held on the 11 February 2010, be confirmed.

BUSINESS ARISING FROM PREVIOUS MINUTES:

- The Chair asked Mr Owens if there was anything to report from the Heritage Branch of the DoP re the listing of Macquarie Towns. Mr Owens confirmed he had formally written to the Department requesting assistance with the listing of the Towns, and as no response had been received to date, he would flag for follow up.

5.10pm - Ms Wheeler arrived at the meeting.

- The Chair advised he had spoken with staff from the Heritage Branch whilst attending a conference in Broken Hill and it was reported it appeared the Committee's proposal to list the Macquarie Towns had been well received by the Department. For the Committee's information, it was reported the Department had suggested Liverpool be added to the proposal.

ORDINARY MEETING
Reports of Committees

Attendance Register of Heritage Advisory Committee

Member	11/02/10	06/05/10	
Councillor Jill Reardon- (HCC)	✓	A	
Mr Graham Edds	✓	✓	
Ms Deborah Hallam	A	X	
Professor Ian Jack	✓	✓	
Ms Jan Barkley Jack	✓	A	
Mr Jonathan Auld	✓	✓	
Ms Michelle Nichols	✓	✓	
Ms Danielle Wheeler	✓	✓	
Mr Donald Ellsmore	✓	✓	

Key: A = Formal Apology ✓ = Present X = Absent - no apology

SECTION 3 - Reports for Determination

Item 1: Slab Barns Study

Previous Item: 3, HAC (10 September 2009)

The Chair declared an interest in this matter and Professor Jack subsequently assumed the Chair.

DISCUSSION:

Mr Edds preceded his presentation by thanking staff and the Committee for the opportunity provided to himself and to Mrs Edds to undertake the Study.

The (verbal and photographic) presentation commenced, with Mr Edds advising he had presented the information at the ICOMOS (International Council on Monuments and Sites) Conference - *Outback and Beyond*, recently attended at Broken Hill by himself and Ms Edds.

Issues raised and discussed:

- Education process - it was recommended a brochure be prepared in an effort to target the community to get the word out there that there are benefits of having their properties listed (including various funding opportunities). It was advised there was a misconception property owners believe they cannot do anything to preserve a structure due to a heritage listing.
- Options to promote education were discussed - eg websites and through various organisations/groups including the Friends of the Hawkesbury Heritage Farm.

RECOMMENDATION TO COMMITTEE:

That:

1. The report and the consultant's information about the Slab Barns Study be received.
2. A copy of the Slab Barns study final report and the data be sent to Department of Planning's Heritage Branch for review before the final version is provided to Council for adoption.
3. The funding offer from Department of Planning be noted for the Heritage Incentive Fund and that the offer be activated as outlined in this report if Council's budgeted amount of \$30,000 is adopted for 2010/11.
4. Further investigations and consultation with the Department of Planning's Heritage Branch be undertaken by Council officers about implementing the recommendations of the slab barn study.
5. Council officers pursue further funding opportunities with Department of Planning's Heritage Branch and support owners to secure their own funding with Heritage Branch for restoration works

MOTION:

RESOLVED on the motion of Ms Michelle Nichols, seconded by Ms Danielle Wheeler

ORDINARY MEETING
Reports of Committees

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The report and the consultant's information about the Slab Barns Study be received.
2. A copy of the Slab Barns study final report and the data be sent to Department of Planning's Heritage Branch for review before the final version is provided to Council for adoption.
3. The funding offer from Department of Planning be noted for the Heritage Incentive Fund and that the offer be activated as outlined in this report if Council's budgeted amount of \$30,000 is adopted for 2010/11.
4. Further investigations and consultation with the Department of Planning's Heritage Branch be undertaken by Council officers about implementing the recommendations of the slab barn study.
5. Council officers pursue further funding opportunities with Department of Planning's Heritage Branch and support owners to secure their own funding with Heritage Branch for restoration works.

Professor Jack, on behalf of the Committee, advised he welcomed the Slab Barn Study Report and congratulated the authors and subsequently handed the meeting back to the Chair.

SECTION 5 - General Business

- The Chair referred to the Committee Constitution which was previously flagged to be discussed at the meeting. Mr Owens confirmed the Constitution would be discussed at the next meeting.
- Ms Nichols raised concern regarding the state of disrepair of some cemeteries in the local area. It was reported the dilapidated conditions of some headstones and surrounds had been exacerbated by damage caused by an invasion of rabbits in the area. It was advised the matter had been reported to the Manager of Infrastructure Services.
- Ms Nichols raised further concern re the lack of information available to the public regarding gravesite restoration and suggested the Committee (at some stage) work on putting together some guidelines as to how one goes about restoring a gravesite. Ms Nichols reported she had posted information on a social networking website directing persons interested in becoming involved in cemetery restoration to the National Heritage Trust website. Mr Owens invited members to forward their suggestions to him in relation to seeking ways to inform the community about cemetery restoration, for discussion at the next meeting.
- It was agreed Council staff responsible for the maintenance of cemetery grounds should be made aware of the fragile nature of the gravesites and to take extra care when mowing and trimming cemetery grounds.

MOTION:

RESOLVED on the motion of Professor Ian Jack, seconded by Ms Danielle Wheeler

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

ORDINARY MEETING
Reports of Committees

That this Committee formally write to the Catholic Parish Council of St Matthews to draw their attention to the issues affecting their parishioners' ancestral graves.

General Business (cont'd)

- Mr Owens reported he'd received notification Scheyville National Park had been listed as a State Heritage item.
- Mr Owens further reported correspondence had been received from the NSW Heritage Council regarding the intention to list a Government Cottage Archaeological site at 41 George Street, Windsor. Further details can be found at www.heritage.nsw.gov.au/listing.

TABLED CORRESPONDENCE

1. Revised versions of Statements of Historical Significance prepared by Professor Jack.
2. Correspondence from Mrs M Brown dated 2 May 1995, 26 June 1996, 18 August 1996 and 9 July 2009 respectively, (and Council's response thereto), raising concern re the disrepair of the Catholic Cemetery between George and Macquarie Sts, Windsor.

The meeting closed at 6.46pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Local Traffic Committee - 19 May 2010 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 19 May 2010, commencing at 3.00pm.

ATTENDANCE

Present: Councillor B Bassett (Chairman)
Mr J Suprain, Roads and Traffic Authority
Mr J Christie, Officer of Messrs A Shearan, MP and J Aquilina, MP
Snr Constable B Phillips, NSW Police Service
Snr Constable C Brown, NSW Police Service

Apologies: Mr R Williams, MP (Hawkesbury)

In Attendance: Mr C Amit, Manager, Design & Mapping Services
Ms D Oakes, Community Safety Officer
Ms K Baillie, Administrative Officer, Infrastructure Services

"The Chairman tendered an apology on behalf of Mr R Williams MP, advising that Mr Williams concurred with the recommendations as contained in the formal agenda and had granted proxy to himself to cast vote(s) on his behalf."

SECTION 1 - Minutes

Item 1.1 Minutes of Previous Meeting

Resolved on the motion of Mr J Christie and seconded by Mr John Suprain, that the Minutes of the meeting of the Local Traffic Committee held on 21 April 2010 be confirmed.

Item 1.2 Business Arising

Item 1.2.1 LTC – 19 May 2010 - Item 1.2.1 - Traffic Issues at the Intersection of Webbs Creek Road and St Albans Road, Webbs Creek - (80245)

Previous Item – LTC – 21 April 2010 - Item 4.1

REPORT:

The RTA has investigated the traffic issues at the intersection of Webbs Creek Road and St Albans Road, Webbs Creek as discussed at the LTC meeting on 21 April 2010.

Mr Suprain advised that there are no options available to provide U-turn areas at this location due to minimal sight distances and lack of road width/room for vehicles towing boats to manoeuvre. An alternative option mentioned by Mr Suprain is to provide a roundabout at this intersection; however this will change the priorities of the road favouring Webbs Creek Road.

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Reports of Committees

In view of the limited options available at this site it was suggested that "Do Not Queue Across Intersection" signs and line markings be provided in St Albans Road at its intersection with Webbs Creek Road. In addition, it was concern was raised in relation to signage at this intersection, in particular a very large real estate sign. Mr Amit advised the matter would be referred to Council's Regulatory Services to check validity of signs.

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. Provide the necessary signs and lines to effect "Do not queue across intersection" in St Albans, Webbs Creek, at its intersection with Webbs Creek Road.

SECTION 2 - Reports for Determination

Item 2.1 LTC - 19 May 2010 - Item 2.1 - Shahzada 400 Kilometre Horse Endurance Ride, St Albans 2010 - (Hawkesbury) - (80245, 86185)

REPORT:

An application has been received from Shahzada Memorial Endurance Test Inc. seeking approval to conduct its annual Shahzada 400 Kilometre Horse Endurance Ride, in and around the St Albans and Macdonald Valley areas. The event will be held over 5 days from 23 to 27 August 2010.

The event organiser has advised the following:

- The event has been held over the last 28 years.
- Start and end point for the event will be within the St Albans village.
- Each day the ride commences at 4.00am and concludes at 5.00pm.
- It is a 400 kilometre endurance ride in conjunction with a 120 kilometre endurance training ride.
- There will be approximately 120 horse riders participating.
- There will be approximately 50 spectators.
- Parking of vehicles will be predominantly on private land.
- St Albans Bridge, which is under the care and control of the Roads and Traffic Authority, will only be used in the event of flooding of the Macdonald River. All riders will be instructed to walk over the bridge.
- All riders will be instructed to keep to the left hand side of the road and obey road rules.
- When riding in the dark on public roads all riders are required to either wear head lights on their helmets or carry torches.

Refer to - Appendix 1(Dataworks Document No: 3369587) for the Event Route details

The route of the ride is predominantly on the tracks within the Parr State Recreational Area, Yengo National Park, private farmlands and on the following public roads;

- Upper Macdonald Road – Unsealed Road
- Wollombi Road – Sealed and Unsealed Road

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- Settlers Road – Sealed and Unsealed Road
- Bulga Street – Sealed section
- Wrights Creek Road - Unsealed Road
- St Albans Road - Sealed Road
- Wharf Street – Sealed Road
- Webbs Creek Road - Unsealed Road
- Webbs Creek Mountain Road - Unsealed Road
- Crossing of the Macdonald River at various locations.

The event is also traversing along the Great Northern Road, which is under the care and control of the National Parks and Wildlife Service (Department of Environment, Climate Change and Water).

Discussion

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

The event organiser has provided the following information in relation to the event: Appendix 1 (Dataworks Document No 3369587);

1. Special Event – Traffic – Initial Approval Application Form - HCC; Details of Special Event – Traffic;
2. Special Event Transport Management Plan Template – RTA;
3. Transport Management Plan (TMP) - referred to in the application as Traffic Management Plan - and Traffic Control Plan (TCP);
4. Event Route Maps;
5. Public Liability Insurance Policy to the value of \$20,000,000 which is valid to 01 January 2011;
6. Copy of media advertisement for the event;
7. Copy of correspondence to be forwarded to the Residents and Businesses;
8. Copies of correspondence forwarded to the NSW Police Service, NSW Ambulance Service, Waterway Authority (NSW Maritime), Department of Water and Energy (DECCW), St Albans RFS and SES.

Authorisation for the use of St Albans Bridge is required from the RTA.

RECOMMENDATION:

RESOLVED on the motion of Councillor B Bassett, seconded by Snr Constable B Phillips.

That:

1. The Shahzada 400 Kilometre Horse Endurance Ride event, in and around the St Albans and Macdonald Valley areas, planned from 23 to 27 August 2010 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 which 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 the event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser to obtain approval from the RTA as the event may traverse across the St Albans Bridge; **a copy of the RTA approval to be submitted to Council;**
- 4c. 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 writing and added to the TMP;
- 4d. the event organiser is to obtain the relevant approval to conduct the event from NSW Maritime; **A copy of this approval to be submitted to Council;**
- 4e. the event organiser is to obtain the relevant approval from the Department of Environment, Climate Change and Water to cross the Macdonald Rover; **A copy of this approval to be submitted to Council;**
- 4f. 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 has been submitted to Council;**
- 4g. the event organiser is to notify the details of the event to the NSW Fire Brigade at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4h. 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 for 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 has been submitted to Council;**
- 4i. the event organiser is to obtain approval from the National Parks and Wildlife Service (Department of Environment, Climate Change and Water) for the use of the Parr State Recreational Area, Yengo National Park and the Great Northern Road. If the use of a Council Park/Reserve is required, written approval is required from Councils' Parks and Recreation section;
- 4j. the event organiser is to obtain approval from the NSW Land and Property Management Authority for the use of any Crown Road or Crown Land;
- 4k. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event;
- 4l. the event organiser is to obtain any necessary approvals from adjoining Councils;
- 4m. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

During the event:

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

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- appropriate certification as required by the RTA;
- 4q. the riders are to be made aware of and are to follow all the general road user rules whilst riding on public roads;
 - 4r. 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;
 - 4s. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
 - 4t. 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,
 - 4u. 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 Special Event Application - (Dataworks Document No. 3369587) - *see attached*.

SECTION 3 - Reports for Information

Item 3.1 **LTC - 19 May 2010 - Item 3.1 - Response by RTA to Traffic Light Phasing - Travelling North along Macquarie Street between Argyle Street and Hawkesbury Valley Way, Windsor. - (Hawkesbury) - (80245, 73621, 79958)**

Previous Item: Item 4.2, LTC (19 August 2009)

REPORT:

At the Local Traffic Meeting on 19 August 2009, Mr R Williams MP tabled an email (*Dataworks Number: 3177658*) from Mr Chris Ottaway in relation to problems with the phasing of lights for vehicles travelling North along Macquarie Street between Argyle Street and Hawkesbury Valley Way.

Following recommendation by the Local Traffic Committee, Council, at its meeting held on 08 September 2009 resolved the following:

"That the matter be referred to the Roads and Traffic Authority to review the phasing of traffic lights in Macquarie Street between Argyle Street and Hawkesbury Valley Way"

Correspondence has been received from the Roads and Traffic Authority (Dataworks Doc. No. 3360345) advising the following:

"I refer to Council's letter dated 14th September 2009 concerning a resolution of Council, at its meeting held on 8th September 2009, requesting the Roads and Traffic Authority (RTA) to review the phasing of the traffic control signals (TCS) along Macquarie Street between Argyle Street and Hawkesbury Valley Way, Windsor.

These TCS are linked to the Sydney Coordinated Adaptive Traffic System (SCATS), which monitors traffic flows in real-time and automatically adapts to changing conditions to ease congestion and improve traffic flow. This system is generally used to optimise traffic flows along major routes by continually adjusting the time available to each individual traffic signal movement, and by providing coordination between consecutive sets of traffic signals, traffic congestion is significantly reduced. This does not mean that the road users have a green signal at every signalised intersection as there are after all, other road users travelling in different directions.

Please be aware that the RTA regularly monitors traffic flow and safety at State Road Intersections. If issues arise, further investigations will be conducted, and where supported by evidence, arrangements made to implement appropriate improvements.

A review of this site has been conducted and the RTA considers traffic flows to be relatively normal, though some degree of traffic delay should be expected along the State Road network during peak traffic flow periods.

I trust this information will assist you. Should you wish to discuss this matter further, please do not hesitate to contact Mr. James Suprain, Road Network Officer, on telephone number 8849-2294."

RECOMMENDATION:

RESOLVED on the motion of Councillor B Bassett, seconded by Mr J Suprain.

That the information be received.

APPENDICES:

There are no supporting documents for this report.

SECTION 4 - General Business

Item 4.1 LTC - 19 May 2010 - QWN 4.1 – Traffic issues at the intersection of Grose Vale Road and William Street, North Richmond - (80245)

REPORT:

Mr John Christie advised that there are traffic issues at the intersection of Grose Vale Road and William Street in North Richmond adjacent to the Richmond North Public School. The issues primarily occurs during school pick up and drop off times where traffic on Grose Vale Road (travelling north-east towards Bells Line of Road) queue up one after the other, therefore blocking the intersection for vehicles to enter and exit William Street. The specific problem that has been highlighted is that buses on Grose Vale Road wishing to turn right into William Street cannot do so because vehicles are queued across the intersection.

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The Committee proposed to erect “Do not queue across intersection” signage and line marking on the north-western side of Grose Vale Road to assist in resolving this problem.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Christie, seconded by Snr Constable B Phillips.

That:

1. The information be received.
2. Provide the necessary signs and lines to effect “Do not queue across intersection” on the north-western side of Grose Vale Road, North Richmond at its intersection with William Street.
3. Review the Riverview Street/Grose Vale Road intersection upon the completion of the Franklins Shopping Centre should the need arise.

1. **Item 4.2 LTC - 19 May 2010 - QWN 4.2 – Investigation of double lines on Mileham Street, Windsor opposite the new Windsor Police Station - (80245, 1506)**

REPORT:

Snr Constable Brad Phillips advised the LTC Committee that due to the double lines on Mileham Street, Windsor (opposite the new Windsor Police Station) vehicles are unable to perform U-turns to park their vehicles when visiting the Police Station. Council has been requested to investigate the possible removal of these double lines. In addition to this, it was advised the lines are faded/worn.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable C Brown, seconded by Mr J Christie.

That:

1. The information be received.
2. The line marking in Mileham Street, Windsor adjacent to the new Windsor Police Station be reviewed to enable U-turns to be performed at this location.

Item 4.3 LTC - 19 May 2010 - QWN 4.3 – Installation of a “No left turn” sign in Hawkesbury Valley Way at the Mileham Street (northern leg) exit - (80245)

REPORT:

Snr Constable Craig Brown reported the concerns of the Windsor Police who advised that there are vehicles (travelling east on Hawkesbury Valley Way) who are illegally turning left into Mileham Street (northern leg). This dangerous manoeuvre is a concern due to the potential for head on collisions. The RTA will investigate the installation of a “No left turn” sign at this location.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable C Brown, seconded by Mr J Christie.

That:

1. The information be received.
2. The RTA to investigate installing a “No Left Turn” sign in Hawkesbury Valley Way at the Mileham Street (northern leg) exit.

Item 4.4 LTC - 19 May 2010 - QWN 4.4 – General maintenance of speed signs at various locations - (80245)

REPORT:

Snr Constable Craig Brown advised of a number of locations where speed sign maintenance is required. This maintenance includes the replacement of missing signs, the erection of additional signs or maintenance of roadside vegetation around these signs to ensure they're not being obscured. The locations discussed are as follows:

- Racecourse Road, Clarendon (between Rickaby Street and the Railway) – missing 60kph speed sign;
- Bells Line of Road, Kurmond – Cannot see 60kph sign when approaching Kurmond Road from the south travelling on Bells Line of Road. This sign is the first 60kph sign on the approach into Kurmond.
- Old Kurrajong Rd, Richmond (between Kurrajong Rd and Triangle Lane) – overgrown vegetation obscuring speed signs.
- Industry Road, Mulgrave– additional 50kph speed signage required
- Freemans Reach Road & Gorricks Lane, Freemans Reach – additional speed signage required near the intersection.

Snr Constable Craig Brown indicated that a detailed e-mail will be sent to the RTA, via John Suprain, who has agreed to investigate further.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable C Brown, seconded by Mr J Suprain.

That:

1. The information be received.
2. The RTA investigate and take appropriate action relating to the maintenance of speed signs as listed below:
 - a. Racecourse Road, Clarendon (between Rickaby Street and the Railway) – missing 60kph speed sign.
 - b. Bells Line of Road, Kurmond – Cannot see 60kph sign when approaching Kurmond Road from the south travelling on Bells Line of Road. This sign is the first 60kph sign on the approach into Kurmond.
 - c. Old Kurrajong Rd, Richmond (between Kurrajong Rd and Triangle Lane) – overgrown vegetation obscuring speed signs.
 - d. Industry Road, Mulgrave– additional 50kph speed signage required.
 - e. Freemans Reach Road & Gorricks Lane, Freemans Reach – additional speed signage required near the intersection.

Item 4.5 LTC - 19 May 2010 - QWN 4.5 – Update on Hawkesbury Mobility Plan 2010 (PAMP and Bike Plan) – (80245, 96328)

REPORT:

Ms Denise Oakes advised that the Final Draft Hawkesbury Mobility Plan was reported to Council at the Ordinary Meeting on 11 May 2010, where it was resolved generally by Council in part and summarised:

“That Council:

- Adopt the Draft Hawkesbury Mobility Plan.
- Request that the Hawkesbury Bicycle and Access Mobility Committee review its objectives and membership and
- A further report be provided for Council’s consideration in relation to the revised objectives and membership of the proposed Hawkesbury Mobility Plan Implementation Committee.
- Write to the RTA to request that the RTA nominate a representative to sit on the Hawkesbury Mobility Plan Implementation Committee.
- Forward copies of the Hawkesbury Mobility Plan to the RTA and local state and federal members of parliament seeking their assistance in its implementation and noting the joint-responsibility of all levels of government in working together for the safety and health of residents, pedestrians and cyclists who use the NSW roads network. “

Mr Suprain requested a copy of the Hawkesbury Mobility Plan 2010 (PAMP and Bike Plan) to be forwarded to the RTA for the attention of Mr Ken Lysaught.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Suprain, seconded by Councillor B Bassett.

That the information be received.

Item 4.6 LTC - 19 May 2010 - QWN 4.6 - Traffic Issues at the Intersection of Castlereagh Road/Inalls Lane and Southee Road, Hobartville - (80245, 73621)

REPORT:

Mr James Suprain advised that the RTA has received a letter from the office of Allan Shearan MP, on behalf of a resident, concerning accidents at the intersection of Castlereagh Road/Inalls Lane and Southee Road, Hobartville.

A site investigation undertaken by the RTA has identified the following:

1. The most recent 5-year accident statistics indicate that motorists are either failing to heed the existing regulatory stop signposting located in both Southee Road and Inalls Lane, and/or speeding along Castlereagh Road.
2. The Stop signposting, and associated line marking, in Southee Road and Inalls Lane is in good repair.
3. Street lighting is under Hawkesbury City Council's jurisdiction – Council is requested to assess illumination of the intersection.
4. Approximately 80 metres west of this intersection the speed limit changes – from 60km/hr to 80km/hr for westbound motorists, and 80km/hr to 60km/hr for eastbound motorists. This speed regime is considered appropriate for the prevailing conditions.
5. The majority of accidents occur between midday and 3pm.
6. The provision of roundabouts on State Roads is generally considered inappropriate, and the site does not fulfil the necessary requirements for consideration of Traffic Control Signals.

It is the RTA's intention to request Police surveillance at the site, and as per item 3 above, request Council's assessment of the intersection illumination. Snr Constable B Phillips advised that this area is heavily patrolled.

Mr Amit advised that he has spoken to Integral Energy and the situation with these older roads is that the existing lighting was provided for the situation at hand i.e. existing conditions (it will be difficult for Integral Energy to advise the dates of installation).

To assess the site will require a Consultant to review and measure the illumination, which will be at a cost. Given that the intersection and lighting have been in place for a considerable time it may come down to ensuring that the lights work. It also comes down to who pays for the consultant. Whilst it is Council's lights, it is the RTA's traffic, and perhaps the RTA may wish to assess the intersection and request an upgrade if required. Integral have also indicated as to the problem of "where do you stop" in relation to assessing sites as times change?

Mr Amit questioned whether the sun could be the problem, due to the majority of accidents occurring between the times of noon and 3pm and perhaps the existing street lighting is not a major issue; accidents occurring during the day.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Suprain, seconded by Snr Constable B Phillips.

That:

1. The information be received:
2. The NSW Police Service be requested to patrol Castlereagh Road in the vicinity of Southee Road and Inalls Lane, Hobartville.

Item 4.7 LTC - 19 May 2010 - QWN 4.7 - RTA Advice on Speed Reduction along Springwood Road, Yarramundi - (80245, 73621)

REPORT:

Mr Chris Amit raised on behalf of the RTA that the Speed Management Unit has reviewed the existing 100 km/h speed limit on Springwood Road, Yarramundi after a request from the local police (DataWorks Document No: 3424319).

The length reviewed, from 2.7 km north east of Roberts Road to 370 metres north of Hillcrest Road, is proposed to be reduced to 80 km/h from mid June 2010.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable C Brown, seconded by Mr J Suprain.

That the information be received.

Item 4.8 LTC - 19 May 2010 - QWN 4.8 - RTA advice on additional Speed Limit Signage - Kurrajong area - (80245, 73621)

REPORT:

Mr Amit raised on behalf of the RTA that The Speed Management Unit is installing new speed limit signs on residential roads in the Hawkesbury area to clarify the speed limits to motorists and improve safety for all road users (DataWorks Document No: 3424384). This involves the installation of new, larger and more effective signs along streets within the Hawkesbury area bounded by the Hawkesbury River, the Colo River, Bells Line of Road and Comleroy Road.

A recent review by the RTA has identified that there are a significant number of roads within this area that are not signposted which may cause confusion to motorists or place motorists at a risk of travelling too fast. The RTA will be installing new signs along these roads to make the speed limits clearer.

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In most cases these signs will clarify to motorists that the existing speed limits on these roads is 50km/h and on roads that are already signposted additional signs will be added.

The new signs will be installed on roads commencing now through to July 2010.

COMMITTEE RECOMMENDATION:

That the information be received.

Item 4.9 LTC - 19 May 2010 - QWN 4.9 – Intersection of Yarramundi Lane and Crowleys Lane, Agnes Banks - (80245)

REPORT:

Councillor Bart Bassett requested the review of signage/line markings at the intersection of Yarramundi and Crowleys Lane, Agnes Banks. Investigations will need to determine whether signage/line markings give right of way to vehicles travelling along Crowleys Lane or vehicles travelling alone Yarramundi Lane.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor B Bassett, seconded by Snr Constable C Brown.

That:

1. The information be received.
2. A review of the signage and lines at the intersection of Yarramundi and Crowleys Lane, Agnes Banks be undertaken.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on 16 June 2010 at 3.00pm in the Large Committee Room.

The meeting terminated at 4.15pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
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ROC - Hawkesbury Bicycle and Access Mobility Committee Minutes - 20 May 2010 - (98212)

The meeting commenced at 4.05pm.

Present:	Councillor Leigh Williams Alan Aldrich Doug Bathersby Chris Cameron Councillor Christine Paine	Chair, Councillor Representative Community Representative Community Representative Community Representative Councillor Representative
Apologies:	Peter McKenzie	Community Representative
In Attendance:	Denise Oakes Joseph Litwin Meagan Ang	Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council

REPORT:

Councillor Williams welcomed everyone to the meeting. Ms Oakes advised that an apology had been received from Peter McKenzie who also advised that he would be tendering his resignation from the Committee but would make himself available should the Committee require advice on the needs and issues facing the vision impaired. Mr. McKenzie's resignation was accepted and Councillor Williams requested that a letter be forwarded to Mr. McKenzie to thank him for his work on the Committee.

CONFIRMATION OF MINUTES:

1. Confirmation of Minutes

RESOLVED on the motion of Doug Bathersby and seconded by Alan Aldrich that the Minutes of the Hawkesbury Bicycle and Access Mobility Committee held on 18 February 2010 be confirmed.

2. Matters arising from Previous Minutes

There were no matters arising.

SECTION 2 - REPORTS FOR DETERMINATION

Item 16: Draft Hawkesbury Mobility Plan

DISCUSSION:

- Mr Litwin advised the Committee of Council's resolution to adopt the Hawkesbury Mobility Plan and specifically Part 4 of the resolution which requested the Committee review its membership and objectives with a view to establish the Hawkesbury Mobility Plan Implementation Committee.
- There was general discussion as to available funding options for the implementation of the Plan and clarification was sought in relation to items within the work schedules in the Plan. There was also

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discussion on processes for the review of the Mobility Plan to ensure its integration with Council's works program and Management Plan processes.

- Mr. Litwin tabled a draft constitution for the proposed Hawkesbury Mobility Plan Implementation Committee which committee members reviewed and discussed.

RECOMMENDATION TO COMMITTEE:

1. The Committee provide advice to Council on recommendation 4 of the Council report regarding the proposed establishment of the Hawkesbury Mobility Plan Implementation Committee.

MOTION:

RESOLVED on the motion of Councillor Christine Paine and seconded by Chris Cameron.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

1. That information be received.
2. The Committee endorse the draft constitution for the proposed Hawkesbury Mobility Plan Implementation Committee and to forward the draft constitution for Council's consideration and ratification.

Item 17 Windsor Mobility Map

- Ms Oakes tabled the final draft design for the Mobility Map. The committee discussed a number of features on the Mobility Map as well as discussing options for the most effective way of ensuring the Map could be regularly updated. Ms Oakes also provided a cost estimate for the production of the maps -approximately \$200 per 400 copies if printed in A4 size.
- Mr Aldrich advised progress in commencing the audit of the Richmond CBD as the first stage in the process of preparing the Richmond Mobility Map. Councillor Paine advised that she and Mr Aldrich will be commencing the onsite audits of Richmond CBD in the coming week -some preliminary work has been completed to date.
- Ms Oakes advised that, as agreed, at the previous meeting, a notice has been placed in the Hawkesbury Courier -Council Community Notices section advising businesses and services of the objectives of the Mobility Mapping project, and the process for participation in the project.

RECOMMENDATION TO COMMITTEE:

1. The information be received
2. The Committee review the second draft of the Windsor Mobility Map.

MOTION:

RESOLVED on the motion of Chris Cameron and seconded by Alan Aldrich.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

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1. That the information be received.
2. The committee approve the second draft of the Windsor Mobility Map.
3. The Windsor Mobility Map be reviewed and updated at least on an annual basis

SECTION 3 - GENERAL BUSINESS

- Mr Bathersby spoke to the committee regarding his concerns on the recently completed bicycle shoulder lane works on Terrace Rd and the level of glass on the Windsor Rd. off-road cycleway.
- Mr Aldrich also raised concerns regarding the level of glass on footpaths in Richmond and Windsor.

NEXT MEETING – to be advised following Council's determination of the draft constitution for the proposed Hawkesbury Mobility Plan Implementation Committee.

Meeting Closed at 5.30pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Community Planning Advisory Committee Minutes - 20 May 2010 - (96737)

The meeting commenced at 9.42am.

Present:	Councillor Barry Calvert Ms Vickie Shackley Mr Chris McAlpine Ms Behiye Yusuf Mr Nick Sabel	Chair Community Representative Community Representative Metrowest Nepean Network DoCS Wentworth Community Housing
Apologies:	Mr Matt Owens	Hawkesbury City Council
In Attendance:	Mr Michael Laing Ms Meagan Ang Ms Robyn Kozjak (Minute Secretary)	Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council
Non Attendance:	Mr Matt Thorp	Nth Richmond Community Centre

REPORT:

The Chair opened the meeting by expressing his sadness at the loss of Dr Stubbs and moved on the Committee's behalf that this Committee recognise the contribution applied by Dr Rex Stubbs in the formation of the Committee and of the ongoing benefits it has had to this Committee.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Chris McAlpine and seconded by Ms Vickie Shackley that the Minutes of the Community Planning Advisory Committee held on the 19 November 2009, be confirmed.

Attendance Register of Community Planning Advisory Committee

Member	20.05.10				
Councillor Barry Calvert - Chair	✓				
Ms Vickie Shackley	✓				
Mr Nick Sabel	✓				
Mr Chris McAlpine	✓				
Ms Behiye Yusuf	✓				
Mr Matt Thorp	X				

Key: A = Formal Apology ✓ = Present X = Absent - no apology

SECTION 4 - Reports for Information

Item: 1 Update: Youth Report (Nov.2009) and Youth Summit Outcomes

DISCUSSION:

- Mr Laing advised the presentation on Youth Summit Outcomes held at the Councillor Briefing Session on 4 May appeared to be well received. It was further advised Councillors agreed the event should become an annual event.
- The Chair invited suggestions from the Committee as to how it could assist in empowering youth to become more involved in decision making processes and it was suggested tours of Council Chambers be offered to senior school students to enlighten students how Council operates. It was agreed this would integrate with the Civics and Citizenship component of curricula.
- Mr McAlpine indicated there were numerous organisations involved with young people and sought clarification as to how such groups were identified and given the opportunity to attend the event. Ms Ang advised information provided to her from WYSH - (a partnership project working with local youth services and HCC to provide leadership opportunities for young people), may be of assistance in this regard and subsequently advised she would arrange to forward the planning documentation to members.
- The Committee agreed it would like to be involved in the determination of the role statement of the Youth Liaison Officer position and also expressed interest in having the officer participate in the Committee.
- The Chair asked Ms Ang if she would bring the Youth Liaison Officer position brief back to the Committee in August and Ms Ang noted same.
- Mr McAlpine suggested a capacity building officer be employed to work with existing youth networks and services to better provide service to youth and build their capacity to understand civic process.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. An update on the progress of the presentation to Council and submission to Council's draft 2010/2011 management Plan and Financial Estimates be provided to the CPAC when determined.
3. This Committee congratulate Council and Peppercorn staff on the work that has been done to date in the engagement of youth.

MOTION:

RESOLVED on the motion of Mr Chris McAlpine, seconded by Ms Vickie Shackley.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

ORDINARY MEETING
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That:

1. The information be received.
2. An update on the progress of the presentation to Council and submission to Council's draft 2010/2011 management Plan and Financial Estimates be provided to the CPAC when determined.
3. This Committee congratulate Council and Peppercorn staff on the work that has been done to date in the engagement of youth.
4. This Committee endorse the five recommendations outlined in the report to Council on the Hawkesbury Youth Summit - 2009 dated 23 February 2010 and encourages Council to follow up on those recommendations.
5. In regards to recommendation No. 5 of the Report, the Committee recommends the Youth Summit become an annual event.
6. This Committee encourages youth to use the Youth Summit as a vehicle for greater communication to Council to develop further recommendations for Council.
7. Following on from the 2009 Youth Summit, the Committee would like to encourage the Police Youth Liaison Officer, Peppercorn Services and Council staff to play a greater role in the Youth Summit in the terms of youth safety.
8. The timing of the Youth Summit be given consideration to allow for an appropriate timeframe for the Committee to report back to Youth Week.

Item: 2 The Hawkesbury Community Survey 2009 - Recommendations

Mr Laing referred to (Draft) Terms of Reference, page 25 of Agenda, and advised of a correction in the first paragraph. The second line should read **106** people (**27%** of the sample 400 people) etc.

RECOMMENDATION TO COMMITTEE:

That the CPAC:

1. Receive the report.
2. Be informed about the development of the Resident's Panel in assisting Councils in areas that need further community input.
3. Notes the Hawkesbury Community Survey 2009 suggested community engagement be improved and encourages Council to work on this over the next 12 months.
4. Receives an analysis on the interest in the Resident's Panel and an outline of how it would work.

MOTION:

RESOLVED on the motion of Mr Nick Sabel, seconded by Mr Chris McAlpine.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

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That the CPAC:

1. Receive the report.
2. Be informed about the development of the Resident's Panel in assisting Councils in areas that need further community input.
3. Notes the Hawkesbury Community Survey 2009 suggested community engagement be improved and encourages Council to work on this over the next 12 months.
4. Receives an analysis on the interest in the Resident's Panel and an outline of how it would work.

Item: 3 The Nepean Regional Taskforce on Homelessness : MOU, Street-Count, and other Initiatives

DISCUSSION:

It was noted as the Street Count had (previously) taken place on 3 and 4 May, any reference in the Agenda to the "proposed" Street Count should be modified to indicate the event had occurred in the past.

- Mr Sabel reported on Project 40, the first stage in a 3 year process of establishing a Housing First model in the Nepean region. The project, initiated and facilitated by the Nepean Campaign Against Homelessness, involved using 40 Wentworth Community Housing properties, 10 for each LGA of the Nepean region as they become available. Mr Sabel further advised in order for the project to become fully operational, additional government funding is required and he believed negotiations to date have been encouraging. Mr Sabel advised he would report regularly to the Committee on the progress of the initiative and suggested the matter be placed as a standing item on future CPAC business papers.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. The CPAC be informed about the continuing work of the Nepean Regional Taskforce on Homelessness and the outcomes of the Nepean Street-Count of Rough Sleepers in the Hawkesbury on 3 and 4 May 2010.

MOTION:

RESOLVED on the motion of Ms Meagan Ang, seconded by Ms Behiye Yusuf.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the:

1. Information be received.

ORDINARY MEETING
Reports of Committees

2. CPAC be informed about the continuing work of the Nepean Regional Taskforce on Homelessness and the outcomes of the Nepean Street-Count of Rough Sleepers in the Hawkesbury on 3 and 4 May 2010.
3. "Project 40" initiative be added to the CPAC Agenda as a standing item (until further notice) for the purposes of receiving progress reports of the ongoing activities of the Nepean Regional Task Force's 10 year plan to end homelessness.

SECTION 5 - General Business

- Mr McAlpine enquired as to the status of the affordable housing presentation previously proposed. Mr Sabel confirmed he would be conducting a presentation on Social and Affordable Housing to Councillors on 1 June and would be happy to present an update to this Committee. Mr Sabel further advised he would liaise with Mr Laing (co-presenter) re the content of the presentation.

The Chair referred to his attendance at a recent Councillor Briefing Session in relation to a housing development proposed for North Bligh Park. The Chair advised whilst the issue of "affordable housing" was raised, he believed the term was not necessarily understood and suggested the Committee become involved in designing a package for Council to use to explain to others the meaning of "affordable housing".

- The Chair made reference to Council's Energy Savings Action Plan and raised concern there does not appear to be anything similar in place for promoting options for the community to participate in renewable energy initiatives. The Chair invited feedback as to how the Committee might go forward on this issue and asked Mr Laing if he might bring something to the table for the next meeting.
- Mr McAlpine made reference to food security in the Hawkesbury and agreed to the Chair's suggestion that he bring something to the next meeting to facilitate discussion on the topic.
- The Chair raised concern at the dwindling membership of the Committee and asked Mr Laing if there is a mechanism in place for the Committee to bring in new members, prior to the Mayoral election in September. Mr Laing advised he would investigate and email the information to members as soon as possible.

The meeting closed at 11.12am.

oooO END OF REPORT Oooo



ordinary
meeting

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business
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