



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 08 May 2012

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 generally held on the second Tuesday of each month (except January), and the last Tuesday of each month (except December), meeting dates are listed on Council's website. 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 also be held on a Tuesday and 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 items 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 by 3:00pm on the day of the meeting, of those items they wish to discuss. A list of items for discussion will be displayed at the meeting for the public to view.

At the appropriate stage of the meeting, the Chairperson will move for all those items which have not been listed for discussion (or have registered speakers from the public) to be adopted on block. 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 an item raised in the business paper at the Council meeting. You must register to speak at a Council meeting. To register you must lodge an application form with Council prior to 3:00pm on the day of the meeting. The application form is available on the Council's website, from the Customer Service Unit and by contacting the Manager - Corporate Services and Governance on (02) 4560 4426 or by email at council@hawkesbury.nsw.gov.au.

The Mayor will invite registered persons to address the Council when the item is being considered. Speakers have a maximum of five minutes to present their views. The Code of Meeting Practice allows for three speakers on the Proponent side (i.e. in support) and three for the Respondent side (i.e. in objection). If there are a large number of speakers for one item, speakers will be asked to organise for three representatives to address the Council for either the Proponent or Respondent side (six speakers in total).

Voting

The motion for each item listed for discussion will be displayed for Councillors and public viewing, if it is different to the recommendation in the Business Paper. The Chair will then ask the Councillors to vote, generally by a show of hands or voices. Depending on the vote, a motion will be Carried (passed) or Lost.

Planning Decision

Under Section 375A of the Local Government Act 1993, voting for all Planning decisions must be recorded individually. Hence, the Chairperson will ask Councillors to vote with their electronic controls on planning items and the result will be displayed on a board located above the Minute Clerk. 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. This electronic voting system was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

Business Papers

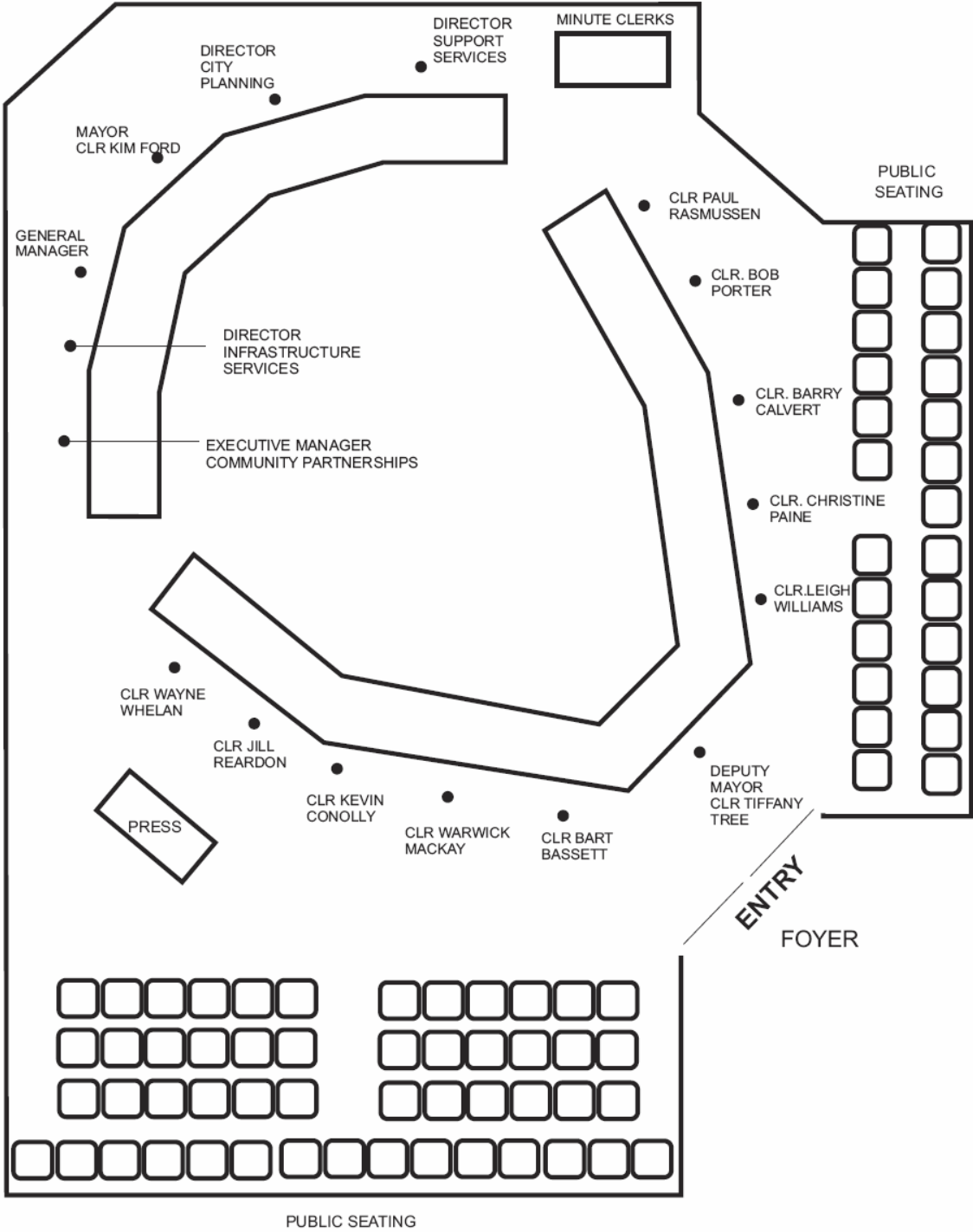
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

Hard copies of the business paper can be viewed at Council's Administration Building and Libraries after 12 noon on the Friday before the meeting, and electronic copies are available on CD to the public after 12 noon from Council's Customer Service Unit. The business paper can also be viewed on the public computers in the foyer of Council's Administration Building.

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.

council chambers



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SECTION 3 - Notices of Motion

NM - Appropriate Provisions be incorporated into the Draft Policy Regarding Payment of Expenses and Provision of Facilities to Councillors - (90479)

Submitted by: Councillor B Bassett

NOTICE OF MOTION

That when the report is submitted to Council in relation to the annual review of Council's "Policy Regarding Payment of Expenses and Provision of Facilities to Councillors" appropriate provisions be incorporated into the draft document for Council's consideration in relation to the following matters:

- Part 2, Clause 1 c, Councillor training and learning, to incorporate provisions to ensure appropriate local government related learning and educational activities and costs are further refined and defined.
- Part 3, Clause 2 c, facilities provided to Councillors, to incorporate provisions enabling Councillors to be provided with productivity enhancing facilities by way of an iPad as well as a laptop or desktop computer.

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: 54 **GM - Sister City Program Policy - Student Exchange Donation, Temple City and Kyotamba 2012 (79351, 73610)**

Previous Item: Item 101, Ordinary 31 May, 2011

REPORT:

Executive Summary

The purpose of the report is to inform Council that the Hawkesbury Sister City Association (Association) has selected the Hawkesbury students to be part of the 2012 students exchange program to Council's sister cities of Kyotamba, (Kyoto) Japan and Temple City, (California) USA as part of the annual student exchange program.

The student exchange program, which is part of Council's Sister City and Country Alliance Program Policy, provides for 12 students to visit the sister cities, being up to six students to each of Kyotamba and Temple City. The Association has selected 12 students for this year's program.

It has been the practice of Council throughout the operation of the Sister City Program to make a donation of \$500 to each student visiting a sister city to help with travel and daily costs while overseas. The donation has been included in this year's budget and is recommended for payment.

Consultation

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

Background

The sister city relationship with Kyotamba and Temple City provides for culture, sport and youth exchanges between our areas. The program includes Council's activities with the sister cities including the civic-cultural exchanges and Association activities (program partners) with sister cities associations including other cultural and youth exchanges.

Council's Sister City and City-Country Alliance Program Policy (the Policy) delegates authority to the Association to undertake appropriate exchange programs on Council's behalf with our two sister cities. The Policy requires Council and the Association to sign a sponsorship agreement in accordance with the Sponsorship Policy. The Sponsorship Policy also requires all requests for Section 356 financial assistance to be reported to Council for determination.

A key activity of the Association is the annual student exchange program. This program provides the opportunity for up to 12 high school students to take part in exchange visits to Council's two international sister cities. Students stay with host sister city families and the visits are coordinated with counter part sister city associations in each country. In reply, students from Temple City and Kyotamba also visit the Hawkesbury as part of their annual student exchange programs.

The Association undertakes an application and selection process and it is noted that parents and guardians primarily fund the student travel costs. Students have been selected on the basis of being a

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resident of the Hawkesbury area or attending a Hawkesbury area school or selective school outside the area in accordance with the policy.

The students selected by the Association to take part in this year's program are:

Hawkesbury students to visit Kyotamba:

- | | | |
|----|-----------------|---|
| 1. | Catriona Potter | of North Richmond (Colo High School) |
| 2. | Jake Woodworth | of Windsor Downs (The Hills Sports High School) |
| 3. | Thomas Randall | of Richmond (Richmond High School) |
| 4. | Thomas Johnston | of East Kurrajong (Colo High School) |
| 5. | Janae Lane | of Freemans Reach (Colo High School) |
| 6. | Jaymie Eaton | of Bligh Park (Windsor High School) |

Hawkesbury students to visit Temple City:

- | | | |
|----|-----------------|---------------------------------------|
| 1. | Sally Armsworth | of Bligh Park (St Pauls College) |
| 2. | Chantelle Mares | of Richmond (Arndell High School) |
| 3. | Danni de Keizer | of Yarramundi (Arndell College) |
| 4. | Tomas Holdforth | of Richmond (Richmond High School) |
| 5. | Kristie Warren | of Londonderry (Richmond High School) |
| 6. | Ian Hansen | of Windsor (Arndell College) |

Both Kyotamba and Temple City students will undertake their student exchange to the Hawkesbury at the same time during July/ August, 2012. The Temple City students will visit from Friday, 20 July to Saturday, 18 August, 2012. The Kyotamba Association is to advise travel dates for the Kyotamba students.

Of relevance to the student exchange visit to Kyotamba is the three disasters in Japan in March 2011. Notwithstanding the distance of Kyotamba in southern Japan to the disaster sites in northern Japan, it would be advisable for the Association to continue to bring the matter to the attention of students and their parents and guardians, utilising the travel advice of the Australian Government's Smart Traveller website.

It is recommended that Council continue to support the student exchange by making a donation to the nominated students in accordance with the Policy.

Conformance to Community Strategic Plan

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

- *"Have constructive and productive partnerships with residents, community 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.*

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

Goal;

- *Support community initiatives and volunteers.*

The proposed implementation timeframe for this matter, as specified in the CSP Milestones, is 2009-2012.

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Financial Implications

All costs will be met from Component 40 – Strategic Activities of the approved 2011/2012 Budget.

RECOMMENDATION:

That:

1. Under the provisions of Section 356 of the Local Government Act 1993, and in accordance with Council's Sister City Program Policy, Council donate \$500 to each of the following students participating in the 2012 Student Exchange Program visit to Kyotamba and Temple City:
 - (a) Catriona Potter
 - (b) Jake Woodworth
 - (c) Thomas Randall
 - (d) Thomas Johnston
 - (e) Janae Lane
 - (f) Jaymie Eaton
 - (g) Sally Armsworth
 - (h) Chantelle Mares
 - (i) Danni de Keizer
 - (j) Tomas Holdforth
 - (k) Kristie Warren
 - (l) Ian Hansen
2. The Hawkesbury Sister City Association be requested to address issues surrounding the 2011 disasters in Japan with parents and guardians of students travelling to Kyotamba utilising Federal Government Smart Traveller website.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 55

GM - 2012 Hawkesbury Local Business Awards (79351, 80198)

REPORT:

Executive Summary

Council has been approached by Precedent Productions Pty Ltd seeking sponsorship of the 2012 Local Business Awards (Awards) in the Hawkesbury area. Precedent Productions manages about 21 Local Business Awards programs throughout the Sydney, Hunter and Illawarra regions.

The Hawkesbury 2012 Local Business Awards will be launched on Monday, 23 July, 2012 and the Awards Night will be held on Wednesday, 3 October, 2012. Hence the program will be active during July and August in the area.

Council has been a sponsor of the Awards in the past and now needs to consider whether it wishes to be a sponsor of the 2012 Awards. It is considered that the Awards are one way in which Council can support and encourage the local business community

Consultation

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

Council officers are liaising with the two main business association groups in the area, being Hawkesbury Chamber of Commerce and Windsor Business Group, about their support of the Awards; and they encourage Council to sponsor the Awards. The business groups are also working with Council officers and the program provider to continue to develop the Awards program to support business and the local economy.

Background

In the past, there has been two business Awards programs that have operated in the area that Council has sponsored namely:

- The Local Business Awards (Awards), operated by Precedent Productions
- The Hawkesbury Business Excellence Awards, supported by Hawkesbury Newspapers (in partnership with the Hawkesbury Chamber). Hawkesbury Newspapers has previously advised that the Awards would not operate from 2010 onwards.

Council was a major sponsor of the Awards in 2004 to 2008, 2010, 2011. Council did not sponsor the Awards in 2009 as Precedent Production approached Council too late in Council's reporting cycle.

Precedent Productions has approached Council in a letter dated 5 April 2012 (Attachment 1) seeking sponsorship of the 2012 Local Business Awards in the area. It is indicated that for the 2011 Awards some 10,773 nominations were received and that the presentation evening attracted 503 patrons. Precedent Production has invited Council to be a major sponsor of the 2012 Awards for \$5,000 and an allocation of funds has been included in the budget for this amount.

Details about the Awards are outlined in the Sponsorship Proposal. See Attachment 2. Key points of the Awards are:

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- The Award Region is determined by Hawkesbury Courier's distribution boundary and not Council's Local Government Area (LGA).
- The Award Program will run over the months of July, August and September, for 11 weeks.
- The Award's night (presentation) will be held at Windsor Function Centre.
- Entry is by customer nominations of a business. Nominations are shortlisted to finalists across a number of categories, based on votes received. Finalists participate in a judging process, including assessment by mystery shoppers (judges), and or interviews.
- The judging process is based on customer service, including business appearance and presentation; the range of products and/or services; value for money; and service of customers. Businesses are evaluated from the perspective of the customer.
- Weekly promotion of the Awards will be via its media partner, Hawkesbury Newspapers' Hawkesbury Courier.
- Awards are presented across a number of categories and for the Youth Business Person of the Year and the Business Person of the Year.
- Award winners receive trophies, media coverage and other gifts.

It is considered that Council should continue its support of the Awards in 2012 as they are of value to the business community and therefore an important way in which Council can support business and local jobs. They enable the business community to recognise business success, achievement and leadership. The Award's presentation night has been consistently well patronised over the years.

It is also considered that the Awards help achieve an effective business partnership between Council, the program organiser and the business community via the two main business groups. This partnership is aiming to grow the Awards (e.g. support, continuance improvement) and develop the role of Council and the business groups in supporting business. This is in line with strategies in the community strategic plan.

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 (or is a nominated) strategy in the Community Strategic Plan being:

- *Work with industry and education providers to promote sustainable business practises.*

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.*

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Financial Implications

Sponsorship costs will be met from Component 40 – Strategic Activities of the budget.

RECOMMENDATION:

That:

1. Council sponsor the 2012 Local Business Awards to the value of \$5,000 (excluding GST) on the basis of further negotiations being undertaken with Precedent Productions concerning sponsorship benefits.
2. A Sponsorship Agreement be entered into with Precedent Production for the 2012 Local Business Awards.

ATTACHMENTS:

- AT - 1** Precedent Productions letter to Council seeking sponsorship of the 2012 Local Business Awards.
AT - 2 Precedent Productions Sponsorship Proposal for the 2012 Local Business Awards (*Distributed under separate cover*)

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Attachment 1 - Precedent Productions letter to Council seeking sponsorship of the 2012 Local Business Awards.



05 April 2012

Fiona Mann
Strategic Planner - Strategic Activities
Hawkesbury City Council
366 George Street
Windsor NSW 2756

Dear Fiona,

2012 Hawkesbury Local Business Awards

We would be grateful if Hawkesbury City Council would give consideration to sponsoring the Hawkesbury Local Business Awards.

A record number of businesses registered for the program last year and 10,773 nominations were received. The presentation evening was a sell-out with 503 guests in attendance and was extremely well received.

We launch this year's program the week of Monday 23 July with our media partner, the Hawkesbury Courier. The Presentation Evening will take place on Wednesday 3 October.

I have taken the liberty of attaching an Agreement with the relevant details of the 2012 program.

We are happy to work with Hawkesbury Council and the business groups to continue to develop the program that provides positive benefits for the Hawkesbury economy and community. We will do whatever we can to assist in this process.

Should you require further information, please not hesitate to contact me.

We look forward to working with Hawkesbury City Council on this prestigious Awards program in 2012.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Steve Loe".

Steve Loe
Managing Director
Precedent Productions
Mobile: 0418 205 554

Precedent Productions Pty Ltd — ABN 35 052 489 799
1st Floor 30 Floss Street Hurlstone Park NSW 2193 — PO Box H211 Hurlstone Park NSW 2193
Telephone: (02) 8577 5060 — Facsimile: (02) 8577 5066 — Email: steveloe@precedent.net

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**2012 HAWKESBURY LOCAL BUSINESS AWARDS
AGREEMENT**

LOCAL BUSINESS AWARDS PROGRAM	Hawkesbury
LAUNCH DATE	Monday 23 July
PRESENTATION EVENING DATE	Wednesday 3 October
VENUE	Windsor Function Centre
LOCATION	Macquarie Street, Windsor NSW 2756
COMPANY NAME	Hawkesbury City Council
CONTACT	Fiona Mann Strategic Planner - Strategic Activities
ADDRESS	366 George Street Windsor NSW 2756
TELEPHONE	4560 4579
FAX	
MOBILE	
EMAIL	fiona.mann@hawkesbury.nsw.gov.au
SPONSOR TYPE	Major
SPONSOR AMOUNT	\$5,000 Plus GST

I confirm that the details in the Agreement are correct and that I am authorised to enter into an agreement on behalf of Hawkesbury City Council.

Signed: _____ Date: _____

Name in Full: _____

Authorised on behalf of Precedent Productions

Signed:

A handwritten signature in black ink, appearing to read "Steve Loe".

Steve Loe, Managing Director

Date: 05 April 2012

PLEASE SIGN AND RETURN TO PRECEDENT PRODUCTIONS

Fax: (02) 8577 5066 or email steveloe@precedent.net

Precedent Productions Pty Ltd — ABN 35 052 469 799
1st Floor 30 Floss Street Hurlstone Park NSW 2193 — PO Box H211 Hurlstone Park NSW 2193
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2012 Major Sponsor Coverage

Nomination Coupons

- o Logo on newspaper coupon
- o Logo on printed hand delivered coupon pads

Finalist Kits

- o Logo on Certificates
- o Logo on Finalist Information
- o Logo on Invitations
- o Opportunity to include marketing material

Finalists and Winners Lists

- o Access to Finalists and Winners lists

Media Coverage

- o Pre-program Teaser Ads - appears for two weeks prior to program launch
- o Logo and comment in launch advertisement
- o Logo and comment in Winners Feature advertisement
- o Mentioned in editorials throughout 11 week program

Website

- o Logo on program web pages
- o Direct link to Sponsor's website

Presentation Evening

- o Logo on Program
- o Logo on Guest List Billboards
- o 30 second Audio Visual Commercial
- o Logo appearing on Large Screen
- o Two Speaking opportunities
- o Presentation of 3-6 categories
- o Six Complimentary Tickets
- o Logo on Award Trophies
- o Promotional material at event
- o Corporate signage in venue
- o Tagline placed on Program
- o Logo on Winner's Poster

Sponsorship Audit

- o List of Award Sponsors for networking purposes
- o Award trophy as Major Sponsor



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Telephone: (02) 8577 5060 — Facsimile: (02) 8577 5066 — Email: steveloe@precedent.net

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 56 **CP - Modification to Development Consent - Increase in floor level and overall building height - Lot 12 DP1106198 - 52 Macquarie Street, Windsor - (95498, 111134, 107201, 99792, 107103)**

Development Information

File Number: DA0302/09A
Property Address: 52 Macquarie Street, Windsor NSW 2756
Applicant: Urban City Consulting
Owner: Dunnet Properties Pty Limited & Armada Properties Pty Limited
Proposal: Modification of Development Consent No. MA0302/09 – Increase in floor level and overall building height
Zoning: Multi Unit Housing under Hawkesbury Local Environmental Plan 1989
DRAFT Zoning: R1 Residential General under Draft Hawkesbury Local Environmental Plan 2011
Date Received: 9 March 2012
Exhibition Dates: 20 March 2012 to 3 April 2012
Submissions: Nil

Recommendation: Approval

REPORT:

Executive Summary

The current modification application is to modify the development consent that was determined by Council at the meeting of 13 July 2010. In this regard the assessment and determination relates to the proposed modification only and does not allow the re-determination or assessment of the entire development consent.

The subject modification application seeks approval for an increase in the height of floor levels, and consequently overall height of the residential flat building approved on the subject land. The increase in height of 450mm is sought to enable stormwater drainage of the site to be achieved.

The original application was reported to and approved by Council on 13 July 2010 due to the sites prominent position within an important gateway corridor of Windsor and as one of the first applications of this type along this section of Macquarie Road. This modification application is being reported to Council in accordance with Council Policy – *Applications Determined by Council – Re-application Process Policy*.

This Report demonstrates that the proposed increase in height of the building by 450mm will not result in any adverse impacts in relation to overshadowing, loss of privacy, appearance or character.

Introduction

An application under Section 96 (1A) of the Environmental Planning and Assessment Act, 1979 has been received to modify Development Consent DA0302/09, which gave approval for multi unit housing (a residential flat building) on Lot 11 DP 1106196 & Lot 12 DP 1106198, 52 Macquarie Street, Windsor.

The Section 96 modification proposes to raise the finished floor level of the building, and hence the overall height of the building by 450mm.

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Assessment of the proposal highlights the following relevant issues for consideration in the determination of the modification application:

- Overshadowing
- Amenity Impact

The application is being reported to Council in accordance with Council Policy – *Applications Determined by Council – Re-application Process Policy*, which states:

“For any application determined by Council (rather than under delegated authority by staff), subsequent applications relating to the same project in relation to amendments or changes are also to be considered and determined by Council.” The development was approved by Council at its meeting of 13 July 2010.

The proposed modification is recommended for approval.

The application was notified for the period 20 March 2012 to 3 April 2012, and no submissions were received.

Description of Proposal

This application seeks to modify Development Consent DA0302/09, which gave approval for multi unit housing on Lot 11 DP 1106196 & Lot 12 DP 1106198, 52 Macquarie Street, Windsor.

The Section 96 modification proposes to raise the finished floor level of the building from 18.15m (approved) to 18.6m (proposed), and hence the overall height of the building to a maximum height of 12.45m.

Floor	Approved Level	Proposed Level
Ground Floor	18.15m	18.60m
1 st Floor	21.05m	21.50m
2 nd Floor	23.95m	24.40m
Ceiling Level	26.65m	27.10m
Max Height of Building	12.00m	12.45m

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Background

Council, at its meeting of 13 July 2010 resolved to approve Development Application DA0302/09 for multi unit housing on a 'Deferred Commencement' basis and subject to the following 'Deferred Commencement' conditions:

1. *The submission of revised stormwater drainage details showing the collection and discharge of stormwater from the site as follows:*
 - (a) *All surface catchment generally north from the 18.5 metre contour is to be directed to existing underground drainage in Macquarie Street.*

The remainder of the site may be directed to the rear of the property as described in the Statement of Environmental Effects.
 - (b) *Details for on-site detention restricting post-development discharges from the site to pre-development discharges for all storms up to and including the 1:100 year ARI event.*
 - (c) *In respect to discharge at the rear of the land it will need to be shown that an emergency overflow facility capable of conveying storms up to and including the 1:100 year ARI event to a public street is available.*
2. *The design of the fence shall be amended to remove the 'nooks' and be articulated by use of a combination of masonry and hardwood with suitably landscaped recesses. Submission for approval of amended plans detailing the design and materials of the fence shall be submitted prior to issue of the operational development consent.*
3. *Submission for approval of a schedule of external materials, colours and finishes for all buildings, structures and driveways.*

The original application was reported to Council due to the sites prominent position within an important gateway corridor of Windsor and as one of the first applications of this type along this section of Macquarie Street.

Information to satisfy the 'Deferred Commencement' conditions was submitted on 21 July 2011. As part of the assessment of this information, it was identified that the floor levels and height of the building would need to be raised to achieve the necessary fall for drainage. As a consequence the applicant was advised that a s.96 Modification Application was required to be submitted for the proposed changes to the development. The subject Application was received 9 March 2012.

Upon determination of this Application, the matter of the 'Deferred Commencement' conditions can be finalised and notification be provided to the applicant confirming that the Consent is 'Operational' can be issued.

It is also noted that the land on which the original approval relates was described as Lot 11 DP 1106196 and Lot 12 DP 1106198. Since issue of the Consent, the two lots have been consolidated. The land is now described as Lot 1 DP 1143830.

Legislation, Council Policies, procedures and Codes to Which the Matter Relates

The relevant Legislation, Council Policies, Procedures and Codes which apply to the proposed amended development follow:

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- Environmental Planning and Assessment Act, 1979
- State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River
- Hawkesbury Local Environmental Plan 1989
- Hawkesbury Development Control Plan
- Council Policy – *Applications Determined by Council – Re-application Process Policy*,

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:

Assessment of Section 96(1A)

This application is to be determined under the provisions of s96 (1A) - *Modifications involving minimal environmental impact* – of the Environmental Planning & Assessment Act, 1979.

s.96(1A)

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

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*

Comment

It is considered that the proposed modified development will have minimal adverse environmental impacts. The modification involves an increase in the floor heights and the overall height of the building by 450mm. This increase will not result in any significant increase in overshadowing of the adjoining properties or loss of privacy from overlooking, as demonstrated further in this Report.

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

Comment

It is considered that the development as modified is substantially the same as the approved development. The increase in height does not change the nature or characteristics of the approved development, being a residential flat building.

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

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

Comment

The application was notified and exhibited from 20 March 2012 to 3 April 2012.

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

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Comment

No submissions were received in response to the public notification of the subject application.

s.96(3)

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

Comment

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

s.96(4)

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

Comment:

Noted.

a. the provisions of:

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

State Environmental Planning Policy 65 - Design Quality of Residential Flat Development

An assessment of the amended proposal against the relevant provisions of SEPP No. 65 follows:

Built Form

The modified design of the building in respect to an increase in height of 450mm is not considered to result in any adverse impacts having regard to overshadowing, loss of privacy or consistency with the character of the locality given the varied designs of development within the area.

Scale

Given the scale and bulk of the buildings situated opposite the subject site, the overall size of the proposed modified building is not considered to be out of scale.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed modified development will not result in any changes to the commitments previously nominated for the development within the BASIX certificates issued for the original development. The proposal is consistent with this Policy and a revised BASIX certificate is not warranted.

State Environmental Planning Policy (Infrastructure) 2007

Clause 101 of this Policy makes provisions to ensure that the development does not compromise the effective and ongoing operation and function of classified roads, and to also prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

The issue of potential impacts of traffic noise upon the residential units was addressed through conditions of the Consent, and the proposed modified development will not result in additional requirements in this regard.

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

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

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

Clause 2 - Aims, objectives etc,

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

Clause 9A - Zone objectives

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

It is considered that the modified proposal is consistent with the objectives of Multi Unit Housing

Clause 22 - Development fronting a main or arterial road

This clause requires the consideration of a number of matters when assessing development which fronts a main/arterial road. Macquarie Street is a main road. With regard to these matters, it is considered that the proposed modified development is satisfactory for the following reasons:

- the proposed modified development is not inconsistent with the existing scenic character of the locality and is considered compatible in use with the area.
- The proposal will not unreasonably intrude into the skyline and is considered to be consistent with the varied design and scale of the existing buildings in the locality.

Clause 25 - Development of flood liable land

The subject land has natural ground levels of between approximately 16.5m AHD and 18.5m AHD. The 1 in 100 year flood level for the area is approximately 17.3m AHD. The proposed building will be located on land not more than 3m below the 1 in 100 year flood level. The residential units, and all habitable rooms, will be located above the 1 in 100 year flood level as required, with the ground floor level being at 18.6m AHD as a result of the proposed modifications. The use of flood compatible materials for construction has been ensured through conditions of the Consent.

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

Draft Hawkesbury Local Environmental Plan 2011 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 General Residential R1. The Objectives of this zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage tourism related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.

It is considered that the proposed modified development is consistent with the R1 zone objectives.

The proposed development is best defined as 'residential flat building' under this draft Plan. 'Residential flat building' means "a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing". 'Residential flat building' is permissible with development consent within the General Residential R1 zoning.

The total height of the modified building is 12.45m which exceeds the 12m height limit shown on the Height of Buildings Map. This is considered to be a minor inconsistency, whereby the proposed increase in height of 450mm will not result in any adverse impacts in relation to overshadowing, loss of privacy, appearance and character.

The proposed development is consistent with the relevant provisions of Draft Hawkesbury Local Environmental Plan 2011.

iii. any development control plan applying to the land

Hawkesbury Development Control Plan

The proposed modified development has been assessed against the applicable provisions of the Hawkesbury Development Control Plan. Each of the relevant chapters is outlined below:

Residential Development

The following non compliances with this Chapter have been identified and discussed below:

Variations to Residential Chapter

Building Height Plane

During assessment of the original application it was identified that the front of the proposed building encroaches outside of the building height plane. This was considered acceptable given:

- The encroachment of the building will not reduce privacy or unreasonably overshadow adjoining properties.
- The bulk, scale and height of the building are acceptable.

The proposed modified height of the building will have no significant increase in impacts in this regard, and is therefore considered acceptable having regard to encroachments on the building height plane.

Energy Efficiency Chapter

Hawkesbury Development Control Plan prescribes the following having regard to solar access:

- *Sunlight is available to at least 50% of required private open space for at least 2 hours between 9:00am and 3:00pm on June 21. Where existing overshadowing is greater than the above, it should not be further reduced.*
- *Any new development will not reduce the solar access collector/s of an adjoining property to less than 4 hours per day in mid-winter except solar water panels to which full access must be maintained.*
- *Sunlight is available to a clothes drying area for at least 4 hours on June 21, to a plane 1 metre above the finished ground levels under the drying lines.*

Having regard to shadow impact attributable to the proposed modified development the applicant has prepared a shadow analysis which details the impact on adjoining properties during mid winter (June 21). This analysis demonstrates that the proposal will satisfy the solar access criteria of Hawkesbury Development Control Plan. In this regard the residential properties to the south and east will receive in excess of 2 hours to 50% of their open spaces areas in mid winter. In addition, the proposal will satisfy the

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solar access provisions to areas that can be used for clothes drying on these properties. The proposed increase in height of the building does not result in a significant adverse increase in overshadowing of adjoining properties.

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:

Suitable conditions have been imposed in the consent with regard to the Building Code of Australia and the Home Building Act 1989 in accordance with Clause 98 of the Regulations.

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

Context and Setting

The proposed development adjoins land used for the purposes of flats and commercial/retail uses to the north, single dwelling houses to the east, an electricity substation to the south and commercial/retail to the west. The character of the area however is considered to be predominantly commercial in nature. The proposed development is considered to be compatible with the adjoining land uses.

Overshadowing of adjoining properties is within guidelines as previously discussed.

It is considered that the proposed modified development will have no unreasonable impacts on adjoining properties in respect to loss of visual and acoustic privacy, loss of views or vistas, or overshadowing.

c. the suitability of the site for the development

It is considered that the site is suitable to support the proposed modified development for the following reasons:

- An application for the residential flat building development has been approved on the site.
- Adjacent developments do not pose any constraints that would render the modified development prohibitive.
- The locality contains adequate recreational opportunities and public spaces, as well as commercial facilities.
- The land has been remediated to a standard suitable for residential use.
- The adjacent arterial road will not restrict the modified development.

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

The application was publicly exhibited from 20 March 2012 to 3 April 2012. Following notification of the application, no submissions were received.

e. the public interest

The proposed modified development provides additional housing within Windsor town centre, and is compatible with adjoining development and the streetscape. The proposed increase in the height of the buildings will not result in unreasonable impacts on adjoining properties in respect to overshadowing or loss of privacy. For these reasons it is considered that the proposed development is in the public interest.

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Developer Contributions

A s.94A developer contribution was imposed as a condition of the original Consent.

Conclusion:

As demonstrated within this Report the proposed modified development will have no increased environmental impacts compared to that originally approved. It is therefore recommended that the application to modify Development Consent DA0302/09 be supported.

Planning Decision

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

RECOMMENDATION:

That Development Consent DA0302/09 for multi unit housing on Lot 1 DP 1143830, No. 52 Macquarie Street, Windsor be amended in the following manner:

Amend Condition 1 to read:

1. The development shall take place in accordance with:

- stamped plans (No. B731 02A dated 29/5/2010, B731 03A dated 29/5/2010), specifications and accompanying documentation submitted with Development Application DA0302/09 and
- stamped plans (No. B731 01D dated 18/1/2012, B731 04C dated 18/1/2012), specifications and accompanying documentation submitted with s.96(1A) Modification Application DA0302/09A;

except as modified by these further conditions.

ATTACHMENTS

AT - 1 Locality Plan and Aerial Photo

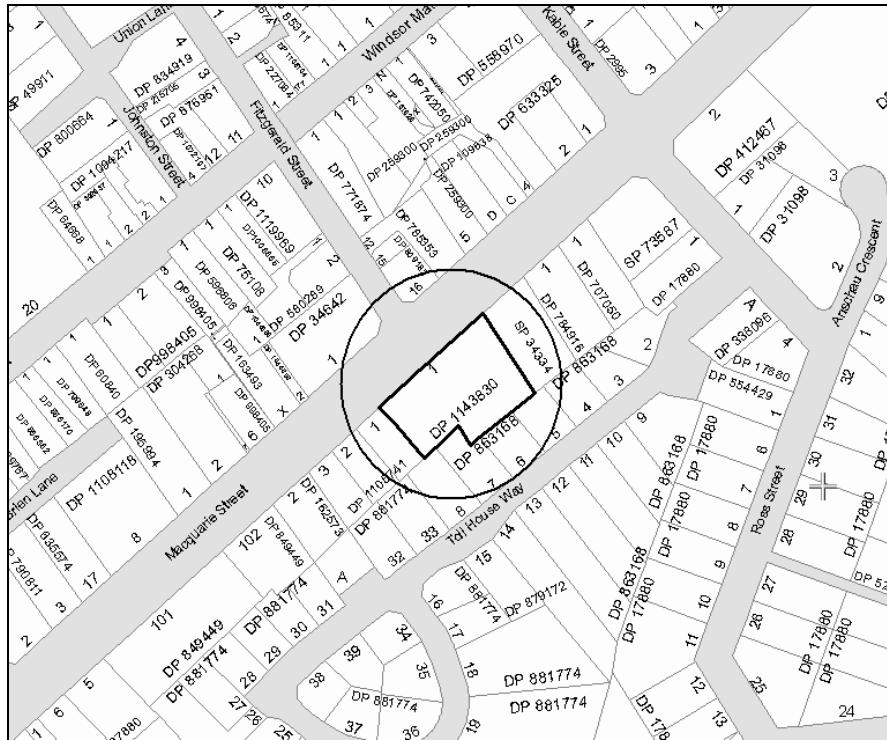
AT - 2 Site Plan & Ground Floor

AT - 3 Elevation Plans

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Attachment 1 - Locality Plan Lot 1 DP 1143830, 52 Macquarie Street, Windsor.



Aerial Photo



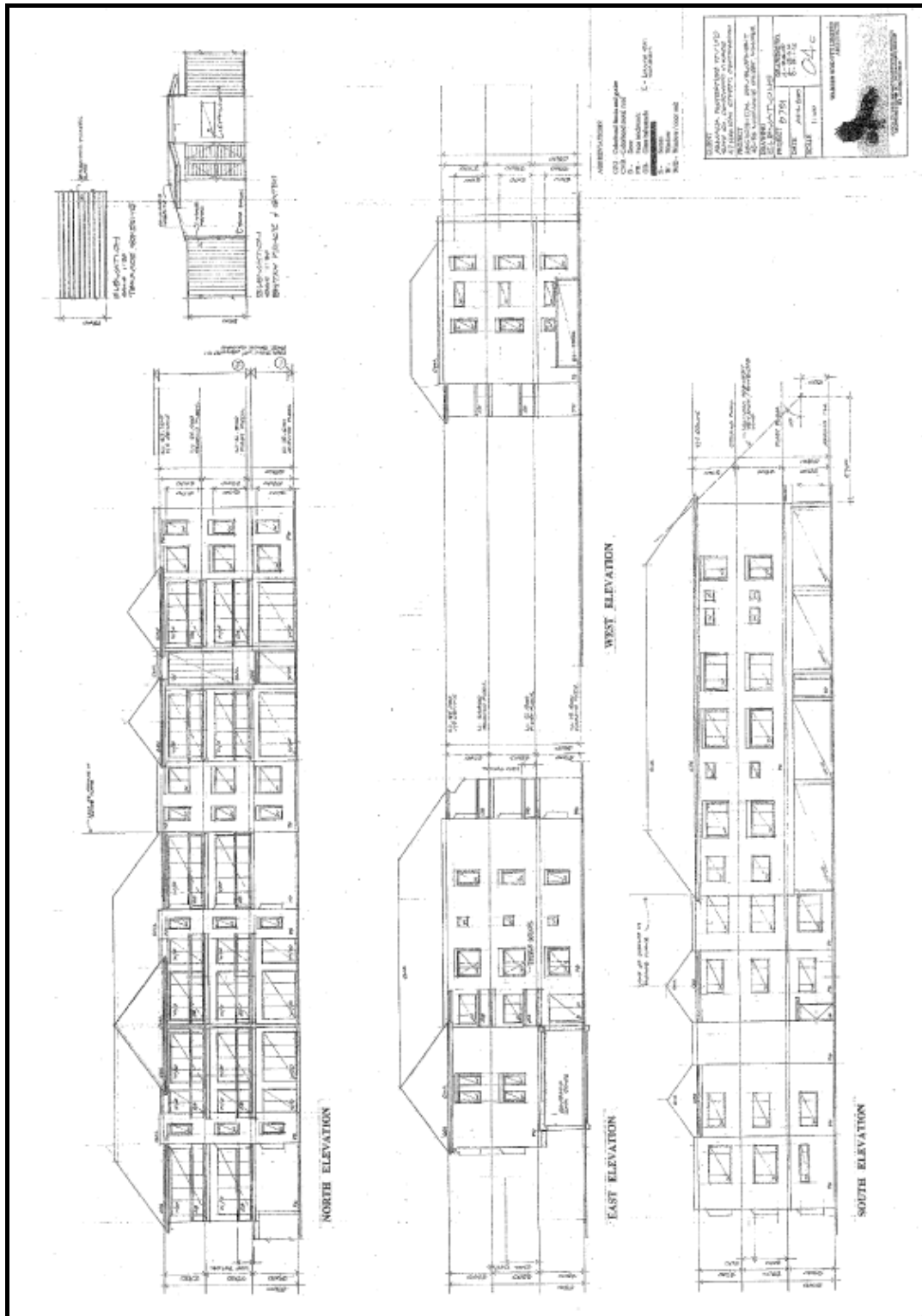
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Attachment 3 - Elevation Plans Lot 1 DP 1143830, 52 Macquarie Street, Windsor.



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Item: 57 **CP - Development Application - Two Lot Torrens Title Subdivision - Lot 2 DP 803727 - 27 Branders Lane, North Richmond - (95498, 85782, 23520)**

Development Information

File Number: DA0059/12
Property Address: Lot 2 in DP 803727,
27 Branders Lane, North Richmond NSW 2754
Applicant: Urban City Consulting Pty Limited
Owner: Mr William Michael Byrnes and Mrs Rosemary Ellen Byrnes
Proposal Details: Two Lot Torrens Title Subdivision
Estimated Cost: \$10,000
Zoning Current: Mixed Agriculture (MA) under HLEP 1989
Zoning Proposed: RU1 Primary Production under DHLEP 2011
Area: 17.19 hectares
Date Received: 8 February 2012
Advertising: 20 February 2012 to 5 March 2012
Submissions: Nil

Key Issues:

- ◆ SEPP No. 1 Objection
- ◆ Allotment size
- ◆ Unauthorised existing dwelling

Recommendation: Refusal

REPORT:

Executive summary

The application seeks approval for the two lot Torrens Title subdivision of Lot 2 in DP 803727, 27 Branders Lane, North Richmond. This current allotment complies with the minimum lot size of ten hectares.

The proposal is contrary to the minimum allotment size requirement of ten hectares for subdivision of land zoned Mixed Agriculture (MA) under Hawkesbury Local Environmental Plan 1989 (HLEP 1989) as it seeks to create one complying and one undersized lot. It is recommended that the objection made pursuant to State Environmental Planning Policy (SEPP) No. 1 not be supported and that the minimum allotment size provision be upheld.

It should be noted that this application seeks to subdivide an unauthorised existing dwelling onto a separate lot.

The application is being reported to Council as the variation to the minimum allotment size is 28.2% and it is a requirement for all State Environmental Planning Policy No. 1 variations greater than 10% be considered by Council.

Description of proposal

The proposal involves the subdivision of Lot 2 in DP 803727, 27 Branders Lane North Richmond into two separate allotments consisting of the following:

Proposed Lot 601 proposed to front Branders Lane, total 10ha in area and contain an existing single dwelling, a shed and two dams.

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Proposed Lot 602 proposed to front Branders Lane, total 7.18ha in area and contain an existing attached dual occupancy, a shed and three dams.

At present the subject site contains three self contained dwellings including one single dwelling and one attached dual occupancy. It appears that the purpose of the proposed subdivision is to place three existing dwellings in two separate titles. The proposed subdivision layout will result in Lot 601 having existing single dwelling and in Lot 602 having the existing attached dual occupancy being located within the proposed allotment boundary.

Description of the land and its surroundings

The subject site is known as Lot 2 in DP 803727, 27 Branders Lane North Richmond and totals 17.19ha in area. The site has frontage to Branders Lane and contains three dwellings including one single dwelling and one attached dual occupancy, two sheds and five dams. The site is regular in shape and the topography of the site slopes towards the middle of the site.

One intermittent stream has been identified running through the property and connects several dams in the middle of the property.

The site contains several areas of scattered trees which have been identified containing Shale Plains Woodland and Shale Sandstone Transition Forest.

Surrounding lots consist of a variety of sizes between 14ha and 3ha and are primarily used for a combination of agricultural and rural residential uses.

History

S89/165 A boundary adjustment was approved on 23 November 1989 creating lot 1 (2.807ha) and 2 (17.19ha) in DP 803727 from Lot 24 (11.03ha) and 23 (8.9ha) in DP 192412.

The application was supported by an objection under State Environmental Planning Policy No. 1 dated 17 October 1989. The objection was seeking variation from the provisions of Hawkesbury Local Environmental Plan No. 1984 (clause 16) in respect to the maximum 10% enlargement of an allotment from a common boundary adjustment.

It is relevant to note that a SEPP No. 1 objection at that time was sought as follows:

"The intention was to adjust the boundaries to 17ha and 2.8ha respectively. The adjustment will allow the larger lot to be a viable rural acreage whilst the smaller lot will be desirable as a 'hobby farm' lot. The small lot will have a creek running across the property and a large dam for adequate garden and animal watering.

We seek concurrence to the objection on the following grounds:-

- 1) No lots, as a consequence of the adjustment will be capable of subdivisions.*
- 2) No additional lots are created.*
- 3) There is no public benefit of maintaining the planning controls adopted by the planning instrument."*

The boundary adjustment resulted in one complying lot having 17.19ha and one undersized lot having 2.807ha, a variation of about 72% from the minimum lot size requirement (10ha) within the zoning.

DA369/89 Erection of an attached dual occupancy and a swimming pool on Lot 24 in DP 192412 was approved on 30 November 1989. As the approval of the boundary adjustment application (S89/165) resulted in placing the new attached dual occupancy and the existing single dwelling on the same lot (resultant Lot 2 in DP 803727), the consent of DA369/89 imposed the following condition;

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Condition No. 7

The existing dwelling house on Lot 23 in DP 192412 shall be demolished prior to occupation of the dual occupancy.

This condition has not been complied with as that dwelling is still located on the site and is used as a dwelling.

BA1347/96 building approval for a farm shed on Lot 2 in DP 803727.

Council policies, procedures and codes to which the matter relates

- State Environmental Planning Policy 1 – Development Standards (SEPP No. 1)
- State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP No. 44)
- Sydney Regional Environmental Plan 20. (No.2 - 1997) - Hawkesbury Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 1989 (HLEP 1989)
- Draft Hawkesbury Local Environmental Plan 2011 (DHLEP 2011)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

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

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

a. The provisions of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 1 – Development Standards

An objection under State Environmental Planning Policy No. 1 was lodged requesting a variation from the minimum allotment size requirement of Hawkesbury Local Environmental Plan 1989. Clause 11(2) of this plan limits lot sizes to 10ha for land zoned Mixed Agriculture (other than land shown hatched on the map). The application proposes the creation of one 7.18ha (28.2% variation from the standard) and one 10ha allotment.

The justifications for objection under State Environmental Planning Policy No. 1, submitted by the applicant with the development application are a series of statements as follows:

1. *“Notwithstanding the proposal’s non-compliance with the minimum lot size requirement, the objectives of the Mixed Agricultural zone are still achieved with the smaller allotment.*
2. *The proposed smaller lot size of 7.18ha will not impact on any future agricultural activity on the allotment that may occur.*
3. *The proposed allotment 602 will not lead to a potential rural land use conflict.*
4. *The proposed lot will maintain the existing potential for agricultural activities to be established on the site. This is achieved by retaining several of the existing dams on the proposed lot that will make it suitable for a future agricultural activity.*
5. *The proposed lot 602 will not cause or lead to the fragmentation of agricultural land.*
6. *The proposed lot 602 will have no impact on the water catchments as no physical works are proposed.*

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7. *The proposed lot 602 will not impact on the native vegetation or threatened species population as no works are proposed and all existing vegetation on site is to be retained on the proposed allotments.*
8. *The lot will maintain the existing landscape and scenic values of the locality.*
9. *The proposed lot will use the existing utility services on the site.*
10. *The proposed lot 602 is entirely compatible with the environmental capacity of the site and its Mixed Agricultural zoning.*
11. *The immediate area that surrounds the site has a majority of lots sizes that are well below the 10ha minimum.*
12. *The proposed allotment sizes are considered to be consistent with the locality in which over 90% of the lot sizes are less than 7ha."*

Assessment of Grounds for objection under SEPP No. 1

In determining whether or not an objection to SEPP No. 1 should be supported it is recommended any assessment use a set of planning principles provided by his honour Chief Judge Preston in Land and Environment Court hearing *Wehbe v Pittwater Council* [2007] NSWLEC 827 - 21 December 2007. The Chief Judge suggests that support of an Objection should be based on the following:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*

Comment: The main objectives of the standard are to prevent the fragmentation of agricultural land by retaining large rural allotments which have the potential to be used for agricultural activities.

The SEPP No. 1 objection attempts to demonstrate that the objectives of the Mixed Agriculture (MA) zone are met on the basis that the land will fit in with a number of undersized allotments within the locality.

The applicant's reasoning for non compliance with the standard, i.e., many surrounding allotments are of a smaller size, is not supported as valid grounds for objection as the surrounding allotments were created circa 1975 which was prior to the current planning controls relating to lot size. It is considered that a variation of this degree does not meet the overall objective of the standard relating to minimum lot size.

It is noted that the subject site was created via a boundary adjustment. (See history above.) A SEPP No. 1 objection was submitted at that time in support of the application seeking variation from the provisions of Hawkesbury Local environmental Plan No. 1984 (clause 16) in respect to the maximum 10% enlargement of an allotment from a common boundary adjustment. The subdivision resulted in an undersized lot (lot 1 in DP 803727) having an area of 2.807ha within the zoning of Rural 1(b1). The implication of the same mechanism again to create substantially undersized lot has a potential to set an undesirable precedent in supporting substantial variations to the minimum lot size requirement in the locality.

2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

Comment: The underlying objective of the standard is considered to be relevant to the development as the proposed minimum allotment size has been imposed since the creation of the adjoining allotments to control the amount of smaller rural allotments being created within the locality.

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It is considered that the creation of one undersized allotment is contrary to that development standard. The submitted Statement of Environmental Effects did not demonstrate the purpose of the subdivision. It appears that the intention of the proposed subdivision is to place three existing dwellings, including one single dwelling and one attached dual occupancy, in two separate titles. Further, the existing lot size of 17.19ha is compliant with the zone objective and development standard.

3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

Comment: The underlying objective of the minimum allotment size requirement will not be defeated should the minimum subdivision size provision be upheld. The retention of the existing lot will aid in preserving larger rural allotments with the potential for agriculture in the locality.

Compliance with the minimum allotment size requirement is not considered unreasonable in this case, as the non-support of the proposal will not hinder the development of the land consistent with the objectives of HLEP 1989.

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

Comment: An assessment for the surrounding area has revealed that the minimum allotment size standard under HLEP 1989 has been generally upheld with only one SEPP No. 1 application being previously supported due to its merits which were substantially different to the current application. Lots below the minimum allotment size requirement within the area were created circa 1975, prior to the gazettal of HLEP 1989. Further the draft LEP, which is imminent and certain, upholds the minimum lot size and zoning intent.

5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Comment: Land within the surrounding area is currently used for a combination of agricultural and rural residential purposes and is zoned correctly. Similarly the proposed zone in draft LEP 2011, which is similar to the current zone, is also correct.

Support of the variation will result in the creation of two lots, one lot well below the minimum allotment size requirement, which has the potential to set an undesirable precedent in supporting substantial variations to this standard.

It appears that there are no special circumstances in which the subdivision variation should be supported as there are numerous allotments in the locality which, should the precedent of approving this application be set, could be subdivided based on the reasons put forward in the objection received. It is considered that the minimum allotment size standard applying to the subject zone is not unreasonable or unnecessary and that the subject site is zoned appropriately.

Chief Judge Preston also highlighted the assessment process shall look at the following points

1. *The applicant must satisfy the consent authority that "the objection is well founded", and compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;*

Comment: The grounds for objection submitted are not considered to be well founded or suitable reasons for justifying the support of a variation to the minimum allotment size requirement. The retention of the existing large rural allotment will prevent the fragmentation of potential agricultural land, whereas the support of the proposal will result in the creation a lot for rural residential purposes ultimately resulting in further reducing the agricultural potential of the land.

It appears that the intention of the proposed subdivision is to place three existing dwellings, including one single dwelling and one attached dual occupancy, in two separate titles and thus create a new lot to be suitable for future rural residential development. The subdivision of the site for the purposes of rural residential use is contrary to the overall objectives of the standard. Compliance with the minimum allotment size is not unreasonable.

2. *The consent authority must be of the opinion that granting consent to the development application would be consistent with the policy's aim of providing flexibility in the application of planning controls where strict compliance with those controls would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in s 5(a)(i) and (ii) of the Environmental Planning & Assessment Act 1979; and*

Comment: The grounds of objection are considered to be general in nature and would be applicable to many sites in this or any locality. Approval of the objection would create an adverse planning precedent which would undermine the purpose of the standard.

3. *It is also important to consider:*

- a) *whether non-compliance with the development standard raises any matter of significance for State or regional planning; and*

Comment: It is considered that non compliance with this standard does not raise any matter of significance for state or regional planning.

- b) *the public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

Comment: The granting of concurrence to the subject development application would set an undesirable precedent for other subdivision applications in the vicinity and in the Mixed Agriculture zone. This precedent and its impact will undermine the objectives of the zone and HLEP 1989. In this light it is considered that there is a public benefit in maintaining the minimum allotment size standard for the zone.

It is considered that the SEPP No. 1 objection has not demonstrated that compliance with the development standard is unreasonable or unnecessary in this case, nor has it provided sufficient justification on planning grounds to warrant contravening the development standard in this instance.

In view of the above, it is recommended that the objection made under SEPP No. 1 not be supported.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

State Environmental Planning Policy No. 44 applies to land within the Hawkesbury Local Government Area for which development consent is sought having a total land area in excess of 1 hectare. The application does not propose the removal of any vegetation which is considered to be core koala habitat or potential koala habitat. Council is not prevented from granting consent to the proposal under this plan.

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

The proposal is consistent with the aims and objectives of 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.

Hawkesbury Local Environmental Plan 1989

The proposal is inconsistent with the requirements of Hawkesbury Local Environmental Plan 1989. The subject property is zoned Mixed Agriculture. Subdivision of land within the Mixed Agriculture zone is permissible under Clause 11 (2) of this plan only if the area of each of the allotments to be created is not less than 10ha. The subdivision proposal involves the creation of a 10ha allotment and a 7.18ha allotment. An objection under SEPP No.1 seeking a variation to the allotment size has been submitted with the application and has been assessed previously in this report. It is recommended that Council not support the variation requested.

The proposal is further considered to be contrary to Clause 2 (a) of this plan which is to provide a mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury. It is considered that the proposal is inconsistent with the overall objectives of the zone in that the creation of one lot below the minimum allotment size requirement has the potential to fragment potential agricultural land and increase the potential for land use conflicts.

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 10 - Subdivision general
Clause 18 - Provision of water, sewerage services, etc
Clause 28 - Development within the vicinity of heritage items
Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

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 2011 applies to the proposal. This draft Plan was adopted by Council on 7 June 2011 and is currently awaiting gazettal. The Draft Plan is therefore now considered to be imminent and certain.

Clause 4.1 permits subdivision with development consent subject to the minimum subdivision lot sizes as shown on the Lot Size Map. Draft Hawkesbury Local Environmental Plan 2011 does not seek to change the minimum subdivision lot size that currently applies to the subject site under Hawkesbury Local Environmental Plan 1989.

The proposal is contrary to the minimum 10ha allotment size requirement contained within the draft plan. The draft Standard Instrument LEP also contains provisions that will result in SEPP No. 1 being incorporated into the LEP and superseded. Clause 4.6 (a compulsory Clause as required by the Department of Planning) contains provisions for the flexibility of planning controls and development standards under certain conditions.

In the RU1 Primary Production zone Council can support variations to lot sizes up to 10% of the standard. The current proposal seeks a variation of 28.2% for proposed Lot 602 which is not consistent with the draft plan.

It is considered that supporting the variation requested would be inconsistent with the objectives of Draft LEP 2011.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

An assessment of the proposal against the relevant provisions of this plan follows:

Part A Chapter 2 - General Information

The subject application provides adequate information for the assessment of the proposal and therefore complies with this Chapter.

Part A Chapter 3 - Notification

The application was notified to adjacent property owners in accordance with HDCP 2002. The application was on public exhibition from 20/02/2012 to 05/03/2012. No submissions have been received during the period of public exhibition.

Subdivision Chapter

Appendix 1 contains an assessment of the proposal against the rules of the Subdivision Chapter. It should be noted that compliance with the lot size provision in the HLEP 1989 is a pre-requisite matter before any DCP assessment is made and is not a DCP merit issue. In this regard, the LEP provision takes precedence and the DCP cannot override the LEP provision.

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:

Not applicable.

v. Matters prescribed by the Regulations:

Not applicable.

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

The surrounding locality is used for a combination of rural residential and agricultural purposes. Surrounding lots consist of a variety of sizes between 14ha and 3ha. Support of the proposal will be inconsistent with the overall objectives of the zone and context of the area. Whilst there are surrounding allotments below the minimum allotment size these lots were created prior to the gazettal of HLEP 1989.

Cumulative Impacts

The cumulative impacts of approving subdivisions below the minimum allotment size standard is inconsistent with the overall objectives of the planning controls as reviewed in the report above. It is considered that compliance with this standard is neither unreasonable nor unnecessary in this circumstance and that support of the variation requested to this development would set an undesirable precedent with respect to breaching the minimum subdivision lot size provision.

If the variation requested was to be applied on the basis of the objection submitted, numerous allotments within this and other localities could potentially be subdivided below the minimum allotment size changing the character of the area and adversely impacting on the amenity and infrastructure servicing the locality.

Economic impacts on the locality

Council have previously reviewed the subdivision of rural land within the Hawkesbury as part of the Hawkesbury Sustainable Agricultural Development Strategy and the subsequent gazettal of Amendment 108 in August 2006. The aim of this strategy was to retain existing agricultural activities as well as to encourage new activities within appropriate zones. The strategy did not recommend changes to zone boundaries nor minimum allotment sizes for subdivision.

Similarly, Council has most recently reviewed the future residential development of the Hawkesbury and in May 2011 adopted the Hawkesbury Residential Land Strategy. This strategy seeks to identify areas which are suitable for future residential development and acknowledges that "while rural residential developments play a role in providing housing there is not a need to further investigate the expansion of rural residential development within the Hawkesbury". The proposed allotment size variation is not consistent with the Residential Land Strategy directions. It appears that the proposed subdivision intends to place three existing dwellings, including one single dwelling and one attached dual occupancy in two separate titles and thus create a new lot to be suitable for future rural residential development. It is considered that this should not be used as sufficient justification for the subdivision of land below the minimum allotment size requirement.

If Council were to consider increasing rural residential developments within the locality it would be more appropriate to address this matter at a strategic level rather than via the provisions of SEPP No. 1. This return will allow for the orderly and economic development of the land. However, Council has, with the adoption of the Residential Land Strategy, already undertaken that strategic review and the current proposal is not consistent with that adopted review.

c. Suitability of the site for the development:

The proposal is inconsistent with the various planning controls affecting the site and it is therefore considered that the site is not suitable for subdivision. While the current use of the subject land will not change as a consequence of the proposal it is considered that the future, ongoing agricultural potential of the land will be adversely impacted should it be further subdivided.

d. Any submissions made in accordance with the Act or the Regulations:**Department of Planning & Infrastructure**

The application was forwarded to the Department of Planning & Infrastructure (DP&I) following the receipt of an objection to HLEP 1989 under SEPP No. 1. In their letter dated 13 February 2012, the DP&I advised that given that the proposal involves a variation to the 10ha minimum subdivision standard concurrence is required if Council proposes to grant development consent to the development application.

It is recommended that Council decline support for the proposed development. Should the application be approved, the application is required to be referred back to the DP&I to obtain their concurrence.

NSW Rural Fire Service

The application was forwarded to the NSW Rural Fire Service being integrated development under Section 91 of the *Environmental Planning and Assessment Act 1979*. In their response dated 8 March 2012 the NSW Rural Fire Service granted concurrence subject to conditions.

Should the application be supported the conditions recommended by the NSW Rural Fire Service must be included as part of any approval.

Public Submissions

No submissions have been received as part of the neighbour notification process.

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e. The Public Interest:

The current planning controls seek to retain large rural allotments of sufficient size for sustainable agricultural activities. To permit the subdivision of a lot below Council's minimum allotment size would be inconsistent with the existing and future planning controls being HLEP 1989 and Draft HLEP 2011 respectively.

The submitted SEPP No. 1 objection to the minimum lot size standard fails to adequately address how the standard is unreasonable or unnecessary in this case. The submission also fails to adequately address the significant degree of variation sought.

The applicant has not explained how the removal of a currently compliant lot into one compliant and one non-compliant lot would be upholding the intent of the current and proposed planning controls adopted by Council.

Given that the proposal fails to satisfy the relevant planning controls affecting the site and is inconsistent with the objectives of the zone it is concluded that the proposal is contrary to the general public interest.

Conclusion

The proposal is inconsistent with the minimum allotment size requirement for subdivision under Clause 11(2) of Hawkesbury Local Environmental Plan 1989. The grounds for objection under SEPP No. 1 are inadequate and have not demonstrated that the minimum allotment size requirement is unreasonable and unnecessary.

Based on the assessment of the proposal against the relevant planning controls affecting the site and for the reasons discussed in this Report it is recommended that the minimum allotment size provision be upheld, the SEPP No. 1 objection not be supported and the application be refused.

Developer contributions

The development is exempt from contributions under Council's Section 94A Contributions Plan.

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. The objection under SEPP No. 1 not be supported.
2. Development Application No. DA0059/12 for a Two Lot Torrens Title subdivision at Lot 2 in DP 803727, No. 27 Branders Lane, North Richmond be refused for the following reasons:
 - a) The State Environmental Planning Policy No. 1 objection received in respect to the minimum allotment area is not supported as compliance with the statutory development standard was not considered to be unreasonable or unnecessary in the circumstances.
 - b) The proposal does not comply with the requirements of the Hawkesbury Local Environmental Plan 1989.

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- c) The proposal is inconsistent with the Draft Hawkesbury Local Environmental Plan 2011.
- d) The development does not comply with clause 3.8.1 rules (a) of the Hawkesbury Development Control Plan 2002 Part D Chapter 3 – Subdivision.
- e) The application, seeking a significant variation to Council's minimum allotment size requirement, is considered to not be in the general public interest.

ATTACHMENTS:

AT - 1 Hawkesbury DCP 2002 – Subdivision Compliance Assessment

AT - 2 Aerial Photograph

AT - 3 Locality Plan

AT - 4 Existing Subdivision Plan

AT – 5 Proposed Subdivision Plan

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Attachment 1 - Hawkesbury DCP 2002 – Subdivision Compliance Assessment

Element	Rule	Provides	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.	No vegetation is proposed to be removed as part of the proposal	Yes
	(b) Vegetation cover should be retained where ever practicable as it acts to stabilise soils, minimise runoff, acts as a pollutant trap along watercourses and is important as a habitat for native fauna.	Proposed Lot 601 will have the existing single dwelling and proposed Lot 602 will have the existing attached dual occupancy.	Yes
	(c) Degraded areas are to be rehabilitated as part of the subdivision.	Existing vegetation will not be required to be disturbed as a result of the proposal	Yes
	(d) Vegetation should be retained where it forms a link between other bush land areas.		Yes
	(e) Vegetation which is scenically and environmentally significant should be retained.		Yes
	(f) Vegetation which adds to the soil stability of the land should be retained.		Yes
	(g) All subdivision proposals should be designed so as to minimize fragmentation of bush land.		Yes
Visual Amenity	(a) Building envelopes, accessways and roads shall avoid ridge tops and steep slopes.		Yes
	(b) Subdivision of escarpments, ridges and other visually interesting places should: <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 		Yes

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Element	Rule	Provides	Complies
	as that found on ridge tops and other visually prominent locations. (b) Development Applications for subdivision shall take into consideration the provisions of SREP No. 20 in relation to scenic quality		Yes
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.	Site does not contain an item of environmental heritage and there is no heritage item in the vicinity of the subject site.	Yes
Utility Services	(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.	The existing system will be maintained	Yes
	(b) All lots created are to have the provision of power.	Available	Yes
	(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.	Onsite water collection available to the existing dwellings.	Yes
Flooding, Landslip & Contaminated Land	(a) Compliance with clause 25 of Hawkesbury Local Environmental Plan 1989.	The site is not affected by 1 in 100 year flood level.	Yes
	(b) Access to the subdivision shall be located above the 1% AEP flood level.		Yes
	(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.	Not identified as land being potentially subject to landslip.	Yes
	(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.	Not considered to be contaminated.	Yes
	(e) Contaminated Land shall be remediated prior to the issue of the Subdivision Certificate.	N/A	Yes

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Element	Rule	Provides	Complies
Rural and Residential Subdivision			
Rural lot size and shape	(a) The minimum allotment size for land within rural and environmental protection zones are contained within the Hawkesbury Local Environmental Plan 1989.	Proposed Lot 602 would result in a variation of 28.2% See assessment in report above.	No
	(b) Lots should be able to accommodate a building envelope of 2000m ² with a minimum dimension of 20m. Building envelopes should be located a minimum of 30m from significant trees and other significant vegetation or landscape features. Building envelopes would contain the dwelling house, rural sheds, landscaping, and on-site effluent treatment and disposal areas, and bushfire mitigation.	Proposed Lot 601 will have the existing single dwelling and proposed Lot 602 will have the existing attached dual occupancy.	Yes
	(c) In calculating the area of a battle-axe or hatched shaped allotment, the area of the battle-axe handle should be included.	No battle axe allotment proposed	Yes
	(d) The width to depth ratio of allotments should not exceed 1:5		Yes
	(e) Lot layout shall consider the location, the watercourse vegetation and other environmental features.		Yes
Boundary Adjustment	Proposal is not for a boundary adjustment.	N/A	N/A
Rural Road and Accessway Design	(a) The design specifications in Figure D3.9 at the end of this clause are to be met.	N/A	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	N/A
	(c) Upgrading of the accessway 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	Can be provided	Yes
	(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	N/A	Yes

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Element	Rule	Provides	Complies
	is to be transferred to Council.		
	(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 roads in the vicinity.	N/A	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	Yes
	(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.	Can be provided	Yes
	(h) Where 3 or more individual access handles are proposed, common roads are to be provided.		
	(i) Battle axe handles shall have a minimum width of 6 metres.	N/A	N/A
	(j) Accessways should have a maximum grade of 25% (1:4) and be sealed if the grade exceeds 1:6, concrete if exceeds 1 in 5.	N/A	N/A
	(k) Where an accessway meets a public road there should be a minimum sight distance of 70 m. This may be increased on roads with a high speed limit.	Can be provided	Yes
	(l) Cul-de sacs for rural roads should have minimum seal radii of 12.0m and boundary radii of 17.0m.	Yes	Yes
		N/A	N/A
Effluent Disposal	4. An effluent disposal report prepared by a suitably qualified person is required to accompany any development application for rural-residential subdivisions.	Existing dwellings on the property are currently supported by onsite effluent disposal system.	Yes
	5. Any system proposed other than a Household	N/A	Yes

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Element	Rule	Provides	Complies
	Aerated Wastewater Treatment System is required to be installed prior to release of subdivision certificate.		

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Attachment 2 - Aerial Photograph - Lot 2 in DP 803727, 27 Branders Lane North Richmond



Existing single dwelling

Existing attached dual occupancy

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[illegible]

Meeting Date: 8 May 2012

PLAN FORM 2

PLAN DRAWING ONLY TO APPEAR IN THIS SPACE

OFFICE USE ONLY

D.P. 803121

Project: HB 3 & 1700

Owner: HAWKESBURY

Location: NORTH RICHMOND

Public: CURRENCY

County: COOK

Length: 100 m

Area: 1000 m²

Scale: 1:1000

Notes:

1. The land is shown as being in the possession of the Crown.

2. The land is shown as being in the possession of the Crown.

3. The land is shown as being in the possession of the Crown.

4. The land is shown as being in the possession of the Crown.

5. The land is shown as being in the possession of the Crown.

6. The land is shown as being in the possession of the Crown.

7. The land is shown as being in the possession of the Crown.

8. The land is shown as being in the possession of the Crown.

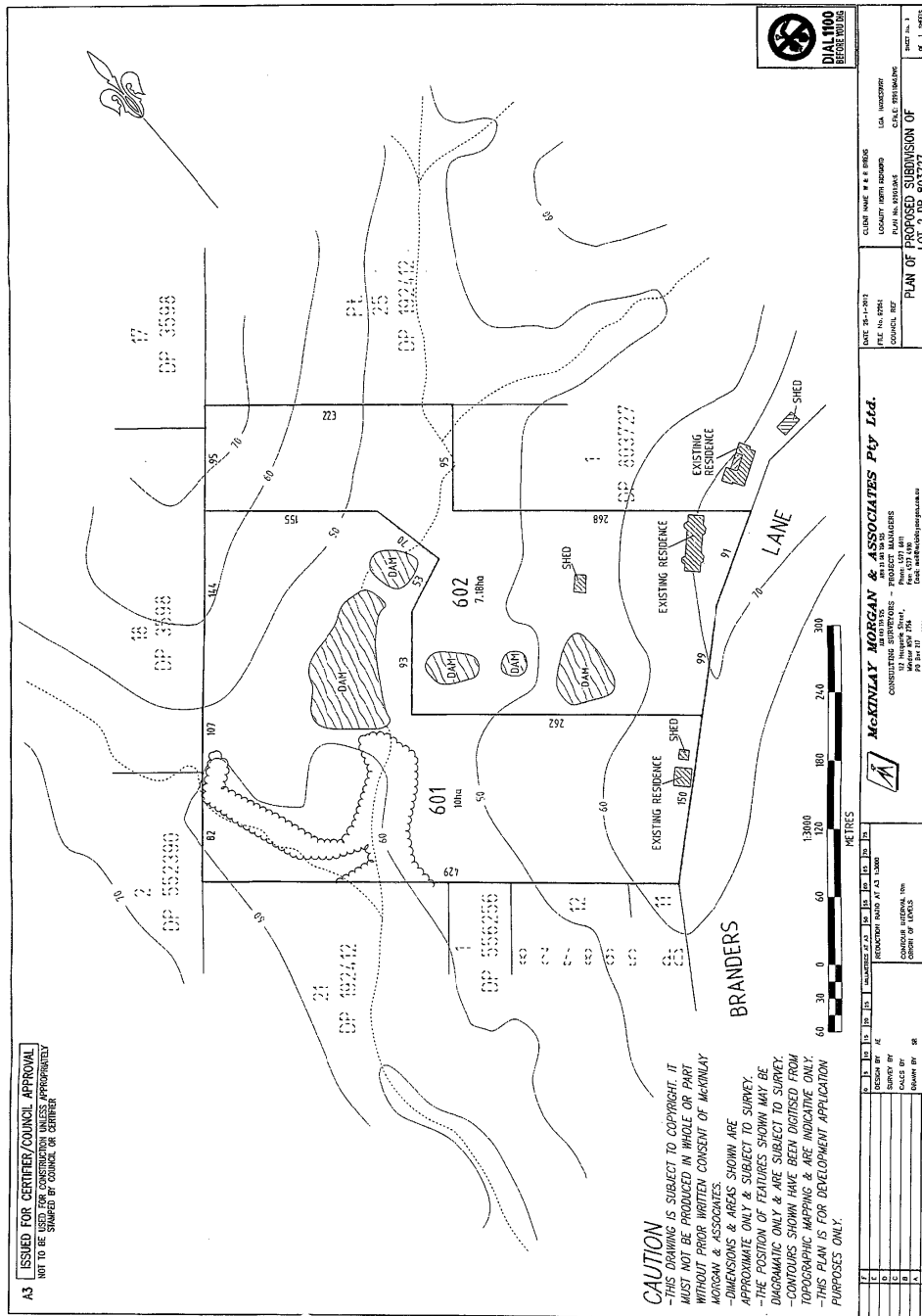
9. The land is shown as being in the possession of the Crown.

10. The land is shown as being in the possession of the Crown.

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Attachment 5 - Proposed Subdivision Plan - Lot 2 in DP 803727, 27 Branders Lane North Richmond



oooO END OF REPORT Oooo

ORDINARY MEETING

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Item: 58 **CP - Modification to Development Consent - Tourist Facility - 30 Tourist Cabins - Lot 77 DP 211935 and Lot 2 DP 1080830, Chaseling Road North, Webbs Creek - (95498, 27637, 27638, 102260)**

Development Information

File Number: DA0026/11A
Property Address: Lot 77 DP 211935 and Lot 2 DP 1080830, Chaseling Road North, Webbs Creek
Applicant: Montgomery Planning Solutions
Owner: Bebrovo Holdings Pty Limited
Proposal Details: Deletion of Condition No 16 (Developer Contributions) of Development Consent No. DA0026/11
Estimated Cost: \$3,000,000
Current Zone: Environmental Protection - Mixed Agriculture under Hawkesbury Local Environmental Plan 1989
Draft Zone: E4 Environmental Living under DRAFT Hawkesbury Local Environmental Plan 2011
Date Received: 9 March 2012
Advertising: Not required under HDCP 2002
Key Issues: ♦ S94A development contributions
Recommendation: Refusal

REPORT:

Executive Summary

This S96 application has been submitted requesting the amendment of Development Consent No. DA0026/11 by deleting Condition 16. Condition 16 requires the payment of Development Contributions fees consistent with Councils Section 94A Development Contributions Plan 2006. Based on the development's estimated cost of \$3 million the required contribution amount is \$30,000.00.

A contribution was levied on DA0026/11 under the Contributions Plan introduced in 2006. Previous applications for development were not levied as a Contributions Plan did not apply at that time.

Council's Section 94A Development Contributions Plan 2006 does not provide a provision to waive, discount or modify any contribution rate that has been levied. Hence the proposed modification is not supported.

This matter was considered at the Council meeting of 24 April 2012 where Council deferred consideration to a Councillor Briefing Session. The application was the subject of a Briefing Session held on 1 May 2012 where the issues raised in the report and at the Council meeting were discussed. Council was also advised, verbally, of the applicant's legal opinion on the matter.

Description of Proposal

The application proposes the deletion of condition 16 of Development Consent DA0026/11 which reads as follows:

16. 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 \$30 000.00 shall be paid to Hawkesbury City Council.

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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.

This condition was imposed on the development consistent with the requirements of Hawkesbury City Council Section 94A Development Contributions Plan 2006.

It is noted that the issues relating to DA0026/11 were reported to Council's Ordinary meeting of 13 September 2011 for the consideration of a variation to the flood controls contained under Hawkesbury local Environmental Plan 1989. Council resolved as follows:

That:

1. *The objection under SEPP No. 1 be supported.*
2. *Upon receipt of the issue of a Bushfire Safety Authority, or otherwise, from the NSW Rural Fire Service the determination of Development Application No. DA0026/11 at Lot 77 DP 211935 Lot 2 DP 1080830, Chaseling Road North Webbs Creek for Tourist Facility - Thirty (30) tourist cabins be delegated to the General Manager."*

The matter was reported to Council to obtain Council's resolution to support the SEPP 1 objection (relating to flood heights for floor levels) only and not for the determination of the development application. The determination of the application was delegated to the General Manager in this case due to the need to obtain the RFS requirements prior to determination.

Following the receipt of a Bushfire Safety Authority for the development an assessment report was prepared by planning staff based on the report presented to Council and the comments from the NSW Rural Fire Service. The assessment report noted that while the report presented to Council indicated that contribution fees were not applicable to the development, a check of Council's contributions plan found that the development was not exempt from contribution fees. Accordingly a condition of consent was recommended in the planning report approved by the Director of City Planning under the delegation of the General Manager

Assessment against Section 96(1) of the Environmental Planning and Assessment Act 1979

The proposal has been submitted pursuant to Section 96(1) of the Environmental Planning and Assessment Act 1979, which allows Council to modify an application based on the following:

- (1) ***Modifications involving minor error, misdescription or miscalculation***
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation. Subsections (1A), (2), (3), (5) and (6), section 96AB and Division 8 do not apply to such a modification.

Comment:

Council has the authority to modify the consent under Section 96 (1) of the Act should it be found that the imposition of condition 16 was made in error. However, as described above the development was found not to be exempt from the contributions plan levy and the contribution should be imposed. In this case it is considered that this modification request does not fulfil the requirements under Section 96(1) and should not be supported.

Assessment against Section 94A of the Environmental Planning and Assessment Act 1979

The modification sought is to delete condition No. 16 of Development Consent DA0026/11, which requires payment of a \$30 000.00 contribution under Section 94A of the Environmental Planning and Assessment Act, 1979. Contribution fees were imposed as part of the original consent consistent with the requirements of Hawkesbury City Council Section 94A Development Contributions Plan 2006. The primary purposes of this contributions plan are:

- to authorise the imposition of a contribution on development consents and complying development certificates requiring the payment of a contribution pursuant to section 94A of the Environmental Planning and Assessment Act, 1979;
- to assist the council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area; and,
- to publicly identify the purposes for which the levies are required.

It should be noted that the proposal does not fall under any of the exemptions highlighted under this policy or under any relevant Acts or Regulations. Accordingly Council does not have the authority to waive or discount contributions levied in accordance with the adopted Development Contributions Plan.

Should Council have the desire to fund the contribution fees applicable to this development this could be done via another avenue, such as establishing a Community Sponsorship Program. However, it should be noted that the Community Sponsorship Program does not allow for the provision of financial assistance to a commercial or for-profit entity.

The submission received argues that the contribution fees should be waived based on the following:

1. *The development is not new development, rather the consent simply allows cabins to be built onsite, instead of being manufactured off site and delivered in sections.*

Comment: The proposal to construct new buildings on the subject site falls under development that is required to be levied under Councils Section 94A contributions plan, the Environmental Planning and Assessment Regulation 2000 and the Environmental Planning and Assessment Act 1979.

2. *Development Consent DA0140/77 (as modified) permits the installation of cabins on the 30 sites.*

Comment: Previous approvals which apply to the land did not involve the development of the caravan sites only the use of the land for temporary camping or parking of vehicles/moveable homes. The current application proposes the construction of new permanent buildings and was submitted after the introduction of Councils S94A Contributions Plan in 2006. While Council has previously considered the use of the land for other activities this application seeks to change the intensity of development on the land with the construction of 30 permanent cabins. In essence this proposal is no different to a proposal to construct a commercial (tourist use) structure on a vacant allotment of land which would be subject to the imposition of a S94A contribution.

3. *Development Consent DA0140/77 approved, inter alia, 30 short term caravan sites on the subject land. A modification application pursuant to S96 of the Act was submitted on 6 June 2002 seeking to relocate these sites to their current location.*

The modification was approved on 12 February 2003, however contained a condition restricting the use of the sites for "Only tents, caravans or campervans, or moveable dwellings that are capable of being registered under the Road Transport (Vehicle Registration) Act 1997 may be installed on the sites"

A subsequent modification was approved on 7 October 2010 which reinstated the permissibility of cabins on the 30 relocated dwelling sites.

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Comment: Refer to previous comments. Again the imposition of the S94A levy applies to construction works and not to the use of land.

4. *The usual procedure for a Council to consider constructing buildings on site is for the applicant to lodge an Objection under Section 82 of the Local Government Act, 1993. However a discussion was held with Councils City Planning Director and the relevant planning and regulatory staff on 11 November 2010. Council advised that it prefers to deal with the matter as a development application under the Environmental Planning and Assessment Act, rather than an application pursuant to S68 and an objection under S82 of the Local Government Act.*

Comment: While Council may be able to consider the construction of the proposed tourist cabins under the Local Government Act 1993, the applicant has submitted the application for approval under the Environmental Planning and Assessment Act 1979. It is noted that the option to submit an application under the Local Government Act 1993 is still available to the applicant should the applicant choose to surrender the current application.

5. *My client has spent some 50 years in developing a high quality tourist park and resort at Del Rio. In doing so, he has expended significant funds on completing the northern end of Chaseling Road along the river, constructing and sealing some 1km of Chaseling Road between Bicentenary Road and the Resort. A section of approximately 1.5km of Bicentenary Road which runs through the property was also dedicated to Council free of charge.*

My client now intends to invest \$3M in local tradespeople and sourcing local construction materials. It is submitted that Del Rio has over many years made significant contributions in terms of public infrastructure and the promotion of local tourism.

Comment: It is noted that previous works have been undertaken in relation to the surrounding locality however these works were not undertaken as part of any works in kind agreement or under any planning agreement or draft planning agreement under Section 93F of the Environmental Planning and Assessment Act, 1979.

Council has the authority under the Environmental Planning and Assessment Act 1979 or the Environmental Planning and Assessment Regulation 2000 to accept works-in-kind in lieu of a cash payment. Whilst a works-in-kind agreement could have been made, this would normally occur before works are done, have an agreed value and occur by signed agreement between the parties. No works-in-kind agreement is in place for this development.

6. *The entitlement to place cabins on the 30 sites has been in existence since 1977. No additional public infrastructure improvement was identified at the time. No S94A contributions were placed on the modification approved in 2010. Imposing contributions on the latest development consent is therefore considered to be both unnecessary and inequitable. My client will now be spending \$3M in the local area on tradespeople and materials, rather than paying for the manufacture of the buildings off-site and outside of the Hawkesbury LGA. The \$30 000 contribution is effectively a penalty for spending locally.*

Comment: It is noted that at the time of approval of the caravan sites there was no contributions plan in place for public infrastructure and that the modification approved in 2010 did not generate the need for contribution fees to be levied under Councils current S94A contributions plan. Whilst the caravan sites have been in existence prior to the introduction of Councils contributions plan it is development of the caravan sites proposed under DA0026/11 (i.e., the construction works) which generates the need for contribution fees to be levied under Councils contributions plan.

Assessment against Section 79C of the Environmental Planning and Assessment Act 1979

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:

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a. The provisions of any:

i. Environmental Planning Instrument:

The modification proposed does not change the nature of the development with respect to the following provisions:

- State Environmental Planning Policy No. 1 – Development Standards;
- State Environmental Planning Policy No. 44 - Koala Habitat Protection;
- Sydney Regional Environmental Plan 20. (No.2 - 1997) - Hawkesbury - Nepean River; and,
- Hawkesbury Local Environmental Plan 1989 (HLEP 1989).

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 2011 applies to the subject land. The proposal is not contrary to the matters for consideration under this plan.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002 applies to the proposal. The proposal is consistent with the requirements of this plan with no physical changes proposed as part of the modification.

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:

The applicant has not proposed any planning agreement or draft planning agreement under Section 93F of the Environmental Planning and Assessment Act, 1979.

v. Matters prescribed by the Regulations:

Part 4 of the Environmental Planning and Assessment Regulation 2000 provides the requirements for the levying of Section 94A developer contributions. Hawkesbury City Council S94A Contributions Plan 2006 was created in accordance with the regulations and a development contribution of \$30,000.00 is required to be imposed.

It is considered that the deletion of the s94A contribution fee based on the reasons submitted would be inconsistent with the provisions of the Environmental Planning and Assessment Regulation 2000 and Environmental Planning and Assessment Act 1979.

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:

Council has previously considered the likely environmental impacts the development would have on the locality and it is considered that the modification does not change the potential environmental impacts of the proposed development.

c. Suitability of the site for development:

Council has previously considered the suitability of the site for development and it is considered that the modification does not change the suitability of the land for the proposal.

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

The application is considered to be a modification pursuant to Section 96 (1) of the Environmental Planning and Assessment Act and is not required to be notified under this Act or under Hawkesbury Council Development Control Plan 2002.

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e. The Public Interest:

The proposal is inconsistent with Hawkesbury City Council Section 94A Development Contributions Plan 2006. This plan has been established to assist Council in providing appropriate public facilities within the Hawkesbury. Supporting a proposal contrary to the Councils S94A contributions plan is considered to be contrary to the general public interest.

Conclusion

Based upon the assessment of the application in this report, it is considered that the modification not be supported.

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 the modification application be refused for the following reasons:

1. The proposed modification request is not consistent with the provisions of Section 96(1) of the Environmental Planning and Assessment Act 1979 as imposition of a development contribution was not a minor error, misdescription or miscalculation.
2. Requests to waive, discount or otherwise vary a development contribution are not available under the provisions of the Hawkesbury City Council Section 94A Development Contributions Plan 2006.
3. The modification request would not be in the public interest as waiving of the contribution could result in the loss of potential financial support for public facilities.
4. Support of a modification request contrary to Councils S94A contributions plan for a private, commercial development would set an undesirable precedent.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 59 **CP - Planning Proposal - Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond - Redbank at North Richmond - (95498)**

REPORT:

Executive Summary

Council has received a Planning Proposal from JBA Planning (JBA) to rezone Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond for predominantly residential purposes. JBA has lodged the proposal on behalf of the developers North Richmond Joint Venture (NRJV).

The purpose of this report is to provide Council with an explanation of the proposal and to recommend that a Planning Proposal be submitted to the Department of Planning and Infrastructure (DP&I) for a “gateway” determination. A primary purpose of the “gateway” is for the Minister (or delegate) to determine whether the Planning Proposal is to proceed to consultation with public authorities and the community.

Support for this Planning Proposal to proceed to a “gateway” determination does not rezone the land or allow development to occur. This report simply commences the assessment and consultation process for rezoning the land. That process will allow for public authority and community consultation, Voluntary Planning Agreement negotiation with the applicant and subsequent report back to Council for final consideration and recommendation to the Minister.

Consultation

The Planning Proposal submitted by JBA does not outline the community consultation that is to be undertaken in respect of the proposal. The Department of Planning and Infrastructure’s “*A guide to preparing local environmental plans*” outlines the consultation required for different types of planning proposals with the guideline stating that the exhibition period for this type of proposal should be 28 days. Given the nature of the proposal, the volume of supporting report/studies, and the likely community interest in the matter it is recommended that the exhibition period be a minimum of sixty (60) days.

However, the consultation phase of this process does not commence until a “gateway” determination to proceed has been made by the Minister (or his delegate).

The Minister for Planning and Infrastructure will advise Council of requirements for consultation with public authorities and the community as part of the Gateway Determination of the Planning Proposal under Section 56 of the *Environmental Planning and Assessment Act 1979*, hence at this stage the suggested sixty day (60) period can only be a request for the Minister to consider.

Background

In May 2011, Council adopted the Hawkesbury Residential Land Strategy (RLS) which identified this property and other surrounding properties as having potential for residential development subject to provision of shops, transport infrastructure, community infrastructure and services.

In response to the RLS the owner/proponent has consulted with Council staff, State government agencies and commissioned various studies in support of this Planning Proposal.

In November 2011 in response to an invitation from the Minister for Planning and Infrastructure the owner made a submission to the State Government’s Land Review. This submission was subject to a report to Council on 31 January 2012. The State Government is yet to finalise the Land Review.

Site and Surrounds

Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond is located on the northern side of Grose Vale Road and, immediately to the east of the North Richmond residential area and Peel Park, west of the Belmont Grove rural residential area, and south of Redbank Creek.

The property has an area of approximately 180ha and predominantly consists of cleared undulating land with a central saddle running approximately east-west creating two distinct valleys.

The property varies in height from approximately 60-90m AHD along Grose Vale Road down to Redbank Creek at approximately 20 – 40m AHD. Council's records shows that the site varies in slopes from reasonably flat terrain to land in excess of 15%.

The property is currently used for cattle grazing and contains a residence and minor farm related structures. A seniors living development is currently being constructed in the southern-eastern corner of the property.

There are 11 farm dams on the property which are part of a former demonstration / experimental Keyline irrigation system development by a previous owner (P A Yeomans) in the early 1950s.

The property is above the 1 in 100 year Hawkesbury River flood event level and a small part of the site (generally within the confines of the Redbank Creek riparian area) is below the Hawkesbury River Probable Maximum Flood level. Investigations regarding local flood extent are currently being finalised, however it is understood that local catchment flooding is generally confined to areas within the immediate vicinity of Redbank Creek.

The property is predicted to contain Class 5 acid sulfate soils and has moderate salinity potential.

Council's Bushfire Prone Land Map shows that most of the property is bushfire prone.

The land is identified as Class 3 agricultural land. The Agricultural Land Classification Atlas for the Sydney Basin and Lower Nepean – Hawkesbury Catchment defines Class 3 land as:

Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with pasture. The overall level of production is moderate as a result of edaphic or environmental constraints. Erosion hazard, soil structural breakdowns, or other factors, including climate may limit the capacity for cultivation and soil conservation or drainage works may be required.

The property contains remnants of the former Richmond to Kurrajong railway line in the form of two culverts and the path of the former railway line is apparent. The property also contains 10 Aboriginal archaeological sites.

Existing and Draft Land Use Zone

The property is currently zoned Consolidated Land Holdings under Hawkesbury Local Environmental Plan 1989 and has no subdivision potential.

The property is proposed to be zoned RU4 Rural Small Holdings (now known as RU4 Primary Production Small Lots) under draft Hawkesbury Local Environmental Plan 2011. The minimum allotment size proposed for the site under the draft LEP is 200 hectares. This effectively prohibits any subdivision of the land.

Planning Proposal

The Planning Proposal can be summarised as follows:

- approximately 1,400 homes in addition to the Seniors Living Facility currently under construction;
- local Council roads including bus route;
- small scale local centre of approximately 1.2ha adjacent to Grose Vale Road;
- retention and modification of three – four existing farm dams within the project site to become open water bodies;
- construction of four primarily trunk drainage corridors (with a secondary riparian and tertiary open space function);
- retention of an existing farm dam on Redbank Creek and vegetation improvement to the primarily riparian corridor along the south bank of Redbank Creek, which extends along the project site perimeter;
- capacity improvements to existing stormwater infrastructure along with water quantity management downstream of the project site, discharging to Redbank Creek;
- an alternate east-west vehicular access to North Richmond; and
- multiple road connections to existing Grose Vale Road (3), Arthur Phillip Drive(2), Townsend Road (1) but no connection to Belmont Grove.

The effect of the Planning Proposal would be to amend the yet to be gazetted draft Hawkesbury Local Environmental Plan 2011. At a minimum this would include amendment to the Land Zoning Map, Height of Buildings Map, and Lot Size Map. Other map amendments may be required and possibly the inclusion of a special clause(s) into the written instrument of the draft LEP. The actual amendments to the draft LEP 2011 will be determined by the Department of Planning and Infrastructure and the NSW Parliamentary Counsel.

The proposed zones have been derived from those of the draft LEP 2011 and are as follows:

- R2 Low Density Residential;
- R3 Medium Density Residential;
- R5 Large Lot Residential;
- B2 Local Centre;
- E4 Environmental Living;
- RE1 Public Recreation; and
- SP2 Infrastructure (Trunk drainage).

Excluding the proposed B2 Local Centre zone, the application of the proposed zones are consistent with the methodology adopted for the draft LEP 2011. In the draft LEP 2011 only the Windsor and Richmond business areas are to be zoned B2 Local Centre, all other business areas (including the current North Richmond business area) are to be zoned B1 Neighbourhood Centre. The main difference between the B1 and B2 zones is the permissibility of sex service premises, they are permissible in the B2 zone and prohibited on the B1 zone. In order to ensure consistency in application of the B1 and B2 zones across the City it is recommended that, if the Planning Proposal is to proceed, the proposed B2 zone be changed to a B1 zone.

A maximum building height of 10 metres is proposed for the R2 Low Density Residential Zone and 12 metres for the R3 Medium Density Residential Zone. This is consistent with the provisions of the draft LEP 2011.

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Within the proposed R2 and R3 zoned areas the proposed lot sizes generally range from 450m² to 900m². Larger lots of 2,000m² to 4,000m² are proposed in R5 Large Lot Residential zoned area. The area of the property identified for residential purposes has a net developable area of 111 hectares with 54 hectares being dedicated to roads and open space. The indicative yield of 1,400 dwellings represents 13 dwellings per net hectare across the residential development and a gross yield of 8 dwellings per hectare across the property as a whole.

A draft zoning plan, preliminary concept plan, and indicative layout plans are attached to this report. The Planning Proposal does not contain a Height of Buildings Map or a Lot Size Map; these maps are required to complete the Planning Proposal.

The development (excluding the seniors housing development) is proposed in 7 stages with the indicative order being 3A, 3B, 1B, 4A, 4B, 2 and 5.

The Planning Proposal also includes a Local Development Contributions and Infrastructure and Delivery Program. In summary this is a formal offer by NRJV to enter into a Voluntary Planning Agreement (VPA) with Council for the provision of local public amenities and services. The VPA would operate in lieu of a Section 94 or Section 94A developer contributions and a preliminary outline of the VPA schedule is attached to this report.

The offer includes the following:

- Transport improvements - new east-west bridge crossing at Grose Vale / Agnes Banks (Navua Reserve), off site road network improvements, bus stops and bus shelters within the site;
- Community facilities - approximately 300m² on site multipurpose community centre, social programs;
- Open space and recreation - provision of various open spaces throughout the site in conjunction with Redbank Creek, proposed drainage reserves, and adjacent to Peel Park; and,
- Drainage - various drainage works within the site and the duplication of a 1500mm stormwater line off site.

JBA also advise that NRJV also intend to enter into a VPA with the State Government for the delivery of regional physical and community infrastructure.

JBA claim the benefits of the proposal include, but are not limited to:

- A range of improvements to the road network, including the additional road/bridge linkage with the site, will greatly alleviate road congestion [for] existing and potential new residents.
- Opportunities are identified for enhancement of public transport through increased demand.
- View corridors which are identified as an important community value are proposed to be protected and enhanced as a result of the proposed development.
- The proposal allows for retention and enhancement of areas of conservation value, including elements of the Yeomans Keyline System and areas of Cumberland Plain Woodland (CPW) habitat, and for the appropriate interpretation of these.
- The proposal includes the provision of trunk drainage areas which will perform a tertiary function as passive open space. This will improve the rural feel of the development, and provide space for passive recreation.

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- The proposal includes the landscape embellishments, including vegetation, walking and cycling paths, signage and street furniture. This will promote access and the active and passive use of open space and provide opportunities to improve wellbeing and social interaction.
- Embellishments to Peel Park, including the provision of a community building nearby, will enhance participation in active and passive recreation and create an asset of potentially regional significance. The provision for a community building which will include flexible space which can be used by a number of currently under provided for groups. This will provide a significant benefit to the local community.
- The development will provide a heritage facility which will improve the engagement of the wider community, including the significant Aboriginal community, and provide greater understanding and access to the significant heritage assets in the area.
- The provision of a small local shopping centre, with commercial land, will provide valuable amenity for local residents.
- The creation of a significant number of jobs within the Hawkesbury LGA during construction and operation phases of the development.
- There is a potential to capitalise upon the 'strong well of social capital' in the community through community development activities linking the existing and new communities, including community environmental education programs, planting days, 'green transport' planning, etc.
- Developing the potential for intergenerational activities associated with proposed community facilities adjacent to the residential aged care facility, for example child care provision.
- Substantial flood mitigation benefits for existing residents of North Richmond township have been identified as a result of the proposed development.
- The proposal allows for completion of the original 'plan' for North Richmond township, potentially providing for a more cohesive, safer community with enhanced amenities and services.
- There will be substantial employment opportunities associated with the proposed development both during the 10 year staging of development and post-development. These are important in the context of the Sydney Metropolitan Strategy for the provision of local employment and for strengthening the economic wellbeing of the local community.

The Planning Proposal is supported by the following reports/studies:

Preliminary Concept Plan, draft Zoning Plan and Indicative Layout Plans
Community Consultation Report
Summary of Consultation with NSW Government Authorities
Utilities and Traffic Infrastructure Report
Preliminary Geotechnical and Environmental Assessment
Agricultural Land Study
Conservation Management Plan
Aboriginal Heritage Assessment
Visual Landscape Analysis
Riparian Assessment
Environmental Constraints and Benefits Analysis and preliminary Seven Part Test
Flood and Bushfire Safety Evaluation
Bushfire Constraints and Opportunities Report
Infrastructure Site Servicing Plans and Infrastructure Delivery Schedule
Community Needs Assessment
Hawkesbury Residential Land Strategy Sustainability Criteria
Land Supply Data for Hawkesbury Region
Economic Impact Assessment

*Proposed Access Route and Yarramundi Bridge Crossing
Community Net Benefit Assessment
Development Yield Schedule
Stormwater Management Strategy
Review of Flood Free Access
Consistency with State Environmental Planning Policies and s.117 Directions*

Preliminary Review of the Planning Proposal

Metropolitan Plan for Sydney 2036 and Draft North West Subregional Strategy

The Metropolitan Plan 2036 (the Plan) is the strategic plan that guides Sydney's growth to 2036.

The Plan sets five central aims to manage Sydney's growth by enhancing the city's livability, strengthening economic competitiveness, ensuring fairness, protecting the environment and improving governance. The Plan projects Sydney's population to grow by 1.7 million to almost 6 million people by 2036. To support the population growth, Sydney will need an additional 770,000 homes by 2036. In addition to the housing targets, employment growth is envisioned at 760,000 jobs across the City. The Plan sets capacity targets for 10 sub regions to facilitate housing and economic growth through providing more jobs closer to home.

The draft North West Sub regional Strategy (draft NWSS) covers the LGAs of The Hills, Blacktown, Blue Mountains, Hawkesbury and Penrith, and sets the broad direction for additional dwelling and employment growth. The target for the North West sub region is 140,000 additional dwellings and 130,000 new jobs by 2031. The draft NWSS provides for the Hawkesbury LGA to accommodate an additional 5,000 dwellings in this timeframe. Within this context the draft NWSS acknowledges that the Hawkesbury LGA is largely constrained by the Hawkesbury - Nepean floodplain, with limited capacity for additional growth to the south of the Hawkesbury River due to the risk of flooding. The draft NWSS identifies and assumes that the majority of future housing growth within the LGA will need to occur on land located predominantly to the north of the River in association with existing local centres. The draft NWSS also suggests that the affected councils prepare strategies to direct/allocate where the growth is to occur within the Local Government Area. In response to this Council prepared and adopted the Hawkesbury residential Land Strategy 2011.

Hawkesbury Residential Land Strategy 2011

In response to the draft NWSS Council adopted the Hawkesbury Residential Land Strategy (HRLS) in May 2011. The HRLS is an overarching document to guide future residential development within the LGA, with the aim of accommodating between 5,000 and 6,000 new dwellings by 2031.

The HRLS identified the subject property and other surrounding properties as having potential for residential development subject to provision of shops, transport infrastructure, community infrastructure and services.

The HRLS provides sustainability criteria for the purposes of considering additional development. The Sustainability Matrix establishes a minimum level of service and facilities for each type of centre. The matrix nominates the character and level of service provision in terms of numbers of dwellings, types of retail and employment, infrastructure requirements, public transport provision and level of community service.

JBA have submitted an assessment of the proposal against the Sustainability Criteria of the HRLS. The assessment is attached to this report and concludes that the development meets or is capable of meeting all of the criteria.

The assessment requires minor augmentation to include specific provision relating to "Village" centres however it is considered that the conclusion reach by JBA will not be affected by these inclusions.

The assessment underestimates the slope of the land in so far as portions of the site have a slope in excess of 15% and the Sustainability Criteria states that urban development should not occur on such land. A slope map is attached to this report and whilst not considered an impediment to the progression of

the Planning Proposal at this stage, further detailed investigation will be required for the purposes of addressing this constraint and developing appropriate controls within a Development Control Plan.

Compliance with State Environmental Planning Policies and Section 117 Directions

An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPP) and Ministerial directions issued under Section 117 of the *Environmental Planning and Assessment Act 1979* has been provided by JBA and is attached to this report. The assessment states that the Planning Proposal is consistent with the relevant SEPPs and Section 117 directions.

In response to SEPP 55 – Remediation of Land and Section 117 Direction 4.1 Acid Sulfate Soils, JBA has provided a Preliminary Geotechnical and Environmental Assessment. This report may require augmentation as a result of certain specific provisions of SEPP 55 and the Direction.

The assessment has not considered Section 117 Direction 4.3 Flood Prone Land. A relatively small part of the site is subject to flooding from the Hawkesbury – Nepean River and preliminary investigations have been undertaken in respect of localised flooding. It is believed that the flood affected area is within the confines of the Redbank Creek riparian area and proposed open space areas. It is considered that the impact of the flooding on the site and proposed development would be minor.

Finally, the assessment does not consider Section 117 Direction 6.2 Reserving Land for Public Purpose. This is a matter for Council, not JBA, and requires Council to agree to and obtain approval from the Director – General of the Department of Planning and Infrastructure to create or alter zonings for public purposes. This would apply to the proposed RE1 Public Recreation and SP2 Infrastructure (Trunk drainage) zones and can be dealt with if the proposal is referred to the DP&I for “gateway” determination.

At this stage JBA has not been requested to provide further information or an amended assessment as any current inconsistency is considered to be minor. The DP&I can advise Council on how to address these matters as part of their “gateway” determination.

Access and Transport

At present there exists long standing community concern regarding traffic congestion in the North Richmond area. The focus of these concerns is the Bells Line of Road/Terrace Road/Grose Vale Road intersection and the capacity of North Richmond Bridge and the approaches to the bridge.

The Utilities and Transport Report that accompanies the Planning Proposal notes that existing traffic volumes already significantly exceed serviceable capacity parameters and that upgrading works are limited due to the proximity of property boundaries and infrastructure. Further the report finds that the existing North Richmond Bridge requires augmentation by either an upgrade, or establishment of a second crossing. These two issues are the subject of two separate studies currently being undertaken by the Roads and Maritime Services (RMS) and are expected to be completed later this year and in 2013.

In response to these matters NRJV proposes road infrastructure works as part of the Planning Proposal. The key element of the works is a bridge across the Grose River at Navua Reserve, Grose Vale / Yarramundi Reserve, Agnes Banks for the purposes of enabling travel westerly along Springwood Road or travel easterly over Yarramundi Bridge. This alternate river crossing proposal was included in the Council report on the State Government’s Land Review for this site in January 2012.

JBA advise that the proposed bridge is a concrete span bridge with a deck height between 11.0m AHD and 13.5m AHD (note: the 1 in 5 year flood event height for the area is approximately 13.1m AHD). The route from the subject site is southerly along Grose River Road, turn left at Ashtons Road and head easterly along Grose River Road and enter Navua Reserve, over the new bridge, enter Yarramundi Reserve head southerly along the unnamed road until reaching Springwood Road.

The plans associated with this crossing are attached to this report. The land required to construct the bridge is either owned by Council or the Crown and under the care control and management of Council, generally in the form of Road Reserves.

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JBA claim this second crossing will:

- alleviate existing traffic congestion at Richmond Bridge;
- divert traffic away from the already congested Grose Vale Road / Bells Line of Road intersection;
- provide flood free access for an extended period of time;
- significantly reduce the frequency upon which the proposed development will be isolated from travel to the east;
- from a flood evacuation perspective, reduce, by one to two days, the time that the long route west along Bells Line of Road to cross the river would need to be taken;
- reduce travel times by 90 minutes when compared to the Bells Line of Road; and
- reduce the evacuation time to 6 hours provided at least one of the existing routes remains open.

The Planning Proposal indicates that the new bridge would be opened following completion of the 459th dwelling on the site (i.e. at the completion of the second stage, Stage 3B).

JBA advise that detailed analysis of the new bridge and other traffic management issues will be undertaken as part of the Transport Management & Accessibility Plan (TMAP) process. JBA advise that the TMAP will be completed post “gateway” determination and be submitted to Council prior to public exhibition of the Planning Proposal. The TMAP is to address the following:

- existing transport and accessibility infrastructure and deficiencies;
- possible transport and accessibility infrastructure opportunities; and
- proposed solutions and funding apportionments to inform a VPA agreement and implementation program.

Based on the concept plans provided, the proposed river crossing will affect the access and existing car parks in both Yarramundi Reserve and Navua Reserve. It is likely that the road would be well utilised and thus noise could also affect the current use patterns of these Reserves. The existing access into Navua Reserve would need to be widened to allow this proposal and this would impact on the vegetation of that site.

The Plan of Management for Yarramundi Reserve proposes closing off these Crown Roads and adding them to the Crown Reserve and states the following:

“When no longer required for through access, the following road reservations should be closed and added to the Crown reserve:

- *Portion of unmade road reserve between Lot 90 DP 786549 and Lot 1 DP 1040789;*
- *Portion of unmade road reserve between Lot 189 DP 803295 and Lot 1 DP 1040789).*
- *Portion of unmade road reserve within Lot 90 DP 786549.*

The inclusion of the above land parcels would be important for the reserve’s future integrated management and ecological restoration as a contiguous area of Crown land.”

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In relation to the proposed alternate river crossing some of the implications for Council would be:

- Preparation of a specific Plan of Management for Navua Reserve (as this is currently covered by a generic Plan) and a review of the Plan of Management for Yarramundi Reserve which includes Crown Land. This work is likely to take up to 12 to 18 months. It is unclear if the funding of this additional work is at the expense of Council or the proponent.
- The existing car parks and access points to these Reserves will need to be relocated and constructed (these works can only commence once the Plans of Management have been changed/adopted.) Again it is unclear who would be responsible for these works. Given that this is additional to Council's planning and only required for the development, it would be reasonable to expect that the funding of this work would be the responsibility of the proponent.
- The proposed works would impact vegetation that would require the necessary flora and fauna surveys. This could be undertaken as part of the plan of management process and should be at the proponent's expense.

Yarramundi Reserve/Navua Reserve are, jointly, a regional facility which are well utilised by local residents and tourists. Council has invested a large amount of money (both internal and grant funded) to develop these facilities for the community. A local bushcare group have contributed to the environmental improvement of Navua Reserve over the last 15 years. Yarramundi Reserve has been a National Tree Day site since 2006. The Grose River in the area is also relatively active in terms of movement of sand and redefinition of bank during flood events.

In light of this, it is considered that the proposed bridge and associated road works within Navua and Yarramundi Reserves are likely to create significant community interest and feedback to Council. It is therefore recommended that the proponent, as part of preparing the TMAP, propose at least one other alternative to the proposed crossing for consideration by Council, relevant public authorities and the community.

Agricultural Land Capability

The Planning Proposal is accompanied by an Agricultural Land Study of the site. The key findings of the study are:

- the use of the site for grazing is no longer viable due to rising land values and subsequent increases in rates and taxes;
- due to slope, high potential for soil erosion and general topography, the subject land is not suitable for cultivation or cropping. Further, the site is now 'book-ended' by urban development to the east and west, with the proximity of residential development preventing the intensification of agricultural uses due to land use conflicts such as noise, odour, chemicals and visual intrusion that would arise;
- the surrounding land uses, the soil profile of the land, and the statutory controls provide insurmountable constraints to the intensification of agriculture on the land;
- development of the site for urban uses would have no impact on primary production on neighbouring properties, essentially because the properties are residential or rural residential;
- with respect to the impact of the proposal on food production in the Sydney basin, the agricultural commodity value of the site is only 0.03% (or one 33rd of 1%) of the total value of agricultural production in the Sydney Basin, and so its redevelopment would have no impact.

Bushfire

A Bushfire Planning Assessment submitted with the Planning Proposal argues that Council's current Bushfire Prone Land Map is incorrect in the way it categorizes the vegetation types on the property. In light of this JBA request Council review the map in line with the Rural Fire Service's mapping guidelines.

Council and RFS staff are currently reviewing the Bushfire Prone Land Map for the whole City and the findings of the Bushfire Planning Assessment can be considered in this review.

It is considered that this apparent mapping anomaly does not act as an impediment to the progression of the Planning Proposal.

Economic Analysis and Proposed B2 zone

JBA have provided an Economic Impact Assessment with the Planning Proposal. The assessment investigated the economic impacts that would be generated by the proposal plus the seniors living development currently under construction.

The assessment notes that the development will generate economic impacts as a result of two separate activities:

- Construction: new jobs created as a result of civil works, infrastructure implementation and dwelling construction.
- Occupation: new jobs created as a result of the additional expenditure generated by incoming residents, and from the operation of the seniors living development.

With an estimated total construction cost of \$610 million (\$2012) consisting of civil works and infrastructure \$140 million, dwellings \$420 million, seniors living \$50 million, the assessment concluded that over the entire 10 year period, the construction activities associated with the development will support around 232 direct full time equivalent jobs and 346 indirect full time equivalent jobs, therefore 512 full time equivalent jobs in total, every year for ten years.

Further the assessment states:

According to ABS Input-Output tables, new jobs that are generated by construction activity will primarily benefit the industries of construction; manufacturing; and professional, scientific and technical services. We note that the construction and manufacturing industries are the two largest employers of Hawkesbury LGA residents, and therefore the development will generate significant job opportunities for local residents and contribute to increasing the level of employment self-sufficiency in the region.

Once the dwellings are constructed and dwellings are occupied, new jobs will be generated by expenditure on goods and services by residents and carers, administrative and maintenance staff associated with the seniors living development

The assessment estimates that the resident expenditure from the development of the site (including the seniors living development and the proposed additional dwellings) would generate demand for an additional 108 direct and indirect FTE jobs every year, reaching 1,079 direct and indirect FTE jobs by the time all dwellings are occupied and the resident population reaches around 4,200.

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The assessment states:

According to ABS Input Output tables, jobs that are generated as a result of retail expenditure will largely be in the retail trade, and administrative and support services industries. These industries are the third and fourth largest employers of Hawkesbury LGA residents respectively (the first and second largest being the construction and manufacturing sectors respectively). In addition, some of the indirect jobs will be located within neighbouring preschools, primary schools, secondary schools, and after school care facilities. Therefore, like construction activity, resident expenditure will generate new jobs that largely match the resident employment profile, and thus may contribute to increasing the rate of employment self-sufficiency of Hawkesbury LGA. At a minimum, an estimated 400 FTE jobs would be retained within the local centre within the development.

Finally, the assessment estimates that the Net Present Value (NPV) of output gains generated by construction and resident expenditure combined over a 20 year period is in the order of \$839 million.

JBA have considered the likely employment prospects of the future residents and claim that North Richmond is situated with respect to employment opportunities in the north-west region and western Sydney more broadly because the site:

- is within a 30 minute drive of the Penrith Regional Centres;
- is within a 30 minute drive of the Rouse Hill Town Centre and the new Marsden Park industrial estate at M7;
- is within 40 minutes of the Norwest Business Park;
- has rail links to Blacktown and Parramatta via the North-West Growth Centre; and,
- is within close proximity to the Sydney Business Park in Blacktown LGA. Once complete, the business park will accommodate approximately 1,425,000m² of bulky goods, industrial and commercial floor space

Approximately 1.2ha of land fronting Grose Vale Road is proposed to be zoned B2 Local Centre. As stated earlier in this report it is recommended that the zone be B1 Neighbourhood Centre. JBA advise that the purpose of the rezoning is to provide for a small local centre providing for a range of small scale retail, commercial and business uses to cater for the convenience shopping and services needs of the incoming population. Further, they advise that it is anticipated that the largest tenancy would be a convenience supermarket of approximately 700m².

In December 2008 Council adopted the Hawkesbury Employment Lands Strategy (ELS). The purpose of the strategy was to examine employment and employment lands with the Hawkesbury LGA and recommend future strategic actions. It was also, in part, a response to DP&I's draft NWSS that required an additional 3000 jobs be provided within the Hawkesbury LGA by 2031.

The ELS found that in general terms there was no shortage of business zone land to service future population and hence, other than some particular strategic sites, there was no need to increase the amount of business zoned land. Notwithstanding the ELS, given the location of the proposed development on the fringe of the North Richmond township and a minimum of 1km (approximately) from the North Richmond retail centre it is considered appropriate that the new development be served by a small business area to provide for the day to day needs of the new community. Further the provision of this business zone is consistent with the Sustainability Criteria of the HRLS which requires all centres accommodate the retail and commercial needs of their surrounding residential population.

The 1.2ha area of the proposed business zone is consistent with the areas of the business zoned land of Bligh Park (5000m² development and 2ha undeveloped), South Windsor (1.9ha), Glossodia (6250m²), Wilberforce (2.2ha), note all areas are approximate.

Flooding and Stormwater

As stated previously, the property is above the 1 in 100 year Hawkesbury River flood event level and a small part of the site (generally within the confines of the Redbank Creek riparian area) is below the Hawkesbury River Probable Maximum Flood level. Investigations regarding local flood extent are currently being finalised, however it is understood that local catchment flooding is generally confined to areas within the immediate vicinity of Redbank Creek.

The site is divided into four main catchments with three draining northerly to Redbank Creek via a series of channels and farm dams. The remaining southern catchment drains in an easterly direction to an existing channel that runs between the approved seniors living development and the existing residential development of Kemsley Downs. JBA claim that the redevelopment of the site represents the opportunity to:

- integrate open space areas and stormwater treatment devices;
- ameliorate existing flooding of residential properties downstream of the site;
- consider opportunities for storage and re-use of water as a resource for maintenance and watering purposes;
- maintain supply of stormwater (quality and quantity) to downstream users and environment; and
- integrate the heritage and environmental values of the key-line system dams as focal points in the surrounding community and drainage corridors.

Flora and Fauna

An Ecological Constraints and Benefits Analysis has been prepared with the report concluding that the majority of the site has little conservation value due to clearing and the presence of exotic pasture. The site does however contain some larger stands of remnant vegetation and creek lines which contain threatened ecological communities and threatened fauna and habitat resources.

The report found Cumberland Plain Woodland (CPW), a critically endangered ecological community, in two locations i.e. a 3.5ha stand located on the site's western boundary and a 0.5ha stand located in the central part of the site. The site also contains River-Flat Eucalypt Forest on Coastal Floodplains (RFEF), an endangered ecological community, within the Redbank Creek riparian corridor.

JBA advise that the development will require the removal of 1.05ha of CPW consisting of the 0.5ha stand located in the central part of the site and part of the 3.5ha stand located on the site's western boundary. The impact of this proposed removal, comments from State and possibly Federal government authorities and the need to biodiversity offsets will be examined during the Planning Proposal process.

No threatened flora species were identified during the survey. Threatened flora species and populations known to occur in the locality were considered and the report found that due to the highly modified nature of the site, none of these species are considered likely to occur.

37 threatened fauna species are known to occur in the locality. Three threatened bat species (Large-footed Myotis, Eastern Bentwing-bat and Eastern Freetail Bat) were recorded on the site. The report concludes that threatened fauna with the potential to occur on the site are most likely to utilize habitat along Redbank Creek or the pockets of CPW and whilst some species may forage over cleared areas of the site, these are most likely to occur only on an occasional, transient or migratory basis.

The report found the Cattle Egret (*Ardea ibis*), a species listed as migratory under the EPBC Act, occurring within the study area. The report also found the Great Egret (*Ardea alba*) may also occur at the site. These species are considered Matters of National Environmental Significance. An assessment of potential impacts under the EPBC Act will need to be undertaken as part of any future development of the property.

A Riparian Assessment has assessed the habitat value and condition of Redbank Creek, as well as the drainage lines associated with the Keyline Dam system. The Creek, although substantially modified, is the most ecologically important feature of the site, providing terrestrial and aquatic habitat.

Heritage - Aboriginal

The site is located in an important archaeological corridor, forming part of the Hawkesbury - Nepean River system, where many significant archaeological sites are found. A Preliminary Archaeology Investigation and the Aboriginal Heritage Assessment has been undertaken and found 10 archaeological features, including nine sites and one potential archaeological deposit (PAD). Seven of these features are contained within the riparian corridor of Redbank Creek. Three sites will be affected by the proposed development and will require archaeological salvage prior to development.

The assessment included consultation with the Deerubbin Local Aboriginal Land Council, Darug Tribal Aboriginal Corporation, Darug Custodian Aboriginal Corporation and Darug Aboriginal Cultural Heritage Assessments.

Heritage - European

The property contains no heritage items as listed by Hawkesbury Local Environmental Plan 1989 or the NSW Heritage Office. However the site is associated with P. A. Yeomans, a pioneer of the Keyline irrigation system. In response to this the Planning Proposal is accompanied by a Conservation Management Plan (CMP).

The CMP has determined that the site has high historical significance at a State level for its role as one of the first two demonstration farms where the Keyline system was developed in the early 1950s.

Whilst the Keyline system has not operated on the property as intended since 1967 and subsequent nearby subdivision and housing development has diminished the integrity of the system, key surviving elements of the system are to be incorporated into the proposed development. This is to be achieved by way of the retention of some dams and associated feeder and irrigation drains and spillways, retention of views from Grose vale Road, and via an interpretation strategy.

NRJV have lodged the CMP with the Heritage Branch of the Office of Environment and Heritage for endorsement. The Heritage Branch has advised of their intention to proceed with the listing of the site of the State Heritage Register and their comments will be considered throughout the Planning Proposal process.

Utilities and Services Infrastructure

Investigations undertaken on behalf of NRJV reveal the following:

- Water and Sewer - there exists capacity to service the first stage (Stage 3A) of the residential development without the need for any infrastructure upgrades. Augmentation to potable water and sewerage specific infrastructure points to support later stages of the project can readily occur and will be subject to an ongoing commercial agreement with Sydney Water.
- Power and Telecommunications - there is sufficient capacity to supply power to the whole of the development without the need to augment existing infrastructure. The site will be serviced by fibre optic cabling and will be one of the first fully serviced sites on the National Broadband Network.
- Natural Gas - Natural Gas (supplied by underground reticulation) is not available to service the site now, or within 5 years.

Visual impact

The site's landscape character is typified by the Redbank Creek corridor, a series of open valleys and north facing slopes, ridgetops, and views to the eastern escarpment of the Blue Mountains.

The Redbank Creek corridor consists of a dense vegetated understory with mature trees surrounded by grasses. This landscape feature extends along the entire northern boundary of the property and forms a barrier between the subject site and existing development to the north. This corridor is proposed to be retained and enhanced as part of the development.

The open valleys are characterised by farm dams adjoining open gullies surrounded by scattered trees and grasses. The north facing slopes consist of intermittently spaced tree clusters surrounded by grasses. JBA claim that these areas have a moderate to high capacity to change as the landscape is substantially modified from its original state.

The ridgetops consist of moderately vegetated areas characterised by mature trees and grasslands. JBA claim that this landscape type has low to moderate capacity for change as the vegetation forms part of a layered view across the site and beyond.

JBA advise that to ensure the site's landscape features are treated appropriately, and that the visual impact of the development is mitigated, the following are to be adopted in the future development:

- *The use of carefully sited landscape elements such as native tree planting and landscape buffers to mitigate the visual impact of the built form in more visually sensitive area, such as adjacent to Grose Vale Road;*
- *The use of street tree planting along all roads to mitigate the visual impact of built form;*
- *The provision of a minimum buildings setback (to be determined at master planning stage) from Grose Vale Road, to enable views across and over the subject site to distant hills, and to reduce the visual impact of buildings in the landscape setting;*
- *Avoiding buildings sited directly on top of ridges;*
- *Retention of individual native mature trees where possible and practical;*
- *Retention of tree lines along ridge tops to maintain the layering of the landscape;*
- *The use of road alignments to frame views of key landscape and topographic features including the central ridgeline, the foothills of Tabaraga Ridge and retained features of the keyline system;*
- *Retention of the prominent rural character along the ridgeline that Grose Vale Road is located on, including avoiding buildings interrupting the tree line when viewed from key vantage points;*
- *Positioning of buildings along existing contours where possible to minimise cut and fill;*
- *Retention of the Redbank Creek corridor and treeline; and*
- *Framing of views from Peel Park to the foothills of Tabaraga Ridge, and Keyline dams at the central ridgeline via road alignments connecting to Peel Park.*

It is considered that managing and mitigating the visual impact of the development is best achieved through further "master planning" and a site specific Development Control Plan.

Voluntary Planning Agreement

The Planning Proposal includes a formal offer by the NRJV to enter into a VPA with Council.

The NRJV propose that the VPA would:

- Operate in place of and exclude the application of Sections 94 and 94A of the *Environmental Planning and Assessment Act 1979*;
- Provide for the provision / delivery of all local public amenities and services required to meet the demand of the development and its future population (roads and transport, open space and recreation, community facilities and drainage);
- Enable the NRJV to meet its obligations with respect to the provision of local infrastructure via a combination of the:
 - dedication of land free of cost to the Council (with an initial maintenance and handover plan),
 - carrying out of works in kind both on and off-site, and
 - payment of monetary contributions towards the embellishment of existing local infrastructure in the locality as appropriate;
- Establish a baseline standard of works, facilities and services that is equivalent to like services throughout the Hawkesbury LGA;
- Provide for the progressive delivery of the land and works in proportion with the rate of development and / or identified milestones for the project;
- Require the NRJV to provide details with respect to the proposed carrying out of works, and any land to be dedicated to Council, at the time of the application relating to each stage of the development;
- Any land within each stage to be dedicated to the Council will be shown on the relevant plan(s) of subdivision; and
- Meet its obligations with respect to the above, material public benefits and land transfer) prior to the registration of subdivision plans on a staged / milestone basis.

JBA advise that given the relatively early stage that the Planning Proposal further detailed information will need to be provided to Council once site investigations and assessment of the urban development potential of the site is further progressed. In particular, it is noted that the extent of local off-site road network improvements cannot be finally determined until after the TMAP that is currently being prepared has been finalised and recommended works agreed. Accordingly, it is intended that a full and detailed VPA offer would be made to the Council by the NRJV following the “gateway” determination by the DP&I. The detailed VPA would be formally publicly exhibited as part of the final Planning Proposal documentation.

As stated earlier a preliminary outline of the VPA is attached to this report. The preliminary outline schedules will need to be subjected to further detailed consultation with Council as part of the next stages of the process, prior to public exhibition of the Planning Proposal, and should include, but not limited to, the following:

- detailed descriptions of the scope facility and requirements, including baseline standards;
- confirmed cost estimates for the construction / establishment and on-going maintenance of infrastructure;
- timing, including threshold staging as relevant;
- estimated value of each item to a level of detail that would ordinarily be contained within a Section 94 Plan or VPA.

Conformance to Community Strategic Plan

Council's consideration of the Planning Proposal would be consistent with the following Community Strategic Plan Themes and Direction statements:

Looking after People and Place

- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.
- Have future residential and commercial development designed and planned to minimise impacts on local transport systems allowing easy access to main metropolitan gateways.

Caring for our environment

- Be a place where we value, protect and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.
-
- Take active steps to encourage lifestyle choices that minimise our ecological footprint.

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

- Prepare residential land strategy

One of the key strategies in the Community Strategic Plan (CSP) was the preparation of a residential land strategy. The HRLS was adopted by Council on 10 May 2011 and that Strategy has incorporated the relevant Directions, Strategies and Goals contained in the CSP in relation to provision of housing, infrastructure and community development.

Consideration of the Planning Proposal is consistent with the requirements of the CSP and HRLS.

Council Policy - Rezoning of Land for Residential Purposes - Infrastructure Issues

On 31 August 2011 Council adopted the following Policy:

That as a matter of policy, Council indicates that it will consider applications to rezone land for residential purposes in the Hawkesbury LGA only if the application is consistent with the directions and strategies contained in Council's adopted Community Strategic Plan, has adequately considered the existing infrastructure issues in the locality of the development (and the impacts of the proposed development on that infrastructure) and has made appropriate provision for the required infrastructure for the proposed development in accordance with the sustainability criteria contained in Council's adopted Hawkesbury Residential Land Strategy.

Note 1:

In relation to the term "adequately considered the existing infrastructure" above, this will be determined ultimately by Council resolution following full merit assessments, Council resolution to go to public exhibition and Council resolution to finally adopt the proposal, with or without amendment.

Note 2:

The requirements of the term "appropriate provision for the required infrastructure" are set out in the sustainability matrix and criteria for development/settlement types in chapter six and other relevant sections of the Hawkesbury Residential Land Strategy 2011.

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The Planning Proposal has provided sufficient information to begin the rezoning process. Further discussion and consultation is required with Council, relevant State Government authorities and the community to ensure that the provisions of the Hawkesbury CSP and HRLS are satisfied and required infrastructure is planned for and delivered.

Conclusion

It is considered that JBA have provided sufficient information for a Planning Proposal to be forwarded to the DP&I for a “gateway” determination. It is noted that as yet Council has not received a TMAP as this is to be finalised, however it is considered that this need not delay referring the matter to the DP&I.

DP&I have issued guidelines relating to LEPs and Planning Proposal. These are *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*. These guides advise that the preparation of a Planning Proposal is the first step in preparing an LEP and throughout the course of preparing the proposed LEP the Planning Proposal evolves. It is DP&I’s expectation that, in the case of complex proposals, as studies and consultations are undertaken relevant parts of the Planning Proposal are updated, amended and embellished. The guides also outline specific matters which are to be included in a Planning Proposal. As discussed earlier in this report certain aspects of JBA’s Planning Proposal require amendment (i.e. the proposed B2 zone be changed to a B1 zone) or augmentation (i.e. SEPP, S117, HRLS Sustainability Criteria, comment regarding proposed community consultation, and the production of additional maps). It is recommended that Council staff prepare an amended Planning Proposal and that this be supported by the background information and various studies/report provided by JBA.

The purpose of the “gateway” is for the Minister (or delegate) to determine whether the Planning Proposal is to proceed. This “gateway” acts as a checkpoint to ensure that the proposal is justified and a community consultation process is also determined at this time.

If the Minister determines that the proposal should proceed this will then enable consultation to occur with relevant public authorities and public exhibition. Council may reconsider the Planning Proposal after consultation with the public authorities and the community.

If the Planning Proposal is to proceed through to an actual LEP amendment, a site specific DCP and VPA will need to be prepared, exhibited and adopted by Council.

It is envisaged that the DCP would contain the detailed planning controls that cannot or should not be within an LEP. The VPA would ensure that necessary public amenities and services are delivered by the developer throughout the life of the development.

Financial Implications

The applicant has paid the planning application fees required by Council’s Revenue Pricing Policy for the preparation of a local environmental plan.

JBA have advised that additional Master Planning and Development Control Provisions will need to be developed. It is recommended that these be prepared at the expense of the developer, the North Richmond Joint Venture.

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:

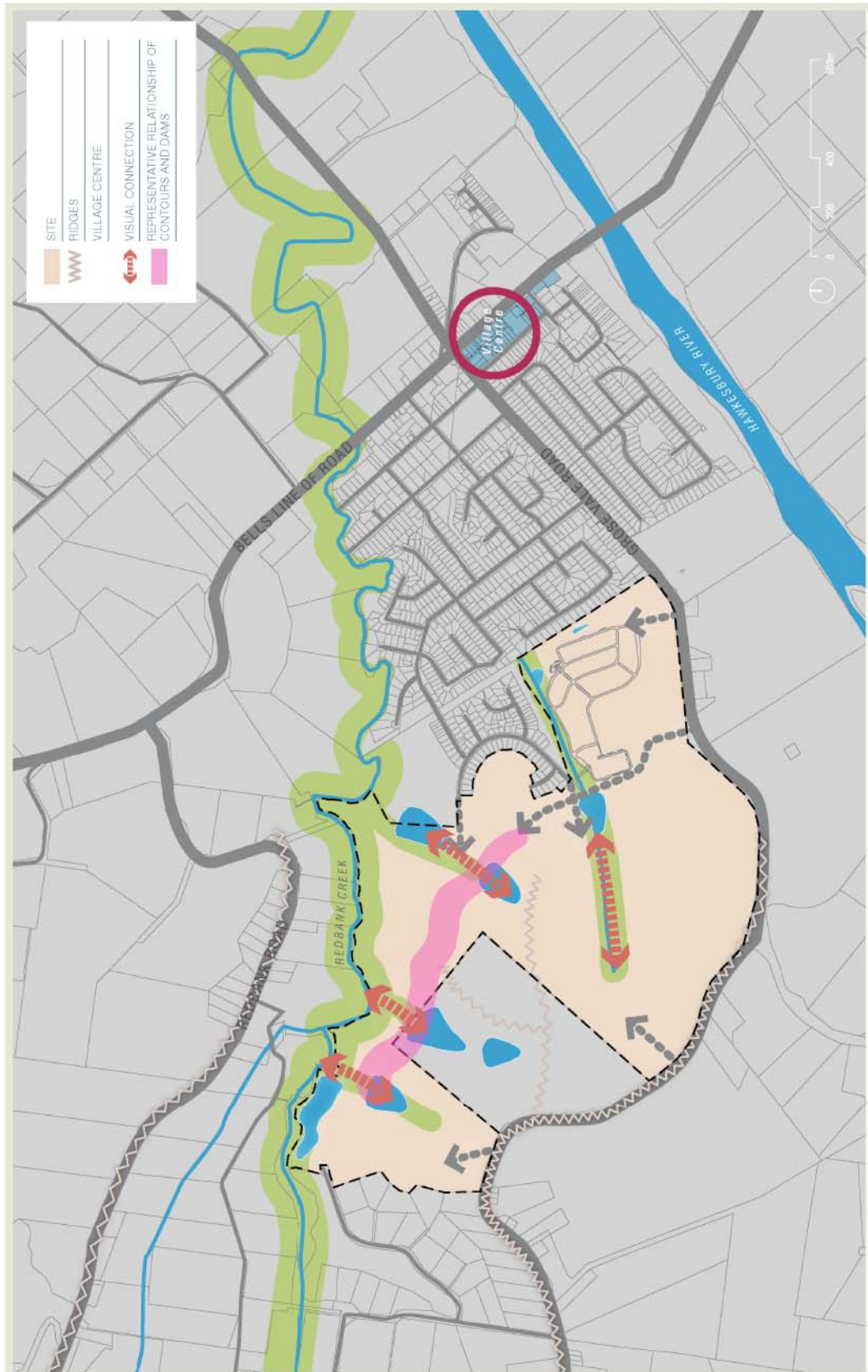
That:

1. A Planning Proposal be prepared for the rezoning of Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond as shown in plan titled *Gateway Planning Proposal – Infrastructure and Staging North Richmond Joint Venture Concept Plan Redbank Proposed Draft LEP Zonings*, prepared by J. Wyndham Prince, referenced 8607/SK44 and subject to the proposed B2 zone being changed to a B1 Neighbourhood Centre zone.
2. The Planning Proposal be supported by JBA Planning's Planning Proposal titled *Redbank at North Richmond*, dated March 2012 and associated reports and assessments.
3. The Planning Proposal be forwarded to the Minister for Planning and Infrastructure for a "gateway" determination.
4. The Minister for Planning and Infrastructure be requested to consider a community consultation period of not less than 60 days.
5. If the Department of Planning and Infrastructure determines that the planning proposal is to proceed, Council commence Voluntary Planning Agreement negotiations with the North Richmond Joint Venture and any other relevant party.
6. The North Richmond Joint Venture in preparing a Transport Management & Accessibility Plan for the proposed development is to include at least one other alternative to the proposed access route and Yarramundi Bridge crossing for consideration by Council, relevant public authorities and the community.
7. In the event of the Planning Proposal proceeding, the North Richmond Joint Venture is to develop a draft Masterplan and draft site specific DCP for the site, at their own expense, in conjunction with Council staff for final checking, amendment if required, and adoption by Council prior to finalisation of the rezoning.

ATTACHMENTS:

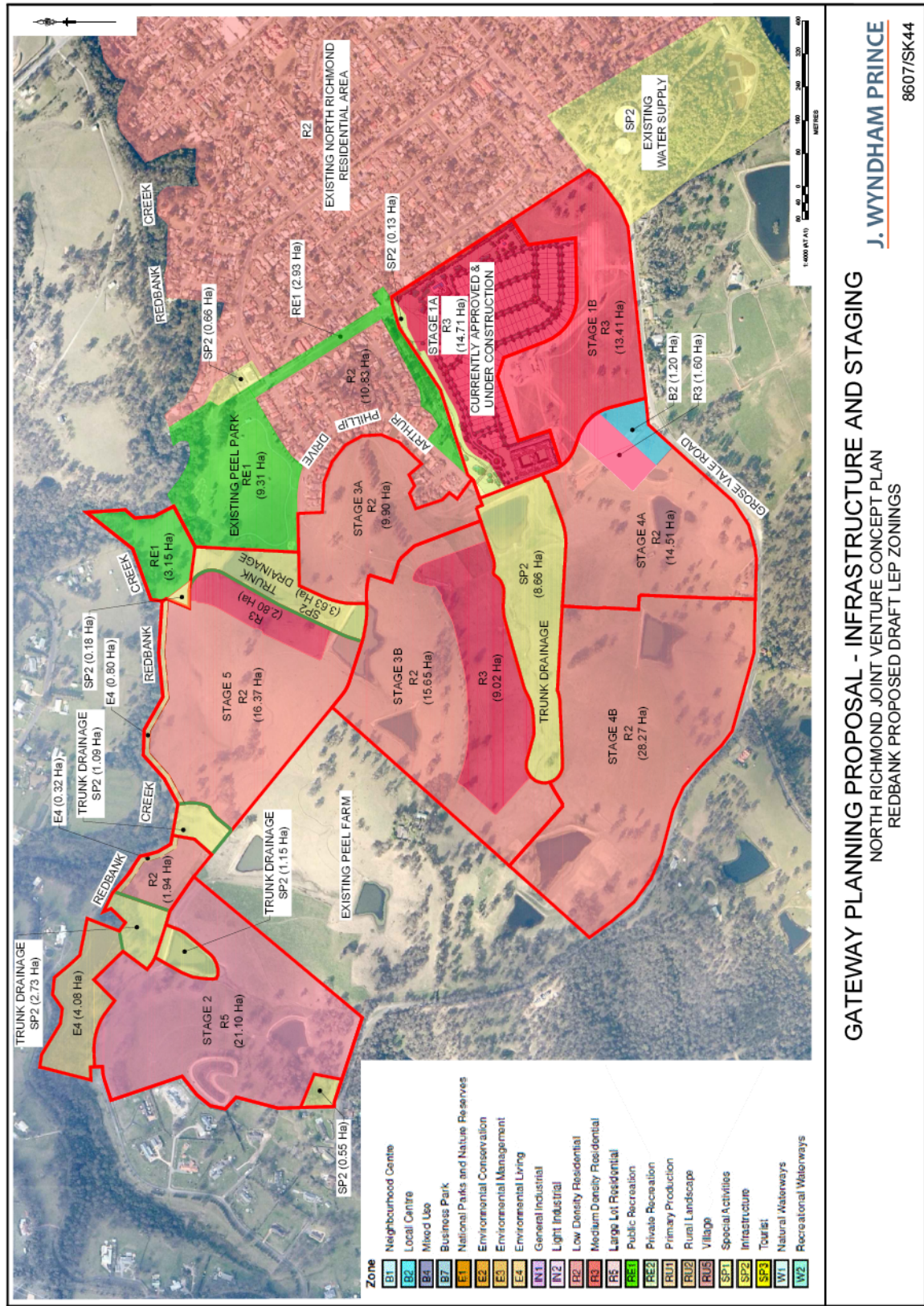
- AT - 1** Draft Zoning Plan, Preliminary Concept Plan, and indicative Layout Plans
- AT - 2** Preliminary Outline of Voluntary Planning Agreement
- AT - 3** Hawkesbury Residential Land Strategy Sustainability Criteria Assessment
- AT - 4** Slope map of 108 Grose Vale Road, North Richmond
- AT - 5** State Environmental Planning Policies and Ministerial Directions issued under Section 117 of the Environmental Planning and Assessment Act 1979 assessment
- AT - 6** Concept Plan for Proposed Access Route and Yarramundi Bridge Crossing

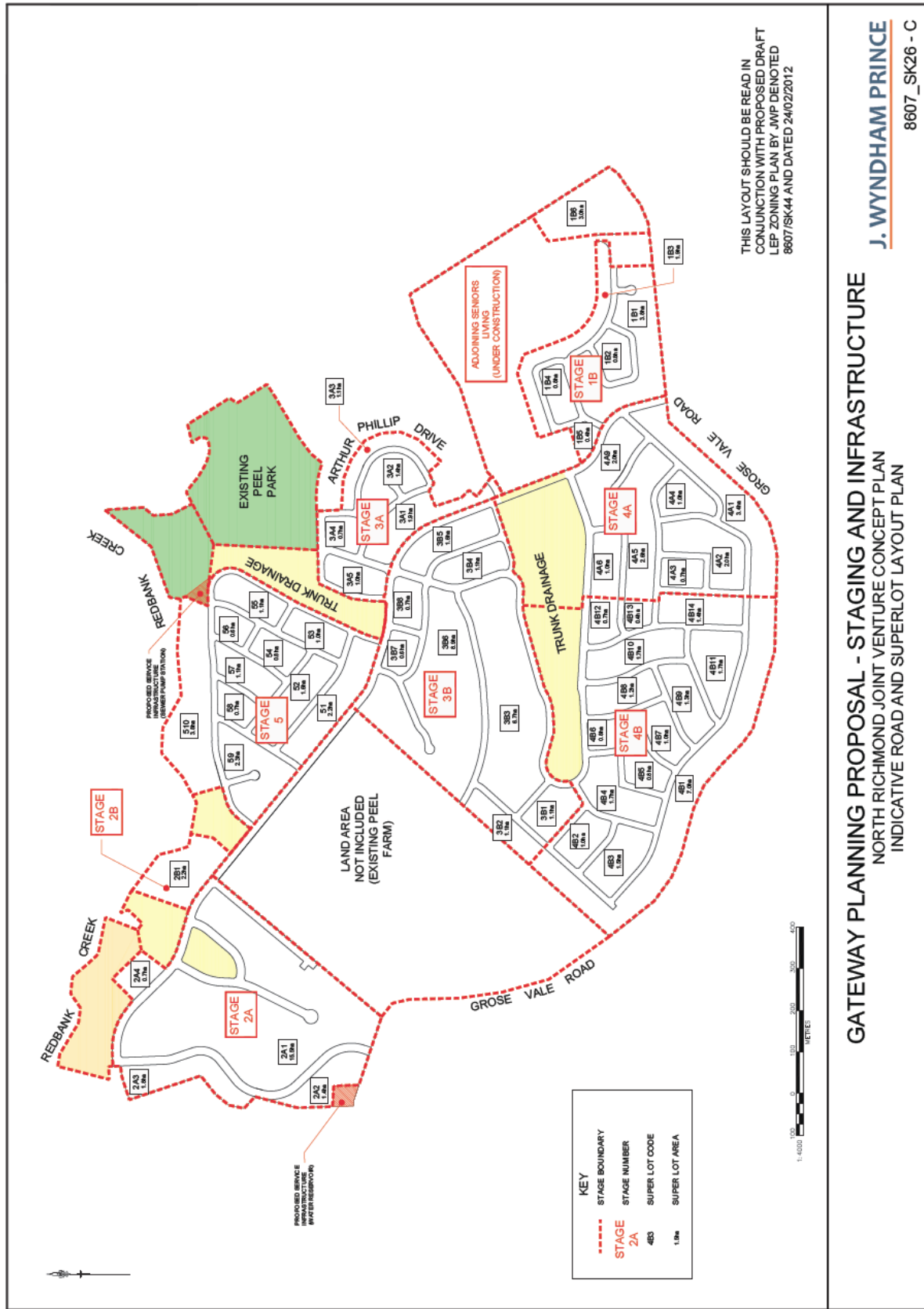
Attachment 1 - Draft Zoning Plan, Preliminary Concept Plan, and Indicative Layout Plans



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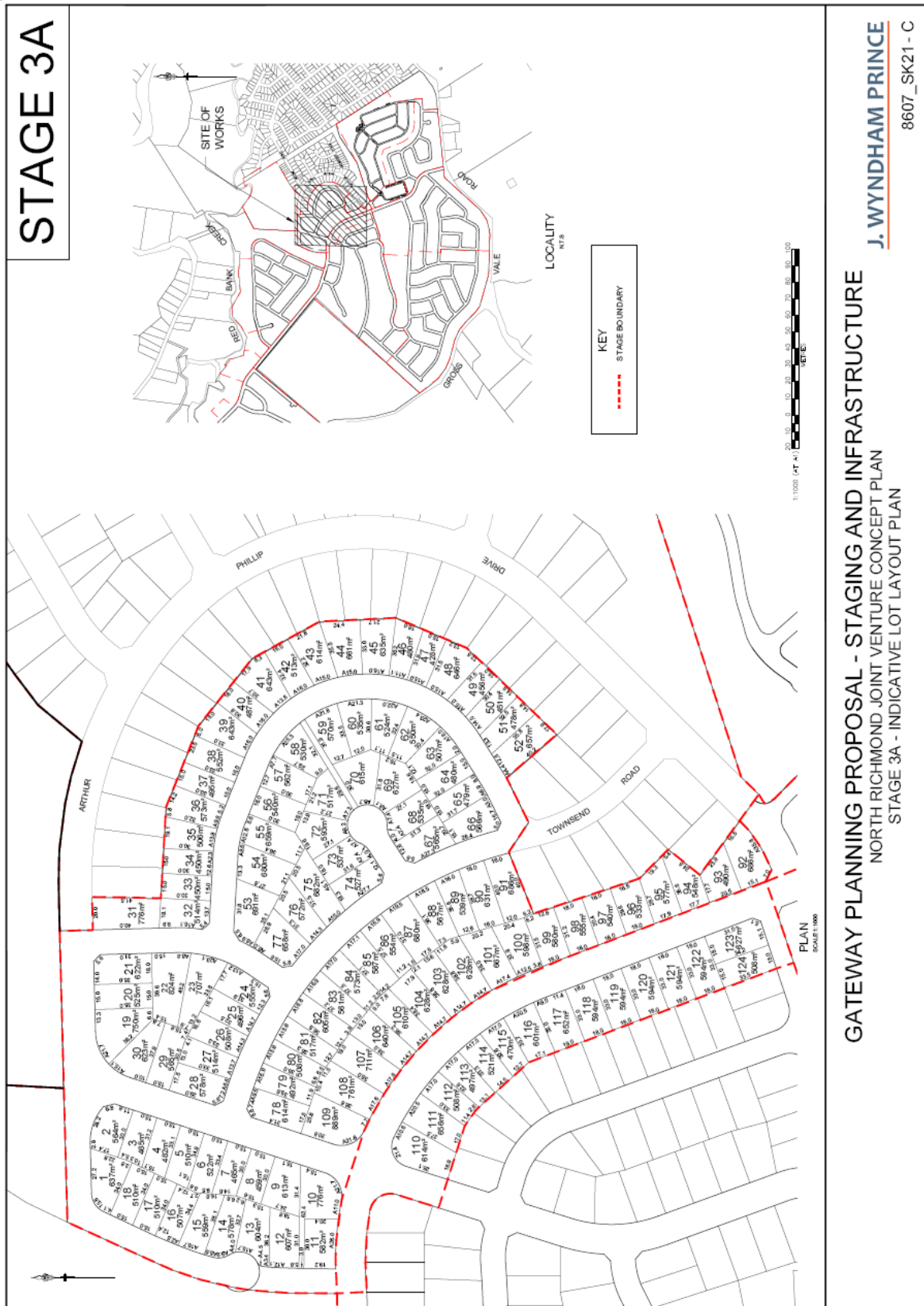




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STAGE 3A



GATEWAY PLANNING PROPOSAL - STAGING AND INFRASTRUCTURE NORTH RICHMOND JOINT VENTURE CONCEPT PLAN STAGE 3A - INDICATIVE LOT LAYOUT PLAN

J. WYNDHAM PRINCE

8607_SK21 - C

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Attachment 2 - Preliminary Outline of Voluntary Planning Agreement

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Table 4 – Preliminary VPA Schedule

Item	Type	Scope / Detail	Timing	Public purpose
Transport contributions				
1	New east – west bridge crossing at Yarramundi Reserve	To be confirmed following completion of TMAP	To be confirmed following completion of TMAP	Road transport and flood evacuation improvements for broader North Richmond population and proposed development
2	Off-site road network improvements	To be confirmed following completion of TMAP	To be confirmed following completion of TMAP	Road transport
3	Bus stops and bus shelters within site	To provide for all dwellings to be within 400m walking radius of bus stop, on collector road system	At relevant subdivision stage	Public transport
Community facilities				
1	Multipurpose community centre on site	Approx. 300 m ² multipurpose space for youth, aged and children's services, including kitchen and heritage interpretation. Includes landscaping, fit out, parking and site works. Land dedicated to Council at no cost.	At the relevant subdivision stage	Community meeting space / services
2	Social programs	Notionally, part time worker	To commence 12 months after occupation of 1 st lot for 5 years	Community establishment; Place making
3	Resident information package	To be provided to households as residents move into dwellings	To be confirmed	Community establishment; Place making
Open space and recreation				
1	Open space in conjunction with Peel Park / Redbank Creek	Dedication and landscape embellishment of approximately 3.15 ha including part of the Redbank Creek riparian corridor	Stage 5	Dual use of trunk drainage corridor for local open space / recreation in associated with Peel Park
2	Open space embellishments in conjunction with trunk drainage corridor S1	Landscape embellishment works (walk / cycle paths, signage, street furniture etc) to be confirmed. Note land dedication is included at Drainage Item 3 below.	Stage 5	Dual use of trunk drainage corridor for local open space / recreation, providing connectivity to Peel Park and Redbank Creek
3	Open space embellishment in conjunction with trunk drainage corridor S2	Landscape embellishment works (walk / cycle paths, signage, street furniture etc) to be confirmed. Note land dedication is included at Drainage Item 4 below.	Stage 5	Dual use of trunk drainage corridor for local open space / recreation, providing connectivity to Redbank Creek
4	Open space embellishment in conjunction with trunk drainage corridor S3	Landscape embellishment works (walk / cycle paths, signage, street furniture etc) to be confirmed. Note land dedication is included at Drainage Item 5 below.	Stage 2	Dual use of trunk drainage corridor for local open space / recreation, providing connection to Redbank Creek
5	Open space embellishment in conjunction with trunk drainage corridor S4	Landscape embellishment works (walk / cycle paths, signage, street furniture etc) to be confirmed. Note land dedication is included at Drainage Item 6 below.	Stage 4A	Dual use of trunk drainage corridor for local open space / recreation, providing

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Open space and recreation				
6	Embellishments to Peel Park	Facility improvements eg shade cloths, car park, cricket pitches etc	At relevant subdivision stage as works in kind	Local open space / recreation
Drainage				
1	Duplicate stormwater drainage pipe	Construction of a duplicate 1500 mm stormwater pipe along power transmission to convey 1:100 yr ARI discharge; including 20,000m ³ dry detention basin within Peel Park	Stage 3A	Off-site stormwater drainage improvements for broader North Richmond population
2	Retention S1 as Category 2 Stream, including Dams 12 and 15 and part of Redbank Creek corridor	Dedication of approx. 3.63ha including 20m CRZ + 10m VB on southern side of drainage line; rehabilitation works; substantial modification of Dam 12 as a constructed wetland with detention storage capacity and bio retention rain gardens	Stage 5	Multi-purpose environmental, trunk drainage, WSUD and public open space function; retained Dams provide OSD for northern site catchment draining directly to Redbank Creek
3	Retention S2 as Category 2 Stream	Dedication of approx. 1.09 ha including 20m CRZ + 10m VB either side of top of bank based on 1:1.5 yr flood event; rehabilitation works; bio retention rain gardens	Stage 5	Trunk drainage
4	Retention and extension of S3 as Category 2 Stream, including Dam 10	Dedication of approx. 3.88 ha including 20m CRZ + 10m VB either side; rehabilitation works; retained Dam provides OSD for northern site catchment draining directly to Redbank Creek; bio retention rain gardens	Stage 2	Multi-purpose environmental, trunk drainage, WSUD and public open space function
5	Retention T6 (S4) as Category 2 Stream, including modified Dam13	Dedication of approx. 8.66 ha including 20m CRZ + 10m VB either side of top of bank; rehabilitation works; incorporates OSD basins and bio retention raingardens totalling over 11,000 m ² in bed area; Modification of Dam to convert to a constructed pond with detention	Stage 4A	Trunk drainage; Off-site stormwater drainage improvements for broader North Richmond population
6	Dedication of existing formed channel at northern boundary of Seniors Living development	Dedication of existing formed channel (approx.. 0.13 ha)	Stage 1A	Trunk drainage
7	Relocation and incorporation of T1, T2, T3, T4 (a&b tributaries only), T5 and T7b into WSUD strategy	Dedication of site water management strategy / WSUD	At relevant subdivision stage	Local drainage

Attachment 3 - Hawkesbury Residential Land Strategy Sustainability Criteria Assessment



Hawkesbury Residential Land Strategy Sustainability Criteria

Sustainability Element	Criteria	Planning Proposal	Complies
Housing Types	<ul style="list-style-type: none"> New dwellings to primarily be located within centre catchments. New dwellings to provide a variety of housing types. Mixed use development to surround commercial core. Provide suitable transition between different dwelling densities. 	<p>The proposed housing is located on a site that forms a natural extension of the existing North Richmond town. It is within the centre catchment of North Richmond.</p> <p>The Planning Proposal identifies the intention to provide a variety of housing types, and the proposed adoption of the R2 Low Density Residential, R3 Medium Density Residential and R5 Large Lot Residential land use zones support this intention and also provide for a suitable transition between different dwelling densities commensurate with both the adjoining North Richmond town (which includes both R2 Low Density and R3 Medium Density residential land), and the adjoining large lot residential development on the site's western boundary. This is in addition to the Seniors Living Development, which also provides an additional housing type that is much needed in the locality. Housing typology can be further considered as part of the DCP for the site.</p> <p>There is no 'commercial core' or 'mixed use' land use zoning proposed as part of the project. The small local centre (approx. 1 ha) will allow for the provision of a limited quantum of convenience retail / business floor space to meet the day to day needs of the local residents.</p>	Yes
Affordable Housing	<ul style="list-style-type: none"> Affordable housing to be integrated into new urban developments. Affordable housing to be located within centre catchment and close to public transport and services. Provision of housing to meet special needs i.e. essential workers, itinerant residents, elderly and cultural groups etc. 	<p>The proposed project does not incorporate 'affordable housing' within the statutory planning definition. However, it does deliver housing affordability, and also will provide housing to meet special needs through the Seniors Living Development.</p> <p>The indicative price ranges identified for the development indicate that the site will provide housing that is affordable at the price point of the local housing sub market in the Hawkesbury LGA. The indicative price range for Redbank is \$280,000 to \$350,000 for the majority of lots. Lot sizes will range from 480m² to 1,200m² on average. Larger lots of 2,000m² to 4,000m² that are likely to be provided in one small section of the site (for environmental reasons) would be in the order of \$450,000 to \$550,000 per lot.</p>	Yes

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Redbank at North Richmond ■ Hawkesbury Residential Land Strategy Sustainability Criteria

Sustainability Element	Criteria	Planning Proposal	Complies
Employment and Centres	<ul style="list-style-type: none"> ■ All centres to accommodate the retail and commercial service needs of their surrounding residential population, according to their designation. ■ Facilitate renewal of existing centres with the capacity for growth. ■ Maintain or improve the existing level of subregional employment self-containment ■ To permit urban expansion at the perimeter of those towns and villages which can expand economically and without environmental detriment. ■ Meets subregional employment capacity targets. ■ Employment related land is provided in appropriately zoned areas. 	<p>There is also an opportunity to create smaller clusters of integrated low maintenance housing and reduce house land package prices into the \$400,000 to \$500,000 price range. These would appeal to the growing numbers of lone households, couples with no children and first home buyers in the local demographic submarket.</p> <p>This compares favourably with other similar development. For example, a 450m² lot in "The Ponds" Kellyville achieves \$320,000 on average and up to \$410,000 for land in North Kellyville.</p> <p>The proposal will actively support the provision of housing for essential workers and elderly people. Due to the proximity of the Richmond RAAF base to the site, the Defence Housing Authority (DHA) has advised the site is the most suitable location for additional housing stock. Additional stock is required to meet the demands of existing and projected personnel at the base and to dispose of redundant older housing that does not meet current DHA standards.</p> <p>The DHA have indicated a potential need for 20 to 30 dwellings per annum for 10 years, or up to 300 dwellings.</p> <p>Richmond RAAF is one of the largest employers in the Hawkesbury LGA maintaining considerable local employment opportunities. Additional DHA housing would bolster the local economy.</p> <p>Construction is already underway on the construction of a Seniors Living Development on the site. Once complete, the site will accommodate 197 ILUs and an 80 bed nursing home.</p> <p>The site does not propose any significant commercial or employment land and does not propose to compete with the existing commercial and retail centre within North Richmond. To the contrary, the incoming residential population will support and enhance the local centre and improve employment self-containment. As demonstrated in the Economic Impact Assessment submitted as part of the Planning Proposal (refer to Appendix R), the project will have the following positive economic impacts:</p> <ul style="list-style-type: none"> ■ Assist in maintaining existing employment positions, particularly in the construction, manufacturing, and professional, scientific and technical services industries through the generation of 579 direct and indirect FTE jobs during each year of construction (10 years). With construction and manufacturing being the two largest employers in the Hawkesbury LGA, the development will generate significant job opportunities for local residents and contribute to increasing levels of employment self- 	Yes

JBA Urban Planning Consultants Pty Ltd ■ 11353

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Redbank at North Richmond ■ Hawkesbury Residential Land Strategy Sustainability Criteria

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Sustainability Element	Criteria	Planning Proposal	Complies
Service Infrastructure	<ul style="list-style-type: none"> Following infrastructure is required for all centres: <ul style="list-style-type: none"> - Water (drinking/recycled) - Stormwater - Sewer - Energy (electricity/gas) - Communications (landline, mobile, broadband) - Road networks with links to key centres - Resolution of flood evacuation - Suitable public parking Infrastructure has capacity or can be augmented to cater for future growth and demand: <ul style="list-style-type: none"> - Water: capacity to development sustainable water systems to reuse and recycle stormwater runoff and overland flows - Sewer: urban development in town centres and villages to be limited to areas serviced by reticulated sewerage. Urban development in small villages and neighbourhood centres to be limited to areas capable for onsite disposal and / or waste water irrigation. The infrastructure capacity of each centre must be able to support future dwelling projections and provided in a timely and efficient way. Development is located outside of 20+ ANEF noise contours. 	<p>sufficiency in the region.</p> <ul style="list-style-type: none"> Once all dwellings are constructed, direct and indirect jobs generated by resident expenditure and operation of the seniors living development will reach 1,079 FTE (approximately 108 during each year of construction) and these jobs will be sustained for as long as dwelling are occupied. This includes 400 FTE jobs within the proposed local centre (approximately 1ha) which will accommodate local neighbourhood shops and services. This will make a significant contribution to employment target under the draft North West Subregional Strategy, which requires the Hawkesbury LGA to accommodate 3,000 jobs by 2031. The increase in housing mix and affordability has the potential to attract new residents with a different demographic profile to existing residents, thereby generating a range of benefits including an ability to fill local jobs, retaining incomes and expenditure in the local area. <p>As detailed in the Utilities and Traffic Infrastructure Report at Appendix D and Section 2.16, the full range of utility services, including power, telecommunication, water and sewer are currently available to support the first stage of the development, without the need for infrastructure upgrades.</p> <p>Augmentation to potable water and sewerage specific infrastructure points to support later stages of the project can readily occur, and will be an ongoing commercial agreement with Sydney Water. The strategy for the upgrades and how this is matched to the proposed dwelling production schedule for the project is set out in the Utilities and Transport Report.</p> <p>Services Infrastructure has been clearly demonstrated to be able to be provided without limiting the provision of water and sewer infrastructure in the North-West Growth Centre or elsewhere.</p> <p>The key infrastructure that will require significant upgrade works (due primarily to pre-existing traffic conditions in the locality) is the road transport network. The Planning Proposal presents an offer by the NRJV to provide an alternative east west crossing of the Grose River to alleviate congestion on the North Richmond Bridge. This proposal, plus any other required road transport network improvements is to be the subject of a TMAP that is currently being prepared in consultation with the RMS, Hawkesbury City Council and the DP&I.</p> <p>The site does not require evacuation during flood events, and flood free access is available to the Blue Mountains at all times. The proposed alternative east west crossing of the Grose River will, however, have the</p>	Yes

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Sustainability Element	Criteria	Planning Proposal	Complies
Public Transport and Access	<ul style="list-style-type: none"> Future urban development: <ul style="list-style-type: none"> Promotes high level of public transport to minimise car usage; Is concentrated in proximity to CityRail Train Stations within the Hawkesbury LGA; Is concentrated in proximity to regular and reliable bus networks and services; Is accessible to transport options for efficient and sustainable travel between homes, jobs, services and recreation. Transport infrastructure is available or scheduled to be provided in a timely and efficient way to service future urban development. All centres provide cycle links within each centre and with linkages to other centres and key destinations. All centres contain universally accessible pedestrian facilities throughout the centre. 	<p>significant public benefit of providing an additional flood evacuation route, that will remain open for a considerable period of time following inundation of the North Richmond Bridge providing for improved flood evacuation and significantly reduced evacuation travel times for the locality generally.</p> <p>The site is located outside of the 20 + ANEF noise contour.</p> <p>The provision of improvements to the road transport network is the primary matter that needs to be resolved as part of the Planning Proposal.</p> <p>As identified in Section 4.9.4, a TMAP is currently being prepared in consultation with the RMS, Hawkesbury Council and the DP&I. The TMAP will comprehensively address and make proposals with respect to each of the matters identified in the criteria, including identification of the threshold staging of provision of necessary road transport infrastructure and the relative contribution to be made by the NRJV towards the infrastructure provision including improvements relating to car travel, public transport, cycle and pedestrian.</p> <p>Specifically, the TMAP will address:</p> <ul style="list-style-type: none"> Existing transport and accessibility infrastructure and deficiencies; Possible transport and accessibility infrastructure opportunities; and Proposed solutions and funding apportionments to inform a VPA agreement and implementation program 	
Open Space and Recreation	<ul style="list-style-type: none"> Open space provision linking and contributing to district level open space network All future residents are located in proximity to local and district open space and recreation facilities. All centres meet open space and recreation benchmarks according to their catchments and population needs. 	<p>The preliminary concept and rezoning proposal seeks to extend upon the existing park, Peel Park, to create a network of passive open space not only for the site but also the existing community. The indicative Concept Plan and site layout also facilitates the retention of the site's significant vegetation, with the Redbank Creek riparian corridor being preserved and maintained.</p> <p>The Community Needs Assessment submitted with the Planning Proposal identifies the requirements of the incoming population with respect to open space and recreation facilities. The Planning Proposal includes an offer by the NRJV to enter into a VPA with Hawkesbury City Council for the provision of local open space and recreation facilities.</p>	Yes
Natural Environment and Resources	Future development is cognisant of and responsive to natural and environmental constraints including natural areas; water and air quality; flood prone land less than 1:100; wetlands and riparian zones; acid sulphate soils; steep terrain; bushfire prone land; biodiversity and significant flora and fauna habitat; heritage. Detailed criteria for each constraint is outlined below.		

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Sustainability Element	Criteria	Planning Proposal	Complies
Natural Areas	<ul style="list-style-type: none"> ■ No urban development in areas identified for conservation, environmental sensitivity and recreation. ■ Maintains a high quality natural environment and respects elements of the natural environment. ■ Protect and enhance biodiversity, air quality, heritage and waterway health. ■ Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DECCW and DPI). This includes regionally significant vegetation communities; critical habitat; threatened species; populations; ecological communities and their habitats. 	<p>The majority of the site has low conservation significance.</p> <p>The site does contain some Cumberland Plain Woodland (CPW) and River Flat Eucalyptus Forest. CPW is now listed as a critically endangered species under both the <i>Threatened Species Conservation Act 1995</i> and the <i>Environmental Protection and Biodiversity Conservation Act 1999</i>.</p> <p>The RFEF will be protected within the Redbank Corridor. A preliminary Seven Part Test has been conducted by GHD (see Appendix K) to determine the impact of the proposal on CPW. The development will require the removal of 1.05ha of CPW. This comprises an isolated (0.5ha) patch of moderate to poor quality, and 0.55ha of a larger, more intact patch in the western corner of the site.</p> <p>The preliminary Seven Part Test concludes that the proposal is unlikely to result in a significant impact on CPW, pursuant to s.5A of the EP&A Act. Notably, the proposed removal represents only 0.23% of the CPW that is mapped as occurring in the locality, and 0.07% of what is mapped as occurring in the LGA. As a result, the removal would be unlikely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction.</p> <p>The limited removal of CPW will be facilitated by the following measures, at development application stage:</p> <ul style="list-style-type: none"> ■ Assessment of significance of direct and indirect impacts on a critically endangered ecological community to meet the requirements of the EPA Act and the EPBC Act; ■ Determination of the need for a Referral under the EPBC Act; and ■ Determination of the need for biodiversity offsets to satisfy both NSW and Federal requirements. <p>The preliminary site Concept Plan has been designed to retain the site's heritage values through effective interpretation and appropriate retention of some fabric, including Keyline elements such as tree plantings and drains, in association with a selection of dams for retention.</p> <p>Finally, waterway health will be maintained through a series of initiatives which seek to reduce stormwater volume and improve stormwater quality. The strategy comprises a range of on-lot, street level and sub-catchment / subdivision scale treatments including:</p> <ul style="list-style-type: none"> ■ on-lot treatments; ■ street level treatments; and 	Yes

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Sustainability Element	Criteria	Planning Proposal	Complies
<i>Water and Air Quality</i>	<ul style="list-style-type: none"> ■ Maintain or improve existing environmental condition of air quality. ■ Maintain or improve existing environmental condition for water quality and quantity. ■ Further development is consistent with community water quality objectives for recreational water use and river health (DECCW and CMA). 	<ul style="list-style-type: none"> ■ sub-catchment / subdivision scale treatments. <p>The proposal will not detrimentally affect existing air quality. The only potential to negatively affect air quality will arise during the construction process, at which stage a Construction Management Plan will be developed to ensure air quality is maintained.</p> <p>As detailed above, a stormwater strategy has been established to reduce stormwater volume and improve stormwater quality. The proposed riparian / trunk drainage network, and protection of Redbank Creek corridor is consistent with the objectives for recreational water use and river health.</p>	Yes
<i>Flood Prone Land</i>	<ul style="list-style-type: none"> ■ Further urban development: <ul style="list-style-type: none"> - Must avoid high risk flood areas below 1:100 flood level; - In flood prone or at risk areas is to prepare a Flood Risk Management Plan; - Must demonstrate and undertake appropriate construction methods to be used in areas identified as at risk of flooding; and - Is consistent with catchment and stormwater management planning (CMA and local council). 	<p>North Richmond township is above the Probable Maximum Flood (PMF) level and so is not directly at risk from riverine flooding, however a small area of the site along Redbank Creek (approximately 2% of the site) lies below the PMF. That section of land is within the riparian corridor and would never be developed without the relevant studies, approvals and limited fringe earthworks to ensure there are no adverse impacts upstream or downstream due to works on this section of the land.</p> <p>The site does not require evacuation during times of flood. A flood free access route is available at all times.</p> <p>As identified above, the offer by the NRJV to construct a new bridge across the Grose River would provide an alternate east west access for an extended period of time during flood events as compared to the existing bridge at North Richmond. Thus the proposal has the ability to deliver a significant public benefit in terms of an alternative flood evacuation / access route for the broader locality, and to significantly reduce travel times during a flood event.</p>	Yes
<i>Wetlands</i>	<ul style="list-style-type: none"> ■ Future urban development is to be avoided in (or in close proximity to) wetland areas, to continue to protect wetlands in the Hawkesbury LGA. ■ Future urban development to be located outside of riparian zones. ■ Location of future urban development is to be cognisant of acid sulphate soils classifications. 	<p>The site does not contain any identified wetlands.</p> <p>The riparian / trunk drainage system for the site, including the riparian zones has been identified in consultation with OEH and is reflected in the proposed land use zoning. The riparian zones</p> <p>Preliminary geotechnical investigations have identified that the site is not subject to acid sulphate soil constraints.</p>	N/A
<i>Acid Sulphate Soils</i>	<ul style="list-style-type: none"> ■ Site specific studies should be carried out on areas identified as subject to an Acid Sulphate Soil and Urban Salinity Classification before urban development is approved. ■ Appropriate construction methods must be used for urban development 	<p>As detailed in the Preliminary Geotechnical Assessment (refer to Appendix E a review of the Acid Sulphate Risk Map (Edition 2) for Kurrabung, prepared by Land and Water Conservation, indicates no known</p>	N/A

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Sustainability Element		Criteria	Planning Proposal	Complies
Heritage		In areas identified as at risk of acid sulphate soils, in line with Hawkesbury Local Environmental Plan 1989.	occurrence of acid sulphate soils on the site.	
		<ul style="list-style-type: none"> Future development is cognisant of and responsive to archaeological and cultural heritage. Future urban development to protect areas of Aboriginal cultural heritage value (as agreed by DECCW). 	<p>Nine aboriginal archaeological sites and one potential archaeological deposit have been identified, located predominantly along Redbank Creek. No archaeological sites are located on sloping surfaces (which account for the majority of the land).</p> <p>Although archaeological material has been identified, the presence of these sites will not prevent development outside of the Redbank Creek riparian corridor. The areas of highest potential are associated with the creek line and immediate surrounds. Those sites outside of the Creek line that will be disturbed can be managed appropriately.</p>	Yes
Scenic Landscapes		<ul style="list-style-type: none"> The existing landscape and its retention form an important consideration for further development of the LGA. Its significance is both local and regional and a considerable asset to tourism and increasingly important to marketing of local products as an adjunct to tourism. Urban development to minimise impacts on view corridors to significant rural and natural landscapes. 	<p>The Visual Landscape Analysis prepared by Urbis (refer to Appendix I) identifies that most of the site has very low to low visual sensitivity.</p> <p>The VIA makes a number of recommendations to minimise the visual impact of the proposed development, particularly on those areas identified as having moderate to high sensitivity. These recommendations have been incorporated into the Concept Plan, and are expected to form part of a future DCP for the site.</p>	Yes
Steep Terrain		<ul style="list-style-type: none"> Urban development to be limited to areas with a slope of 15% or lower. Development on slopes greater than 15% are required to demonstrate there is no impact on soil erosion subsidence, landslide and mass movements. 	<p>The Preliminary Geotechnical Assessment at Appendix E states that slopes on the site are generally 10-12 degrees, with a steep slope of up to about 20 degree noted on the western portion of the site. On this basis, and given that there was no evidence of slope failure across the site, the risk of slope instability has been as identified as Very Low to Low.</p>	Yes
Prime Agricultural Land		<ul style="list-style-type: none"> Prime agricultural land is to be protected. Urban development in rural and agricultural areas should be avoided to minimise conflicts between uses and to maintain economic and tourism resources of the LGA. There is a need to protect the potential for future agricultural productions as circumstances and opportunities change. The protection of agricultural land is also seen as important by the local community for protecting the rural, scenic quality of the Hawkesbury. Future urban development on prime agricultural land and loss of economic activity, employment and food source in the LGA and should be clearly assessed for its benefits before approval. 	<p>The site has been used for cattle grazing many years, in association with several other cattle properties. However, the use of the site for grazing is no longer viable due to rising land values and subsequent increases in rates and taxes. Further, the site is now 'book-ended' by urban development to the east and west, with the proximity of residential development preventing the intensification of agricultural uses due land use conflicts such as noise, odour, chemicals and visual intrusion that would arise.</p> <p>Finally, development of the site for urban uses would have no impact on primary production on neighbouring properties, essentially because the properties are residential or rural residential. With respect to the impact of the proposal on food production in the Sydney basin, with the agricultural commodity value of the subject land being 0.03% for one</p>	Yes

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Sustainability Element	Criteria	Planning Proposal	Complies
<i>Bushfire Prone Land</i>	<ul style="list-style-type: none"> Urban development in Category 1 and 2 Bushfire areas is to be avoided. Urban development is to be subject to meeting the requirements of the NSW Rural Fire Service Planning for Bushfire Protection Version 3 in June 2006 guidelines. Detailed site specific studies are to be carried out in areas identified as being within a bushfire vegetation category before urban development can occur. 	<p>33rd of 1% of the total value of agricultural production in the Sydney Basin.</p> <p>The site is generally free from bushfire constraints. Bushfire hazard can be managed with the incorporation of APZs in accordance with the Planning for Bushfire Protection, within the boundaries of the site and predominantly along Redbank Creek. It should be noted that Council's Bushfire Prone Land Map contains several anomalies, and should be reviewed to ensure consistency with the Rural Fire Service's mapping guidelines.</p> <p>Whilst it is unlikely that bushfire would cause the site to be evacuated, and it is noted that there is no bushfire evacuation plan in place for the North Richmond area. However, it is recognised that in the most extreme events, many people may voluntarily choose to leave, or may be instructed to do so by the NSW Rural Fire Service.</p> <p>If evacuation was required, it is reasonable to assume that the Bells Line of Road to the west of North Richmond has the greatest risk of being cut by bushfires. There is a negligible risk of the roads to the east and across the floodplain to Richmond being cut by bushfires.</p> <p>As a result, if residents want to leave, or are instructed to evacuate North Richmond, they would be able to do so safely at any time.</p>	Yes
<i>Special Use Land</i>	<ul style="list-style-type: none"> Future urban development is not to impact on the continued use and existence of significant special uses, such as the RAAF Base at Richmond and the University and TAFE College sites. Future urban development avoids impacts on productive resource lands; extractive industries and other mining. 	<p>The proposal will support the operation of the RAAF Base and other special uses in the locality through the provision of housing.</p> <p>A unique requirement for housing is also generated by the Defence Housing Authority (DHA). Due to the proximity of the Richmond RAAF base to the site, the DHA has advised the site is the most suitable location for additional housing stock. Additional stock is required to meet the demands of existing and projected personnel at the base and to dispose of redundant older housing that does not meet current DHA standards.</p> <p>The DHA have indicated a potential need for 20 to 30 dwellings per annum for 10 years, or up to 300 dwellings.</p> <p>Richmond RAAF is one of the largest employers in the Hawkesbury LGA maintaining considerable local employment opportunities. Additional DHA housing would bolster the local economy.</p>	Yes
<i>Noise Exposure</i>	<ul style="list-style-type: none"> Urban development with noise exposure contour of 20 or higher ANEF should not occur. 	<p>The site is located outside of the ANEF contour and is therefore unaffected by potential aircraft noise (refer to Figure 19 at Section 2.14).</p>	Yes

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Sustainability Element	Criteria	Planning Proposal	Complies
Community Facilities	<ul style="list-style-type: none"> Australian Standard 2021:2001 criteria should be adopted as a measure of appropriate noise zones for future development. All centres to provide a level of community facilities and services that are accessible and meet the needs of their local community. Some services and facilities may exist in areas outside of the centres therefore long term planning of future facility provision to create community hubs which seek to co-locate and consolidate services and facilities in key nodes. Future urban development is to ensure that: <ul style="list-style-type: none"> Quality health, education, legal, recreational, cultural and community development and other government services are accessible. Adequate community services and facilities exist to meet the needs of the future residents. Existing community services and facilities have the capacity to service the future development. Future service provisions has been planned and budgeted. Developer funding for required service upgrade / access is available. 	<p>The site is acceptable for development of all buildings types without additional noise mitigation.</p> <p>The Community Needs Assessment prepared by Urbis (included at Appendix O and Section 2.17) has determined the facilities required to support the development, which will increase the local population by up to 3,920 people over a 10 year period.</p> <p>The Assessment identifies North Richmond as a significant and self-sufficient community in the Hawkesbury LGA. The site itself is well located to access and support a range of health, education, community and recreation facilities, as well as human services and open space. Notwithstanding this, some additional infrastructure is required to service the future population.</p> <p>The NRJV is proposing to provide a multi-purpose community facility (approximately 300m²) adjacent to Peel Park. The building will help to relieve pressure on existing community facilities, as well as providing services that are lacking in the area, such as a men's shed service, potential space for youth activities, and a heritage facility. The men's shed will provide a valuable service to residents of both the proposed development and the adjacent seniors living development.</p> <p>In addition to the above, the social infrastructure assessment has identified a need for the following infrastructure:</p> <ul style="list-style-type: none"> Ensure that the community building provides a flexible space, including lockable storage space along with limited kitchen and bathroom facilities, as well as parking and shade sails appropriate to its location by Peel Park; Improve connectedness of the site to the surrounding areas through investigation of additional roadways to North Richmond village and Richmond town, aligned with Councils Mobility Plan; and Consideration to the provision of social programs in the wider area to build on the strong social capital of the area, and improve connectedness between the development and North Richmond village. <p>The proposed development has the capability to accommodate the necessary social infrastructure to sustain any future residential community. The increased population will also support the viability of a range of local facilities (including primary schools) which are experiencing reduced enrolments, and will provide the critical mass required to support additional local transport facilities.</p> <p>Urbis has also recommended that due to the potential increase in</p>	Yes

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Sustainability Element	Criteria	Planning Proposal	Complies
Character and Public Domain	<ul style="list-style-type: none"> Future urban development is to have little or no impact on items of indigenous, European or Natural heritage. Future urban development to be cognisant of the character of surrounding areas. Future urban development to be cognisant of the landscape character and its setting. Future urban development is to focus around or be proximate to active urban space which facilitates formal and informal meeting and gathering spaces both during day and night i.e. plaza, square, mall etc. Creation of high quality and safe public domain both during day and night. 	<p>secondary school age children at the site, and the limited capacity at the existing secondary school, further consultation is undertaken with the Regional Education Director to identify the Department's response to this matter. It is noted that the Department of Education and Training would be responsible for addressing the issue of capacity and catchments for secondary students.</p> <p>The provision of these facilities will form part of a future local VPA offers. The VPAs will incorporate a comprehensive range of human services infrastructure responding to the identified demands of the incoming population.</p> <p>The future character and public domain will be developed as part of detailed design, and during the development of DCP controls for the site. Notwithstanding this, the draft Zoning Plan has been designed with consideration for the following key features:</p> <ul style="list-style-type: none"> Delivery of a sustainable development in terms of social and environmental outcomes. A range of densities, lot sizes and dwelling types providing housing choice to satisfy the needs of a wide spectrum of households, at different life stages and from varying socio-economic circumstances and lifestyle preferences. Provision of housing solutions to support the creation of a diverse community, with dwellings ranging from large lot housing to the more traditional detached homes and smaller attached houses. Creation of an appropriate interface with the adjoining North Richmond urban area and the rural living development Belmont Grove. Integration of existing historic fabric and ecological features. A street hierarchy that promotes permeable connections and accessibility, trip containment, walking and cycling. Provision of an extensive passive and active open space and landscape / vegetation network that shapes an identity and character responsive to the setting and heritage features of the site, and integrates a network of parks and corridors. Open space and landscape features will utilise the diverse landforms and views, providing continuity and connectivity that optimises the community's mobility and interaction. Use of water bodies, performing both an aesthetic and functional (water sensitive urban design) purpose, as a contributing element of the public domain. 	Yes
Sustainable	<ul style="list-style-type: none"> All new housing to be adaptable, and where possible accessible, and embrace principles of sustainable housing design. 	Detailed housing design and energy efficiency provisions will form part of	Yes

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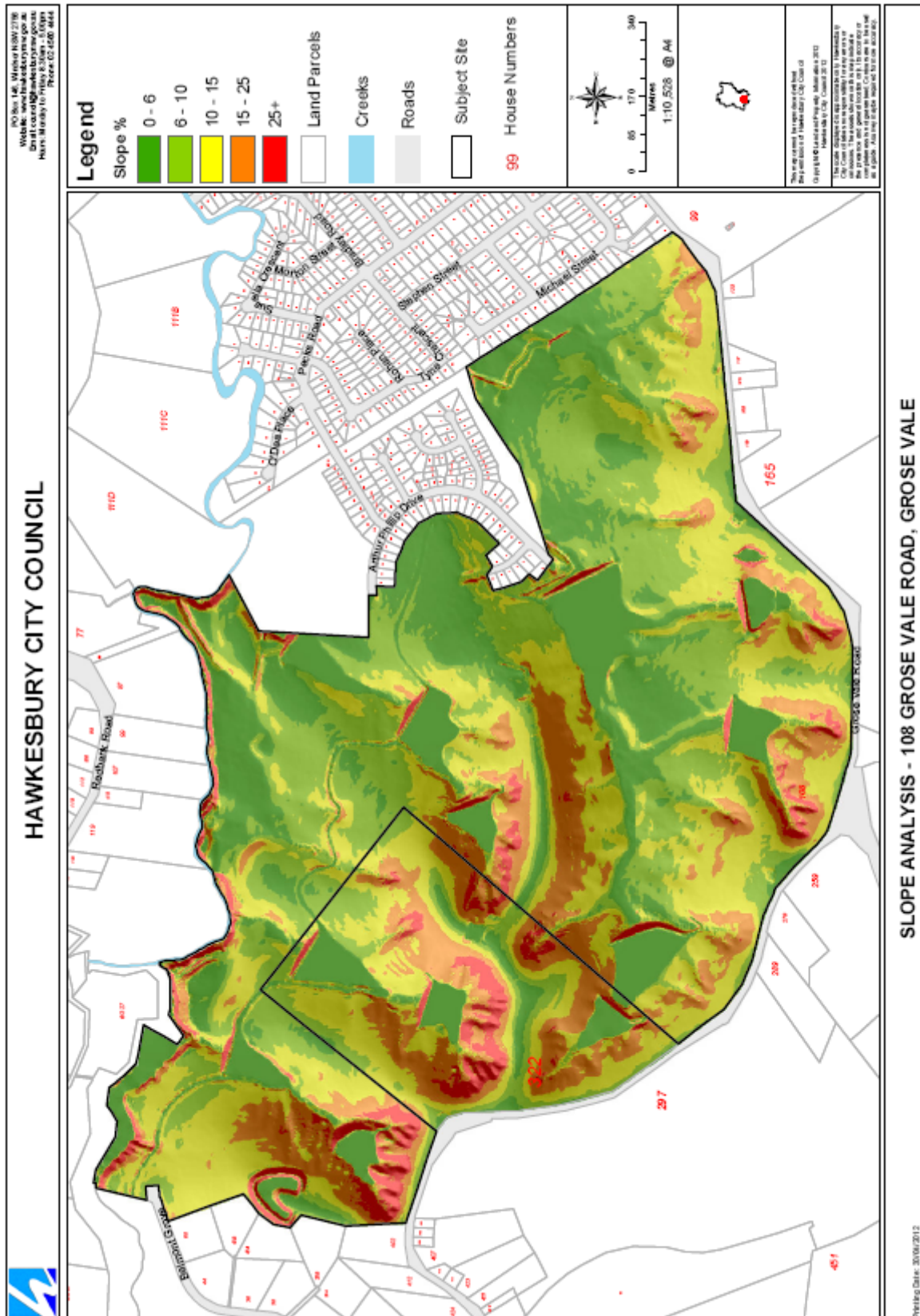
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Sustainability Element	Criteria	Planning Proposal	Complies
Development	<ul style="list-style-type: none"> Define the environmental and infrastructure capacity for each centre and ensure that new development does not exceed the defined capacities. Ensure all development is constructed to the highest environmental standards. Natural resource limits not exceeded / environmental footprint minimised. Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and on environmental flows Demand for sewer does not place unacceptable pressure on infrastructure capacity to supply sewer Demonstrates most efficient / suitable use of land Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy; requires demonstration of efficient and sustainable supply solution. 	<p>the future DCP for the site. Notwithstanding this, the proposed development will incorporate a number of sustainable measures, including:</p> <ul style="list-style-type: none"> Integrated planning and design that coordinates social, physical and economic outcomes; Delivery of a range of densities, lot sizes and dwelling types as a key social sustainability outcome to create a diverse community that is demographically balanced; Provision of a variety of housing forms will provide opportunities to respond to changing life cycle, lifestyle and work requirements over time, it also provides opportunities for aging in place; Retention and adaptation of key heritage features; Retention and enhancement of existing riparian corridors; Sustainable transport and access; Water Sensitive Urban Design measures that will result in a net improvement in water quality in retained on-site dams and Redbank Creek; and Energy sustainability through consumer demand initiatives including BASIX requirements for dwelling design. 	

Attachment 4 - Slope Map of 108 Grose Vale Road, North Richmond



**Attachment 5 - State Environmental Planning Policies and Ministerial Directions issued under
Section 117 of the Environmental Planning and Assessment Act 1979 Assessment**



Consistency with State Environmental Planning Policies and s.117 Directions

Table 1 – State Environmental Planning Policies & Regional Environmental Plans

SEPP	Requirement	Proposal	Complies
SEPP 19 – Bushland in Urban Areas	SEPP 19 aims to protect bushland in urban areas identified in Schedule 1 of the SEPP. Hawkesbury LGA is listed in Schedule 1 and therefore a Plan of Management is to be developed where bushland is zoned or reserved for public open space purposes.	The Proposal will ensure that areas of significant vegetation within the site are appropriately retained and protected.	Yes
SEPP 44 – Koala Habitat Protection	Hawkesbury is identified as a local government area with the potential for providing koala habitat. The policy aims to encourage the proper conservation and management of areas that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline.	The Environmental Constraints and Benefits Analysis, including specifically the Flora and Fauna assessment, has determined that the site is unlikely to support Koalas. There is no evidence of a local population in the locality and feed trees at the site are sparse, and surrounded by pasture.	Yes
SEPP 55 – Remediation of Land	SEPP 55 requires a planning authority to consider whether land is contaminated, and if so whether it is, or can be made suitable for proposed residential use.	Preliminary geotechnical investigations indicate that the site is not contaminated. Given the history of agricultural uses on the site, soil and water samples have been undertaken to determine the presence of contaminants. Seven surface soil samples were analysed for metals and triazine herbicides and seven dam water samples were analysed for metals and nutrients. It was found that whilst copper levels exceeded the relevant provisional phytotoxicity based investigation levels set out in the <i>Guidelines for the NSW Site Auditor Scheme</i> which might impact on the growth of some plants, it would not present any risk of harm to human health.	Yes
SEPP (Infrastructure) 2007	The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.	The ISEPP will continue to apply to the land following its rezoning. Future development will need to be assessed in accordance with the ISEPP where relevant.	Yes
SEPP Mining, Petroleum production and extractive	The aims of this Policy are to support petroleum production and extractive industries to provide and manage development of mineral, petroleum and extractive material resources for promoting the social and economic welfare of the State.	There are no known petroleum production or extractive resources within the site. The SEPP will continue to apply to the land following rezoning.	Yes

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SEPP	Requirement	Proposal	Complies
industries 2007			
SEPP Affordable Rental Housing 2009	The aims of this Policy are to provide an overall consistent planning regime for the provision of affordable rental housing.	SEPP Affordable Rental Housing will continue to apply to the land following its rezoning. Future development for the purposes of affordable housing would need to be assessed in accordance with the SEPP where relevant.	Yes
SEPP Exempt and Compiling Development	The aims of this Policy are to provide exempt and complying development codes that have State-wide application.	The Exempt and Compiling Development SEPP will continue to apply to the land following its rezoning. Future housing and development on the site will consider and be assessed in accordance with the provisions of the SEPP where relevant.	Yes
SREP 20 Hawkesbury Nepean River	The aim of this plan is to protect the environmental of the Hawkesbury Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.	The Planning Proposal proposes the protection of the Redbank Creek Corridor and a comprehensive water cycle management strategy for the project that incorporates both water quantity and water quality management measures to ensure the protection and improvement of the riparian system. Future development will need to consider and protect the environmental of the Hawkesbury-Nepean River system.	Yes

Table 2 – Section 117 Directions

Section Direction	117 Summary / Implications	Proposal	Complies
1.2 Rural Zones	This Direction applies when a council prepares a draft LEP that creates, removes or alters a Rural Zone or provision. Any rezoning of Rural land needs to be justified by an environmental study or is in accordance with the relevant Regional Strategy prepared by the Department of Planning and Infrastructure.	The Strategic Justification for the project is found within the Sydney Metropolitan Plan, the draft NW Subregional Strategy, and the Hawkesbury Residential Land Strategy as documented in detail in the Planning Proposal. The Planning Proposal presents a comprehensive environmental study for the site addressing the criteria identified in the NW Subregional Strategy and the Hawkesbury Residential Land Strategy. An agricultural land study has been prepared to justify the proposed rezoning. The study concludes that the site is no longer viable as an agricultural use.	Yes
1.3 Mining, Petroleum Production	Any future extraction of State or regionally significant reserves of coal, other mineral, petroleum and extractive materials are not compromised by inappropriate development.	Noted. There are no known future extraction of State or regionally significant reserves of coal, minerals, petroleum etc.	Yes
2.3 Heritage Conservation	This direction applies to the conservation of heritage items, areas, objects and places of environmental heritage significance and indigenous heritage.	Investigations have been undertaken to ensure that items of indigenous and non-indigenous heritage are appropriately conserved, and incorporated into the adaptive reuse of the site where appropriate. A draft Conservation Management Plan for the site has been lodged with the Heritage Branch for endorsement and to support the listing of	Yes

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Redbank at North Richmond ■ Consistency with State Environmental Planning Policies and s.117 Directions

Section 117 Summary / Implications		Proposal	Complies
3.1 Residential Zones	This direction applies when Council prepares a draft LEP that creates, removes or alters a Residential Zone or provision. Any draft LEP will need to ensure that residential development is adequately serviced with water and sewerage.	elements of the site on the State Heritage Register. Infrastructure services have been investigated and options have been put forward to provide water and sewerage services that will not adversely impact surrounding infrastructure. The Planning Proposal demonstrates how the delivery of the initial stages of the development can be accommodated within the existing water and sewer capacity, and the augmentation of services (and strategy for augmenting) for subsequent stages.	Yes
3.3 Home Occupations	This direction encourages the carrying out of low-impact small businesses in dwelling houses.	Future residential development will have the capacity to support home occupations without the need for development consent under the new zoning. The provision of fibre optic cabling will facilitate working from home. The adoption of the proposed Standard LEP Template residential zones will permit home occupations across the site.	Yes
3.4 Integrated Land Use and Transport	This direction aims to ensure that urban structure, building forms, land use locations, development design, subdivision and street layouts achieve improved access to housing, jobs and support viable public transport.	The proposal seeks to deliver new housing in close proximity to existing residential urban land with access to public transport. A TMAP is being prepared in consultation with the RMS, Hawkesbury City Council and the DP&I. Access and transport issues and proposals will be comprehensively addressed as part of the TMAP process.	Yes
4.1 Acid Sulphate Soils	This direction aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils	Preliminary Geotechnical Investigations submitted as part of the Planning Proposal indicate that the site is not affected by Acid Sulphate Soils.	Yes
4.2 Mine Subsidence and Unstable Land	This direction aims to prevent damage to life, property and the environment on land that may be unstable or subject to mine subsidence.	Preliminary Geotechnical Investigations submitted as part of the Planning Proposal indicate that the site is not affected by mine subsidence.	Yes
4.4 Planning for Bushfire Protection	This direction aims to protect life, property and the environment from bush fire hazards, and to encourage sound management of bush fire prone areas. The direction requires that a Council shall consult with the Commissioner of the NSW Rural Fire Service during the preparation of the draft LEP, and take into account any comments made. It also requires that the draft local environmental plan shall have regard to <i>Planning for Bushfire Protection 2006</i> , and introduce controls that avoid placing inappropriate developments in hazardous areas.	A Bushfire Assessment submitted as part of the Planning Proposal identifies the bushfire hazard and sets out management strategies for the site consistent with the requirements of Planning for Bushfire Protection. Any future development on those parts of the site subject to bushfire hazard will need to comply with the requirements Planning for Bushfire Protection 2001 as identified in the Planning Proposal.	Yes

JBA Urban Planning Consultants Pty Ltd ■ 11353

3

ORDINARY MEETING

Meeting Date: 8 May 2012

March 2012

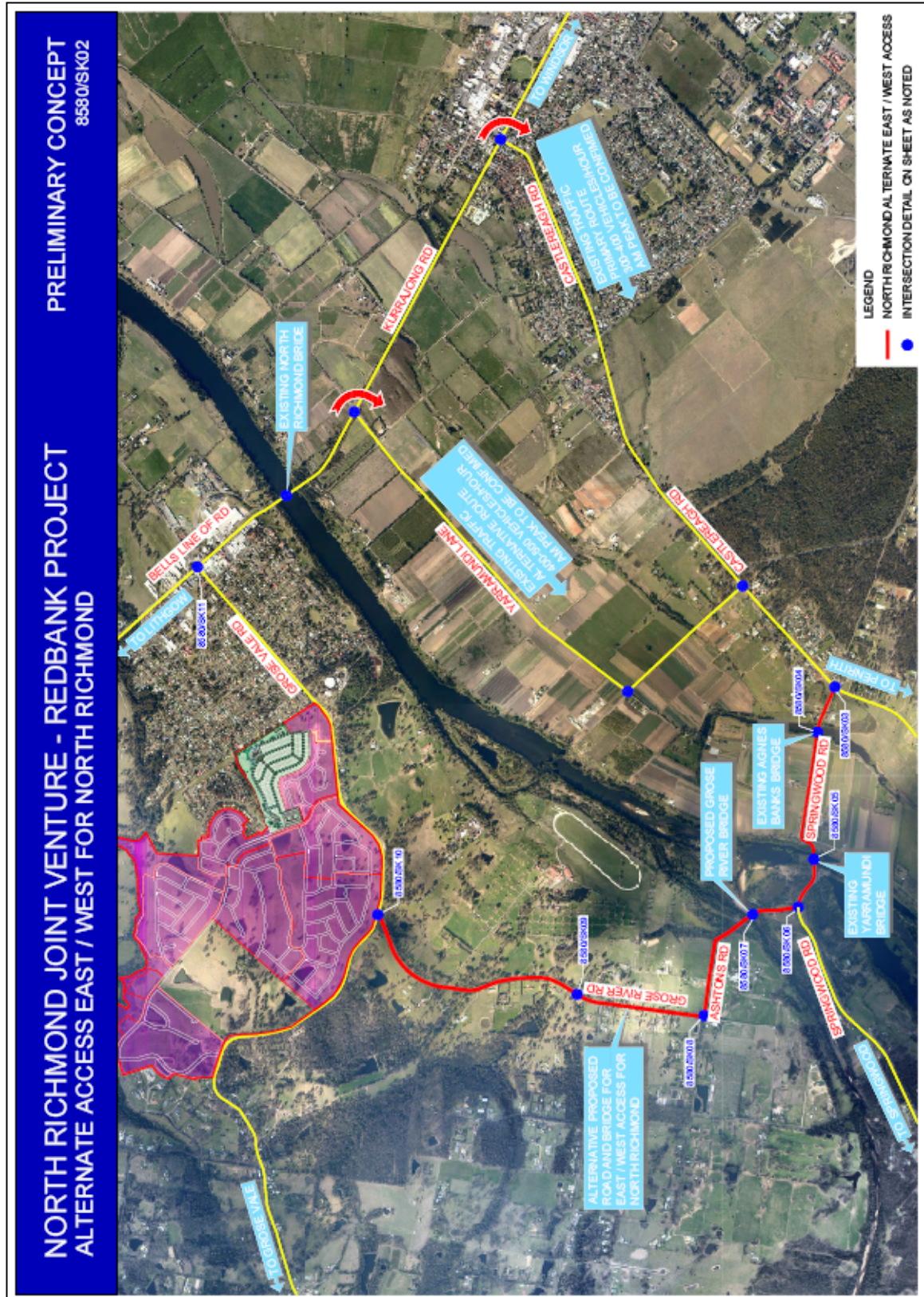
Redbank at North Richmond ■ Consistency with State Environmental Planning Policies and s.117 Directions

Section Direction	117 Summary / Implications	Proposal	Complies
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive Site specific planning controls.	The Planning Proposal proposes to adopt the Standard LEP Template and the general planning provisions that are currently proposed by Hawkesbury City Council in its draft template LEP. No additional site specific planning controls have been proposed at this point in time.	Yes
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Planning proposals shall be consistent with the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010.	The planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	Yes

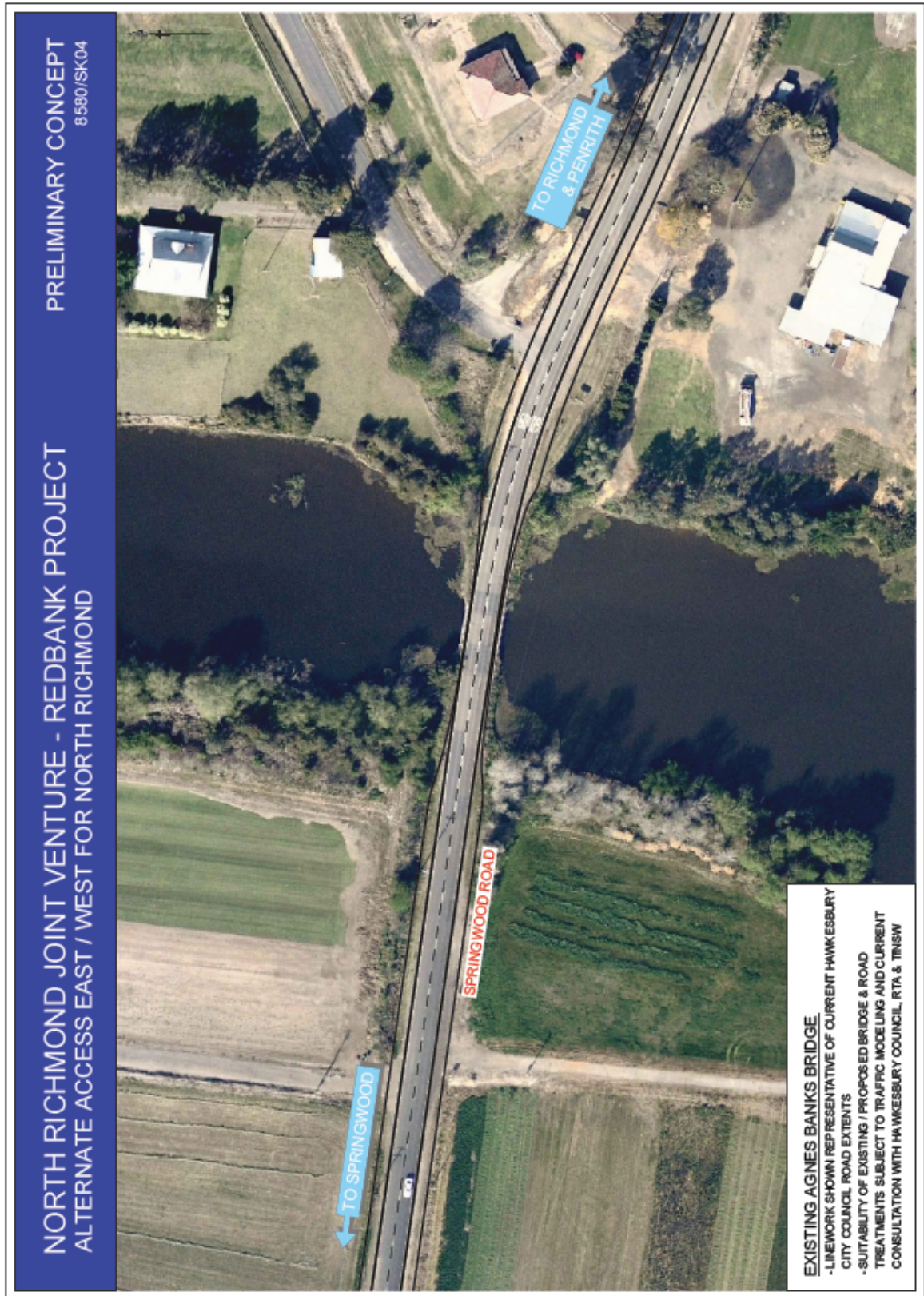
ORDINARY MEETING

Meeting Date: 8 May 2012

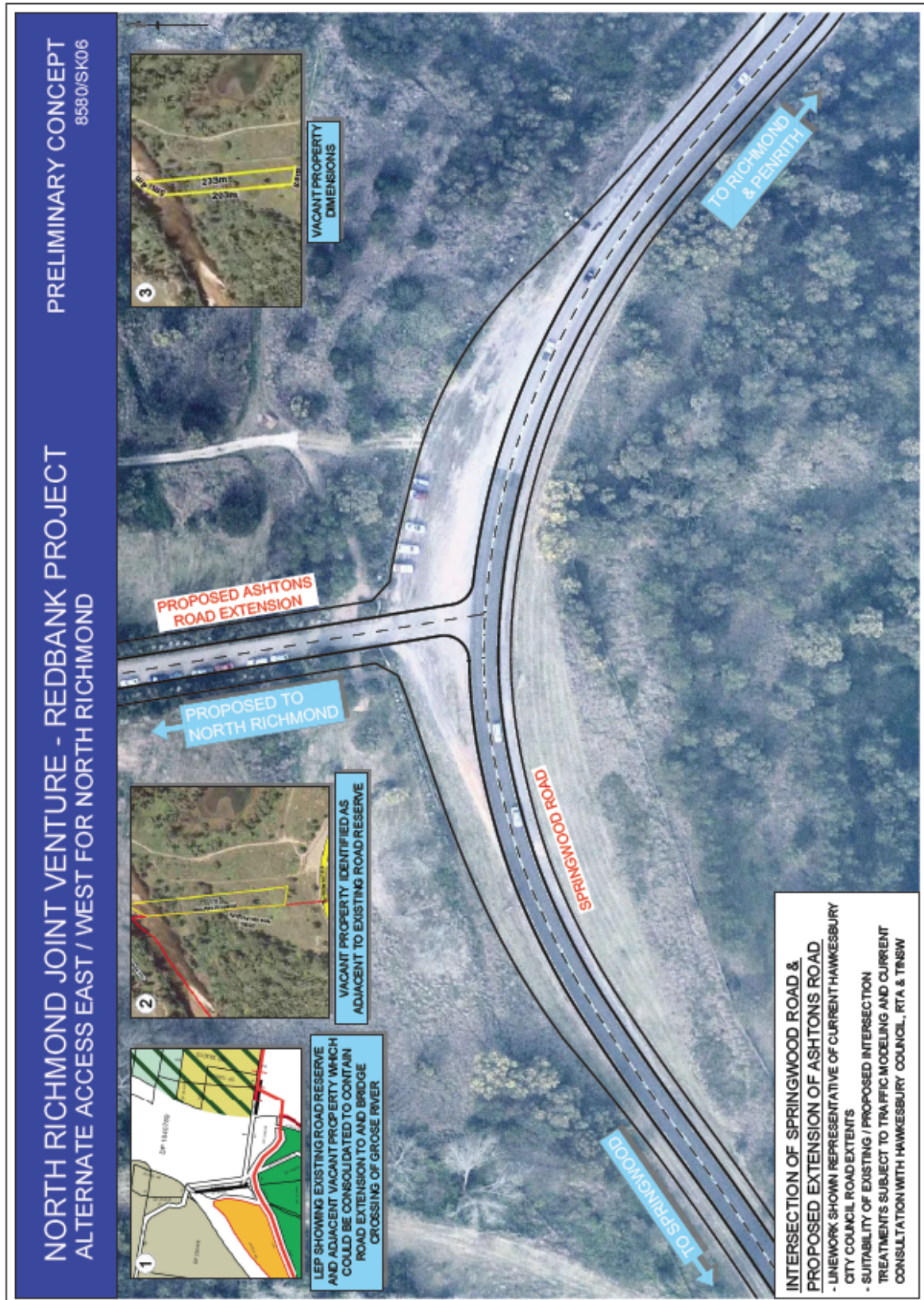
Attachment 6 - Concept Plan for Proposed Access Route and Yarramundi Bridge Crossing

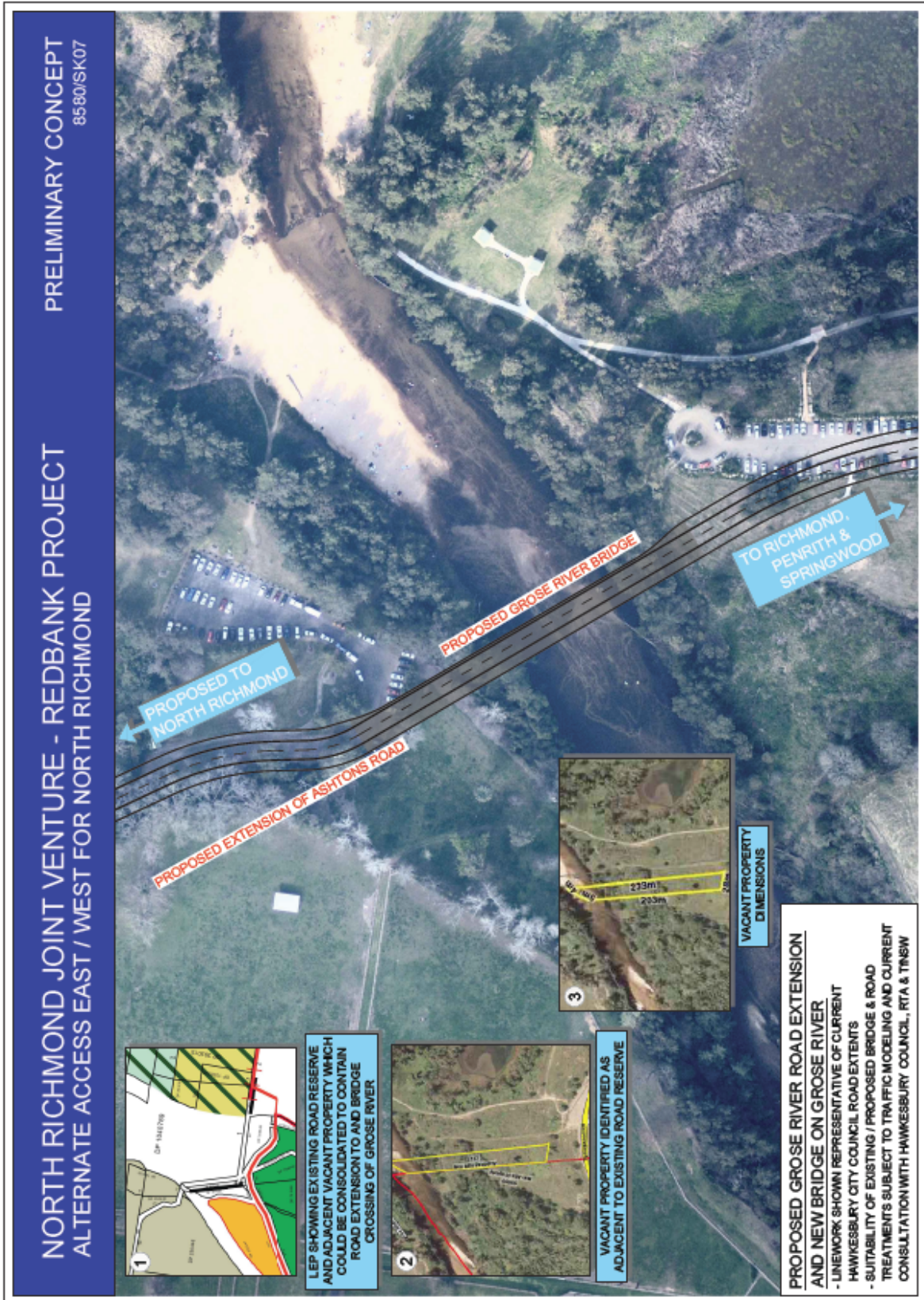






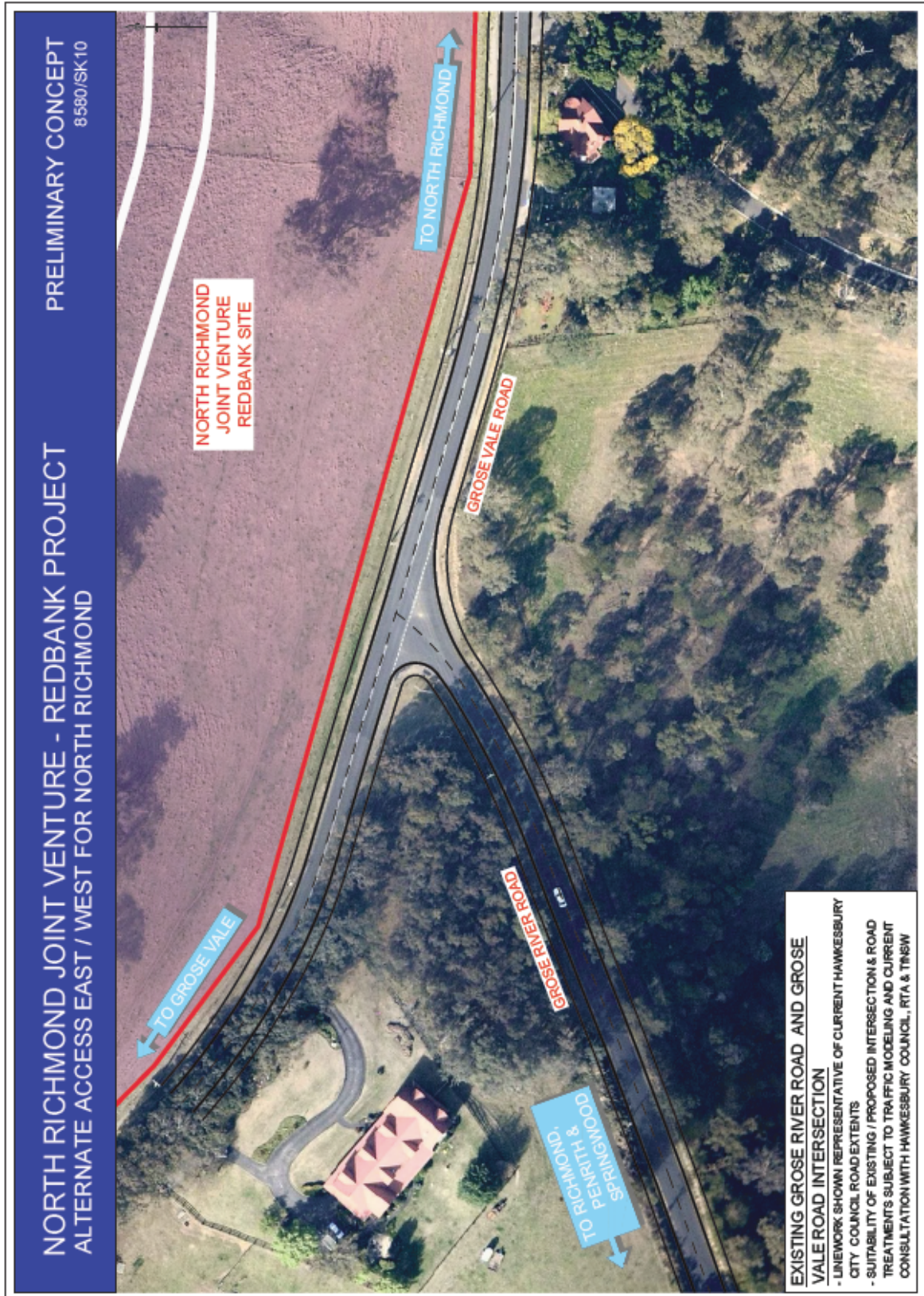












oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 8 May 2012

Item: 60 **CP - Complaints Policy - (95498)**

Previous Item: 327, Ordinary (1 November 2005)
 258, Ordinary (29 November 2011)

REPORT:

Executive Summary

This report has been prepared to seek Council's approval to place a revised Complaints Policy on public exhibition. The Complaints Policy has been reviewed and updated to reflect recent changes to Council's customer service structure and processes, and anticipated changes to the Model Code of Conduct for Local Councils in NSW.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's policy. It is proposed that the revised Complaints Policy be placed on public exhibition for a period of 28 days.

Background

Council adopted a Complaints Policy on 1 November 2005. This Policy defines what constitutes a complaint, identifies different types of complaints, and outlines procedures for recording and dealing with a complaint. In situations where a customer is dissatisfied with Council's investigation or a response to a complaint, the Policy also outlines an internal review mechanism and the possible referral of an unresolved complaint for external review.

Council's Customer Service Unit became operational in October 2011. Its establishment required a reconfiguration of staff resources and the introduction of revised customer service processes and responsibilities. Council will also be aware that in May 2011, the NSW Minister for Local Government announced a Review of the Model Code of Conduct for Local Councils in NSW. Amongst other matters the review was intended to consider changes to the management of complaints made under the provisions of the Code. A Discussion Paper - *Review of the Model Code of Conduct for Local Councils in NSW*, was released on 1 June 2011, and a follow up Position Paper in October 2011. The content of the Position Paper was reported to Council in November 2011.

While the revised Model Code of Conduct is yet to be finalised, it is likely that it will incorporate changes to the management and administration of complaints made under the revised Code. Accordingly, Section 7 of Council's existing Complaints Policy which deals with Code of Conduct complaints will be made redundant with the release of the revised Code.

To accommodate the changes to Council's customer service structure and anticipated changes to the Revised Model Code of Conduct, Council's adopted Complaints Policy has been reviewed by management and a revised Policy has been developed. The content of the revised Policy reflects the model provisions of the Practice Note '*Complaints Management in Councils*' issued by the NSW Ombudsman and the Division of Local Government in July 2009. It is also consistent with the Australian Standard, *Customer satisfaction – Guidelines for complaints handling in organisations (ISO 10002:2006, MOD)*.

In summary the changes to the Complaints Policy are as follows;

ORDINARY MEETING**Meeting Date:** 8 May 2012

Section	Summary of Revisions to Adopted Policy
1.0 Aim	<ul style="list-style-type: none"> Stronger emphasis on the early management and resolution of complaints to minimise the potential for the escalation of complaints. Cross-reference to the provisions of the <i>Complaints Management In Councils Practice Note</i> and the relevant Australian Standard.
2.0 What is a Complaint	<ul style="list-style-type: none"> Replace existing definition with the definitions of a complaint as documented in the <i>Complaints Management in Councils Practice Note</i>.
3.0 Lodging a Complaint	<ul style="list-style-type: none"> No changes
3.1 Who Deals with Complaints	<ul style="list-style-type: none"> Stronger emphasis on the obligations of all Council staff to work with complainants to endeavour to achieve a resolution to a complaint at the first point of contact where appropriate to do so.
3.2 Complaints that will not be investigated	<ul style="list-style-type: none"> The addition of a further category (h) which excludes the investigation of a complaint relating to a resolution of Council, or a decision dealing with a matter of policy or the adoption of a policy;
3.3 Anonymous complaints	<ul style="list-style-type: none"> No change
3.4 Serious Complaints	<ul style="list-style-type: none"> Minor change to reflect changes to the title of Council's Internal Reporting Policy and the Public Interests Disclosures Act.
3.5 Confidentiality	<ul style="list-style-type: none"> No Changes
4.0 Complaints handling System	<ul style="list-style-type: none"> Expanded description of the basic elements of the three-tier complaint handling management system
5.0 Complaint handling Procedures	<ul style="list-style-type: none"> Largely re-formatted and re-written to reflect Council's reconfigured customer service structure and processes. The revised section outlines a six step complaint handling process and emphasises need for the review of unresolved complaints to be conducted in accordance with the provisions of the <i>Complaints Management in Councils Practice Note</i>. The section also includes a reference to Council's 'Complaints Handling Guide'.
6.0 Complaints Against Staff	<ul style="list-style-type: none"> Largely unchanged with the language updated to reflect Council's reconfigured customer service structure and processes.
7.0 Code of Conduct Complaints	<ul style="list-style-type: none"> Existing provisions which are based on the current Model Code of Conduct have been deleted and replaced by a simple reference to the existence of the Model Code of Conduct with an indication that the investigation of a complaint under the Code will be conducted in accordance with the procedures as outlined in the Model Code which is in force the time of the investigation.

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 (or is a nominated) strategy in the Community Strategic Plan being:

- Implement and monitor Council's sustainability principles

Principle 8 of Council's adopted sustainability principles refer to the need for Council to embrace continual improvement based on accountability, transparency and good governance - the adoption of a Complaints Policy is consistent with this principle.

Financial Implications

There are no financial implications arising from this report.

ORDINARY MEETING

Meeting Date: 8 May 2012

RECOMMENDATION:

That Council place the revised Complaints Policy on public exhibition for a period of 28 days.

ATTACHMENTS:

AT - 1 Complaints Policy (Revised) - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 8 May 2012

INFRASTRUCTURE SERVICES

Item: 61 **IS - Naming of a Proposed Road at Kurrajong Hills Within Proposed Subdivision of Lot 1 DP 543262 and Lot 4 DP 1064408, No.'s 150 and 247B Hermitage Road, Kurrajong Hills- (95495, 118654)**

Previous Item: 27, Ordinary (28 February 2012)

REPORT:

Executive Summary

This report has been prepared following Council's Resolution of 28 February 2012 to seek public comment under the New South Wales Roads Act 1993 on the naming of a new public road that is to be created within the proposed subdivision of Lot 1 DP 543262 and Lot 4 DP 1064408, No.'s 150 and 247B Hermitage Road, Kurrajong Hills, as Peartree Hill Road.

Public comment was sought with one submission being received in relation to the proposed name.

The report recommends that the new public road in connection with the proposed subdivision of Lot 1 DP 543262 and Lot 4 DP 1064408, No.'s 150 and 247B Hermitage Road, Kurrajong Hills be named as Peartree Hill Road.

Consultation

The issues raised in this report do not require further Community Engagement under Council's Community Engagement Policy. The community engagement process undertaken meets the criteria for the minimum level of community engagement required under Council's policy.

Public consultation was sought by way of advertisement in the local press, Council's web page under Consulting the Community, correspondence addressed to adjoining and surrounding owners of the proposed new road (16 letters), various organisations (9 letters) and the applicant. The public comment period expired on 23 April 2012. No further public consultation is required for naming of the road.

Background

Council at its meeting held on the 28 February 2012, resolved in part that:

"Public comment be sought under a the New South Wales Road Act, 1993 for the naming of the new public road in connection with the proposed subdivision, DA0821/08, of Lot 1 DP 543262 and Lot 4 DP 1064408, No.'s 150 and 247B Hermitage Road, Kurrajong Hills as Peartree Hill Road."

This was in response to an application from Degotardi, Smith & Partners, on behalf of their client, requesting Council, as the road authority, to proceed with the road naming process. The application requested that the new public road be named Peartree Hill Road.

ORDINARY MEETING

Meeting Date: 8 May 2012

Details relating to the proposed name of Peartree Hill Road is listed below:

- The name "Peartree" originates from a cottage that was owned by the family of the original settler of the Kurrajong area, Joseph Douglass. Joseph moved to the area in 1824 after applying for and receiving a grant of 50 acres off Bells Line of Road. In 1930 his second son James partitioned and received a grant of 60 acres of land in the area of Douglas Farm Road.
- The exact location of the cottage is not known but from historical information it was located on Douglas Farm Road.
- This has been verified by Joy Shepherd, a local historian, whose husband is a descendant of Joseph Douglass and Nell Downes (nee Douglass), via an email and an extract from "The Millstone" Newsletter July August 2010.

Council's Local Studies and Outreach Librarian was also consulted and confirmed that the information supplied is valid and that the proposed name is historically appropriate to the area of the subdivision and the proposed naming is supported.

The name Peartree Hill Road does not currently exist within the Hawkesbury LGA and the name conforms to the guidelines set by The Geographical Names Board of NSW and the requirements of the Roads Act 1993.

At the end of the public consultation period, one submission was received as follows:

- No objection to the use of the name "Peartree Hill Road" from the Geographical Names Board of New South Wales.

Based on the information outlined in the report and the one response received, it is proposed to name the new public road in connection with the proposed subdivision of Lot 1 DP 543262 and Lot 4 DP 1064408, No.'s 150 and 247B Hermitage Road, Kurrajong Hills, as Peartree Hill Road.

Conformance to Community Strategic Plan

The proposal is consistent 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 towns, villages and rural landscapes.

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

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.

Financial Implications

The advertising and administrative expenses associated with this matter have been paid by the applicant in accordance with Council's Revenue Pricing Policy.

RECOMMENDATION:

That the new public road in connection with the proposed subdivision of Lot 1 DP 543262 and Lot 4 DP 1064408, No.'s 150 and 247B Hermitage Road, Kurrajong Hills, be named as Peartree Hill Road.

ORDINARY MEETING

Meeting Date: 8 May 2012

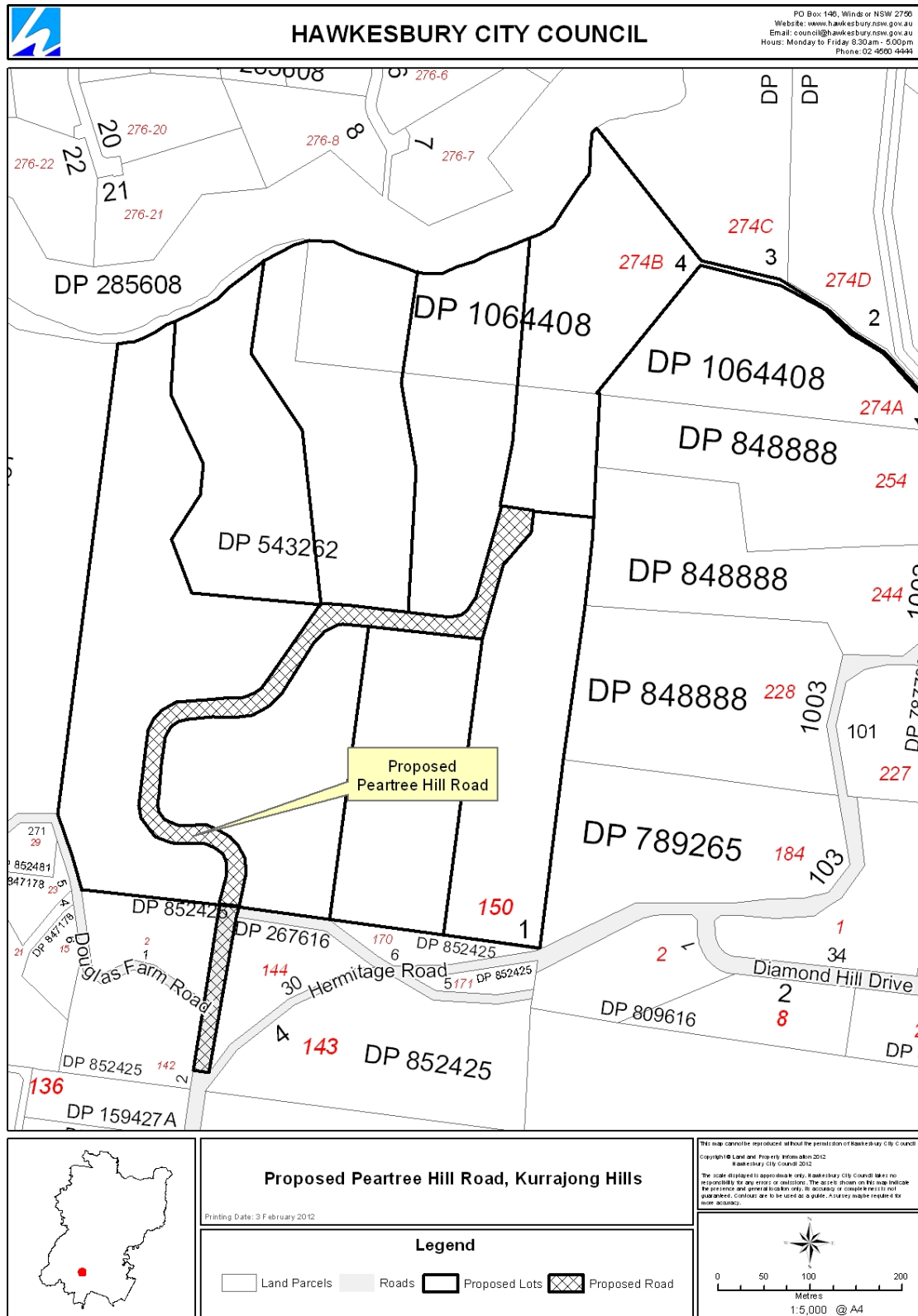
ATTACHMENTS:

AT - 1 Locality Plan - Proposed Peartree Hill Road

ORDINARY MEETING

Meeting Date: 8 May 2012

Attachment 1 - Locality Plan - Proposed Peartree Hill Road



oooO END OF REPORT Oooo

Item: 62 IS - Naming of a Proposed Road at Wilberforce associated with DA0037/10 and DA0052/10 - (95495, 31568)

REPORT:

Executive Summary

An application has been received requesting a road name for a new public road that is to be created within the proposed subdivision of 47 McMahons Road, Wilberforce, 80 Royerdale Place, East Kurrajong and 288 Bull Ridge Road, East Kurrajong. The proposed road provides access to eleven new lots. The developer has suggested the name Hadden Ridge Road as a possible name.

The report recommends that public consultation be sought on the name Hadden Ridge Road.

Consultation

The recommendation outlined in this report triggers a requirement for Community Engagement under Council's Community Engagement Policy.

It is proposed that Council undertake the following community engagement process in compliance with Council's Policy and the New South Wales Roads Act 1993. The consultation required is for a period of 30 days.

Background

The subdivision of 47 McMahons Road, Wilberforce, 80 Royerdale Place, East Kurrajong and 288 Bull Ridge Road, East Kurrajong was approved by Council at its meeting of 8 June 2010, under DA0052/10, DA0036/10 and DA0037/10. The consent for the subdivision was issued on 10 June 2010.

The proposed new road provides access to eleven new lots. The conditions of consent require the new road to be formally named.

An application has been received as part of the development requesting Council, as the road authority, to proceed with the road naming process. The application requests that the new public road be named Hadden Ridge Road. The details supplied by the developer relating to the proposed name are listed below:

- The road is part of the substantial and significant Hadden Farm development.
- The road generally follows a ridge.
- There is no other 'Hadden Ridge Road' within the Hawkesbury.
- The use of "Road" is more appropriate than Lane, Street or Way.

Council's Local Studies and Outreach Librarian was also consulted and confirmed that the information supplied is valid and that the proposed name is historically appropriate to the area of the subdivision and the proposed naming is supported.

The name Hadden Ridge Road does not currently exist within the Hawkesbury LGA and conforms to the guidelines set by The Geographical Names Board of NSW and the requirements of the Roads Act 1993.

ORDINARY MEETING

Meeting Date: 8 May 2012

Based on the information outlined above, it is recommended that public comment be sought for the naming of the new public road in connection with DA0037/10 and DA0052/10, as Hadden Ridge Road, Wilberforce.

Conformance to Community Strategic Plan

The proposal is consistent 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 towns, villages and rural landscapes.

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

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.

Financial Implications

The advertising and administrative expenses associated with this matter have been paid by the applicant in accordance with Council's Revenue Pricing Policy.

RECOMMENDATION:

That public comment be sought under the New South Wales Roads Act, 1993 for the naming of the new public road in connection with the DA0037/10 and DA0052/10, as Hadden Ridge Road, Wilberforce.

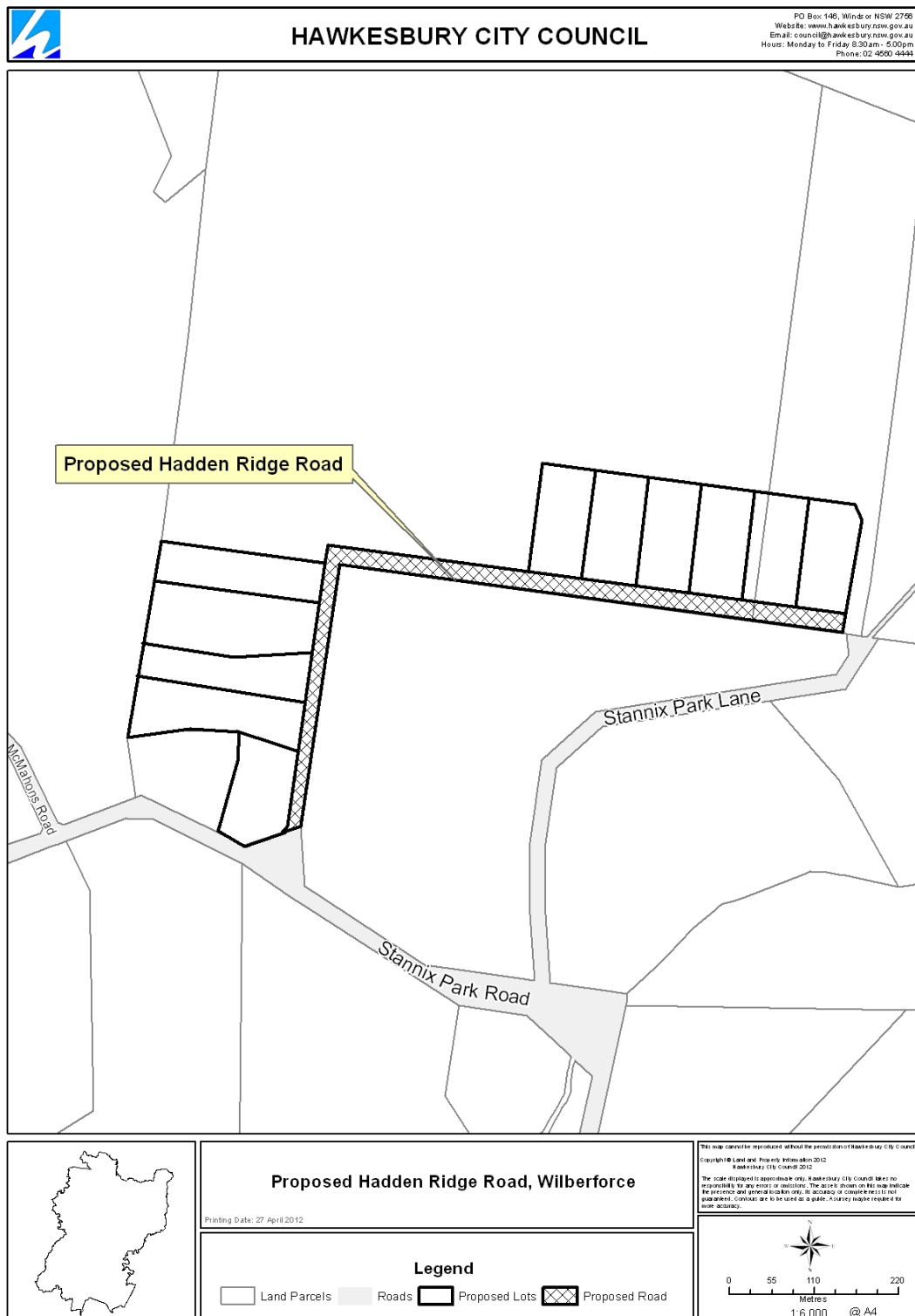
ATTACHMENTS:

AT - 1 Locality Plan - Proposed Hadden Ridge Road

ORDINARY MEETING

Meeting Date: 8 May 2012

Attachment 1 - Locality Plan - Proposed Hadden Ridge Road



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 8 May 2012

CONFIDENTIAL REPORTS

Item: 63 CP - Variation to Tender, Preparation of Floodplain Risk Management Study and Plan - (95498, 86589) **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)(d) of the Act as it relates to details concerning the supply of goods and/or services to Council and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret 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 May 2012

Item: 64 **SS - Council Owned Property - 139 Colonial Drive, Bligh Park - (95496, 96333)**
CONFIDENTIAL

Previous Item: 85, Ordinary (13 July 2004)
 26, Ordinary (26 February 2008)
 240, Ordinary (12 October 2010)
 63, Ordinary (29 March 2011)

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 sale and/or purchase of property by the 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 May 2012

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Hawkesbury Disability Advisory Committee - 23 February 2012 - (88324)

The meeting commenced at 4.00 pm in the Meeting Room, Peppercorn Place

Present: Cllr. Christine Paine, Councillor Representative
Alan Aldrich, Community Representative
Desmond Crane, Community Representative
Carolyn Lucas, Community Representative
Ken Ferris, Community Representative
Debbie Court, Hawkesbury Oasis
Wendy Sledge, Community Representative
Mary-Jo McDonnell, Community Representative
Janine Plummer, Community Representative
Kate Murdoch, Health Representative

Apologies: Cllr Whelan, Councillor Representative

In Attendance: Joseph Litwin, Hawkesbury City Council
Megan Ang, Hawkesbury City Council
Matthew Smith, Red Cross

REPORT:

Councillor Paine welcomed everyone to the meeting. Ms. Ang advised that in accordance with the Committee's resolution, Mr. Matthew Smith from the Red Cross was in attendance to brief the Committee on the Red Cross REDiPlan. Mr Litwin proposed that the agenda be amended to allow Mr Smith to address the Committee as the first item of business - this was agreed.

SECTION 1 – PRESENTATION Red Cross REDiPlan

Mr. Smith provided an outline of the Red Cross REDiPlan Community Education Resource. The Resource is available online www.redcross.org.au. Mr. Smith advised that REDiPlan works on 4 step process for household preparedness –

1. **Be Informed**
2. **Make a plan**
3. **Get an *Emergency Kit***
4. **Know your neighbours**

The function of Red Cross in relation to emergency situations is advocacy, community education and post emergency support. ABC Radio has a commitment to broadcast updated information in the instance of emergency (find local frequency www.abc.net.au) REDiPlan can prepare individuals to prepare for the instance of emergency.

Assistance for Infirm Disabled and Elderly Residents (AIDER) is a program run through RFS which reduces bush fire hazards for people with a disability or aged persons who live in a bush fire prone area.

MOTION:

RECOMMENDATION TO COMMITTEE:

The information be received

RESOLVED on the motion of Ms Murdoch and seconded by Ms Lucas that

COMMITTEE RECOMMENDATION

1. That Council support delivery of Red Cross REDiPlan Community Information sessions
2. That Council staff investigate the promotion of REDiPlan Education Resources through the Council newsletter.
3. The Committee invite a representative of the Hawkesbury Local Emergency Management Committee to brief the Committee on the Hawkesbury City Local Disaster Plan.
4. Red Cross present to a Community Care Forum the REDiPlan Community Information and support services to promote Community Resource as well as undertake risk assessment of property in conjunction with assessment.
5. That any designated evacuation centre in the Hawkesbury be included in the program for an Access and Inclusion Audit

CONFIRMATION OF MINUTES

Confirmation of Minutes:

RESOLVED on the motion of Debbie Court and seconded by Ken Ferris that the Minutes of the Disability Advisory Committee held on 24 November 2011 be confirmed.

Matter arising from Previous Minutes

Nil

SECTION 2: REPORTS FOR DETERMINATION

Item 20 – Amendment to Committee Constitution

Clr. Paine informed the Committee of the Council debate in relation to this matter and advised that Council had supported the Committees recommendation to amend the Constituion to facilitate the appointment of an additional community representative to the Committee. Ms. Ang advised the Committee that she had received advice from Jenny Luke that due to personal reasons she would be resigning from the Committee.

RECOMMENDATION TO COMMITTEE:

That Janine Plummer assume a community representative position on the Committee and that the Committee determine whether an expression of interest be called for an additional community representative.

RESOLVED on the motion of Ms McDonnell and seconded by Mr Bosshard

COMMITTEE RECOMMENDATION

1. Note to appointment of Janine Plummer to the Committee
2. That an Expression of Interest be called for an additional community representative
3. A letter of thanks to be drafted and forwarded to Ms Luke

SECTION 3 – GENERAL BUSINESS

3.1 Update to equipment purchase for Hawkesbury YMCA

DISCUSSION

- Quotation for change equipment in accessible toilet has been sourced however the existing change space is not large enough to accommodate equipment.
- The prospective of an alternate change-room location or upgrades to existing space discussed.
- Mr Bosshard, Mr Ferris and Ms Ang to meet with Ms Court and management of Oasis to look at options.
- Mr Aldrich knows of person in North Ryde who can provide outdoor exercise equipment engineered for people who use a wheelchair and can provide details if equipment installation in McQuade Park goes ahead.
- Ms Lucas suggests exploring exercise equipment to be located at Oasis – Ms Ang to obtain quotes.

RECOMMENDATION TO COMMITTEE:

That:

1. The information is received.
2. Alternate plans for upgrade of accessible change room at Hawkesbury Oasis be investigated
3. Costings on disability specific exercise equipment be obtained.

MOTION:

RESOLVED on the motion of Mr Aldrich and seconded by Ken Ferris

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

1. Mr Bosshard, Mr Ferris, Ms Court and Ms Ang to meet with management of Hawkesbury Oasis to investigate options for accessible change room upgrade
2. Ms Ang to liaise with Building Services to cost proposed upgrades

3.2 Update to Access and Inclusion Plan

- Mr Litwin advised that the draft Access and Inclusion Policy had been adopted by Council. The policy will provide the framework for the Access and Inclusion Plan

3.3 Update to Local Emergency Response

- BCS Care Call equipment has been supplied by Blacktown City Council to 150 residents. Ms Ang will source further information on how this was funded and criteria for access to service and report back to Committee.

Ms Plummer – Concerns raised around the booking of taxi cabs if they park in a bus stop to set down a passenger and asks if post office designated spaces and bus stops can be ‘re-zoned’ to enable them to be used as set down points. Mr Litwin will clarify if taxis can set down passengers in bus zones without being booked and re-zone request will be forwarded to Local Traffic Committee.

Ms McDonnell – The State Government has difficulties in transporting people with disabilities to school and reports recruiting drivers as problematic. Ms McDonnell asks the Committee to promote this employment as being of positive contribution and Clr Paine suggests Committee take this on board and if you need any further information to contact Ms Mc Donnell.

NEXT MEETING – to be held at 4.00pm on Thursday 26 April at the Meeting Room Peppercorn Place, 320 George St. WINDSOR.

Meeting closed at 5.25pm

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Audit Committee Meeting - 14 March 2012 - (95496, 91369)

The meeting commenced at 4.00pm.

Present:	Harry Khouri David Gregory Nisha Maheshwari (Chair) Councillor Paul Rasmussen Councillor Jill Reardon (Alternate)
Apologies:	Councillor Bob Porter Dennis Banicevic - Council's External Auditor
In Attendance:	Peter Jackson - General Manager Laurie Mifsud - Director Support Services Steve Kelly - Internal Auditor Emma Galea - Acting Chief Financial Officer Jan Readford - Minute Secretary

REPORT:

RESOLVED on the motion of Mr David Gregory and seconded by Mr Harry Khouri that the apologies be accepted.

Attendance Register of Audit Committee

Member	30.11.2011	14.3.2012		
Councillor Bob Porter	A	A		
Councillor Paul Rasmussen	✓	✓		
Councillor Kevin Conolly (Alternate)	✓	N/A		
Councillor Jill Reardon (Alternate)	N/A	✓		
Mr David Gregory	✓	✓		
Mr Harry Khouri	A	✓		
Ms Nisha Maheshwari (Chair)	✓	✓		

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

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr David Gregory and seconded by Mr Harry Khouri that the Minutes of the Audit Committee held on the 30 November 2012, be confirmed.

1. Section 3 - Item 6 - AC - Occupational health & Safety - WorkCover Audit - on page 10:

ORDINARY MEETING
Reports of Committees

Mr Kelly advised that the external members of the Audit Committee are covered under Council's Group Personal Accident Insurance Policy, which covers a Committee established by Council. Members are covered exactly the same way as the Councillors, and this cover includes travel to and from the Audit Committee meeting.

Mr Jackson advised that whilst the insurance cover is the same, Committee members are reminded that this is a technical advisory committee, and as such, it provides recommendations only to Council, who make the decisions.

2. Section 3 - Item 9 - AC - Confidential Report - Misappropriation of Funds - on page 12:

Ms Maheshwari enquired if it would be appropriate to remove the words 'misappropriation of funds' from the title of the report, if the matter is of a Confidential nature. Mr Jackson advised that as the matter has already received publicity, the person involved has been charged, and the names of those involved were released, it is appropriate to use these words.

SECTION 3 - Reports for Determination

Item: 1 AC - Internal Audit Operational Plan 2012 - (91369, 79351, 121470)

DISCUSSION:

- Mr Kelly provided an overview of the Internal Audit Operation Plan 2012 and advised that it now includes the audits for compliance/Internal Control, Operational/Strategic and Information Technology, and highlights the audits completed in 2011.
- Cllr Rasmussen referred to the content included regarding Information Technology on Page 5, and questioned the term 'reasonable' and how does this apply to internal audits, in relation to the *'provision of assurance of the continuing integrity, reliability and availability of critical information assets, and help ensure use of these assets in accordance with all applicable laws, rules and policies'*. Mr Kelly indicated these functions are included in the manager's KPI's, which are measurable, and that in future, internal audits will also be specified.
- Mr Kelly advised that this is the 2nd Year of our 3 Year Plan. The majority of the risks identified to date are medium risks, with only two areas identified with high risk, and these areas are being resolved.
- Ms Maheshwari noted that in the 2011 Internal Audit the reference to asset management. Mr Kelly advised that a new Asset Management System is being introduced and that once this is fully implemented, it can be included in the audit process.
- Mr Kelly advised that with the introduction of the Customer Services Centre, a number of procedures were put in place and the support and responses provided to customers, by Customer Services staff, will be the subject of a future audit.

RECOMMENDATION TO COMMITTEE:

That the Committee adopt the Internal Audit Operational Plan 2012 included as Attachment 1 to the report.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Mr David Gregory.

ORDINARY MEETING
Reports of Committees

That the Committee adopt the Internal Audit Operational Plan 2012 included as Attachment 1 to the report.

Item: 2 AC - Internal Audit Annual Report 2011 - (91369, 79351, 121470)

DISCUSSION:

- Ms Maheshwari advised that the report was concise and to the point.
- Mr Jackson referred to Page 6, in relation to the members of the Audit Committee, and advised that Councillors Kevin Conolly and Jill Reardon should be shown as Alternate Audit Committee members. Mr Kelly will make the adjustment to the Internal Audit Annual Report - 2011.
- Mr Jackson advised that on Page 10, the benefits of the internal audits undertaken in 2011 has been summarised. In response to Mr Gregory's enquiry, Mr Jackson advised that the Internal Annual Audit Report is prepared in accordance with the requirements of the Audit Committee Charter.
- Mr Kelly advised that he will provide an annual report to the Director of Support Services on the activities of the Audit Committee, to be included in the Report of Committees to Council, at the time of the Mayoral Elections in September 2012.
- Mr Gregory enquired if a key discoveries list could be included in the Internal Audit Annual Report next year. Mr Jackson indicated that a list of the audits conducted throughout the year and some of the things identified would be appropriate for inclusion.
- Mr Gregory advised that the report is also an opportunity for Mr Kelly to identify what he is doing within the Internal Audit function.

RECOMMENDATION TO COMMITTEE:

That the Internal Audit Annual Report for 2011 be endorsed.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Mr Harry Khouri.

That the Internal Audit Annual Report for 2011 be endorsed.

Item: 3 AC - Status Report - Management Responses to Audit Recommendations - February 2012 - (91369, 79351, 121470)

DISCUSSION:

- Mr Kelly advised that all the high risk recommendations were completed by December 2011, and that most related to delegations for Accounts Payable, including the use of Purchase Cards.
- Mr Jackson indicated that the use of Purchase Cards by Council staff, for a range of transactions, has been found to be an effective and efficient purchasing method.
- Mr Mifsud advised that there is an approval process in place for Purchase Card transactions and that relevant electronic controls have been established.

ORDINARY MEETING
Reports of Committees

- Mr Kelly indicated that Ms Galea has developed/ updated all relevant Council procedures.
- Ms Maheshwari referred to the recommendation in Item 13 on page 23, stating that 'safeguards may be implemented through functionality within Finance One', and enquired if this did eventuate. Mr Jackson advised that this has been actioned as indicated in the report. Mr Kelly indicated that if any other action had been taken in respect of this item, a different response would have been applied, and the alternate action would have been highlighted to the Audit Committee.

RECOMMENDATION TO COMMITTEE:

That the attached Status Report on Management Responses regarding Audit Recommendations be noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Paul Rasmussen.

That the attached Status Report on Management Responses regarding Audit Recommendations be noted.

Item: 4 AC - Audit of Development Application Processes by IAB Services - (91369, 79351, 121470)

DISCUSSION:

Mr Matthew Owens, Director City Planning and Ms Shari Hussein, Planning Manager joined the meeting to answer any questions raised by the Audit Committee.

- Mr Jackson indicated that the report from IAB Services identified a number of issues, each classified in terms of risk exposure. The report provides pointers for improvement and includes contributions for developing the Development Application process further.
- Mr Owens advised that the audit was conducted over a three week period by IAB Services' consultant, Mr George Guylas, who spent considerable time beforehand interviewing Council staff to understand the development application process, including applicable legislation and Council's processes.
- Mr Gregory believes that some of the implementation dates are lengthy i.e. September 2013. Mr Owens explained that some of the suggested processes require the replacement of computer software; the introduction of new processes; and/or other processes to be changed.
- Mr Owens advised that Council's change from three Customer Service areas to one, in the last few months, has caused a number of process changes. In addition, changes to Planning legislation; and the impact of staff losses over the last 12 months, particularly in the Planning area, has resulted in a backlog in determinations.
- Mr Gregory enquired if Council is likely to seek the services of a private contractor to carry out some of the recommendations in the report. Mr Owens advised that the work would be done using existing resources due to budget limitations.
- Mr Gregory referred to Item 3.5 on Page 16, and its high risk rating, and enquired how it will be managed. Mr Owens advised that Council will trial a Peer Review Process, following a review of delegations, which will improve on the current processes. Ms Hussein advised that an alternative recommendation had also been included in the report, as Council has already implemented part of the recommendation, which now has effectively reduced the risk.

ORDINARY MEETING
Reports of Committees

- Mr Owens advised that controls will also be built into Council's property software, Proclaim, as part of the Peer Review Process.
- Mr Khouri was of the understanding that Council's approval process was lengthy, however Mr Owens advised that this depends on the complexity of the Development Application, and noted that approximately 800 Development Applications are processed annually (with approximately 15 to 18 determined each week), of which less than 5% would be dealt with by Council.
- Mr Gregory enquired about the Audit Toolkit and Ms Hussein advised that ICAC had distributed a Tool Kit to all Councils outlining various points that Council should consider when determining a Development Application. Mr Kelly advised that ICAC provides a number of Took Kits to Councils and that the Tool Kit in question totals 135 pages.
- Mr Owens and Ms Hussein used the ICAC Toolkit list to review the matters currently being dealt with by Council, in terms of the high, medium and low risks specified. This information was then provided to Mr Guylas for his review. Mr Gregory enquired if all the action items from this review made it on the list, and asked that the Audit Committee be provided with a copy of the full report showing what was discovered. Mr Owens advised it was very comprehensive review and brought things to our attention that were not recognised previously. Most action items were included in Mr Guylas' report, with other areas not included were identified for further modification.
- Ms Maheshwari referred to the recommendation for a change in computer software and enquired if investigations had been conducted regarding the extent of the change. Mr Owens advised the changes would be made in-house. Specialist advice will be obtained on a couple of matters in relation to crystal reports and the back end of the data.
- Mr Khouri enquired if all the planners have access to the system. Mr Owens advised that only 2-3 planners would be added.
- Mr Gregory enquired if it could be mandatory that the IAB Auditor report to this Committee. Mr Jackson advised that in future he will arrange with IAB for the Auditor to be available for the Audit Committee meeting.
- Mr Owens advised that various meetings were held with Mr Guylas, as part of the audit process, which provided Mr Guylas with an understanding of the planning process.
- Mr Khouri noted that the volume of approvals done external to Council by private certifiers, and enquired if Council has the ability to monitor how up to date they are with legislation and planning requirements. The private certifier will check documentation and provide it to Council for further processing and allocation of Conditions.
- Mr Owens advised that a Planning Procedures Manual is being developed and will be provided to the Audit Committee once finalised.

RECOMMENDATION TO COMMITTEE:

That the Development Application Audit Report from IAB Services be noted and received.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Mr Harry Khouri.

That the Development Application Audit Report from IAB Services be noted and received.

Item: 5 AC - Proposal from IAB Services for Information Technology Audits - (91369, 79351, 121470)

DISCUSSION:

- Mr Gregory enquired if IAB Services (IAB) will organise an experienced contractor to conduct the Information Technology audits. Mr Kelly advised that IAB staff with expertise in Information Technology will conduct the audit of Council's IT Operating System and Data Access Security. The audit will be conducted over an approximate 15 days.
- Mr Gregory enquired why the Information Technology audits were not offered out for tender. Mr Mifsud advised that the audit of Council's functions is not currently part of Council's tender process.

RECOMMENDATION TO COMMITTEE:

That:

1. The Proposal from IAB Services for the conduct of the Information Technology Audits, dated 28 February 2012, be received.
2. IAB Services are engaged to conduct the audit of IT Operating Systems and Data Access Security, in accordance with its Proposal dated 28 February 2012.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Cllr Jill Reardon, seconded by Mr David Gregory.

That:

1. The Proposal from IAB Services for the conduct of the Information Technology Audits, dated 28 February 2012, be received.
2. IAB Services are engaged to conduct the audit of IT Operating Systems and Data Access Security, in accordance with its Proposal dated 28 February 2012.

Item: 6 AC - Proposal from IAB Services for Fraud Prevention Plan Audit - (91369, 79351, 121470, 104746)

DISCUSSION:

- Mr Jackson advised that the implementation of a Fraud Prevention Plan would satisfy the Division of Local Government (DLG) requirement that councils develop effective fraud prevention strategies to address both internal and external fraud risks.

ORDINARY MEETING
Reports of Committees

- Mr Jackson indicated that the strategies developed by ICAC and the NSW State Government will be tailored to the needs of Hawkesbury City Council.
- Mr Kelly advised that Fraud and Corruption Risk Identification workshops will be conducted with relevant Council staff, in conjunction with the development of the Fraud Prevention Plan.
- Mr Jackson indicated that Council's Gifts and Benefits Policy will be reviewed as part of the process, and advised that on an ongoing basis, Council staff continue to comply with the requirements of the Policy.

RECOMMENDATION TO COMMITTEE:

That:

1. The Proposal from IAB Services for the development of a Fraud Prevention Plan, dated 29 February 2012, be received.
2. IAB Services be engaged to conduct the audit as specified in, and in accordance with, its Proposal dated 29 February 2012, subject to funding being available in the 2012 – 2013 Budget.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Cllr Jill Reardon, seconded by Cllr Paul Rasmussen.

That:

1. The Proposal from IAB Services for the development of a Fraud Prevention Plan, dated 29 February 2012, be received.
2. IAB Services be engaged to conduct the audit as specified in, and in accordance with, its Proposal dated 29 February 2012, subject to funding being available in the 2012 – 2013 Budget.

SECTION 4 - General Business

There were no matters raised under General Business.

The meeting terminated at 5.48pm

Submitted to and confirmed at the meeting of the Audit Committee held on 30 May 2012.

oooO END OF REPORT Oooo

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (105109)

REPORT:

Questions - 24 April 2012

#	Councillor	Question	Response
1	Reardon	Requested Council to investigate the condition of Jones Road following a resident's advice regarding collapsed road base.	The Director Infrastructure Services advised that interim repairs will be carried out in advance of more extensive rehabilitation which will commence in mid May.
2	Conolly	Requested to be advised if Hawkesbury Council are participants in the State Government's Fridge Buy Back Program and if we are not then could an explanation be provided why we are not involved in the Program.	The Director City Planning advised that Council does not currently participate in this Program. The implications for Council and an investigation into setting up such a Program will be undertaken and the matter will be the subject of a separate report to Council.
3	Bassett	Requested Council to contact the NSW Department of Fair Trading seeking advice in respect of Hawkesbury Radio relating to what alleged breaches have taken place, what action has been taken by the Department of Fair Trading, what responses have been received and what outstanding matters need to be resolved.	The General Manager advised that an appropriate approach will be made to the NSW Department of Fair Trading and Councillors will be advised of any response when received.
4	Paine	Advised that the condition of Macquarie Street Windsor requires attention and requested works to be undertaken to improve the overall appearance.	The Director Infrastructure Services advised that instructions have been issued for general cleaning and clearing of the area.
5	Paine	Advised that there is a substantial amount of soil washing onto the road way due to turf not being laid at Howe Park, where the Sand Castle Competition was conducted and requested that this be investigated.	The Director Infrastructure Services advised that instructions have been issued for additional turfing of disturbed areas.
6	Paine	Referred to correspondence from whether Macquarie Towns Orchestra regarding publicity for their organisation and asked what the situation was.	The General Manager advised that a response has been forwarded to the Macquarie Towns Orchestra with a copy also being forwarded to all Councillors for their information.

ORDINARY MEETING
Questions for Next Meeting

#	Councillor	Question	Response
7	Paine	Requested a completion date for Windsor Wharf.	The Director Infrastructure Services advised that completion of the works is anticipated by mid May. Work was delayed by increased river heights.
8	Paine	Requested Council staff to reassess their decision regarding the removal of a gum tree beside 106 Colonial Drive, Bligh Park as it is a danger to those walking in the vicinity.	The Director Infrastructure Services advised that the tree was being reassessed and appropriate action will be taken based on that assessment.
9	Calvert	Advised that Mrs Smith of Pecks Road, North Richmond wrote to Council regarding Redbank Creek. A second letter has been forwarded to Council and Councillor Calvert requested a copy of Council's response to Mrs Smith.	The Director City Planning advised that copies of the responses to Mrs Smith have been forwarded to Councillor Calvert.
10	Calvert	Requested information regarding Council's Customer Service Policy and the timeframe's that are contained in the Policy to respond to correspondence.	The Director City Planning advised that a copy of Council's Customer Service Charter, as available on Council's website, has been forwarded to Councillor Calvert.
11	Porter	Advised that the area in front of Wilberforce shops needs maintenance and turf relayed and requested this to be investigated.	The Director Support Services advised that the existing treated pine logs located between the carpark and the shops are due to be replaced in the near future, with a more modern and attractive bollard system, which will improve both the look and safety of the shopping centre. Also, there are some areas of grass in front of the shops which would benefit from returfing, however this will be further reviewed when the climate is more appropriate and more conducive to returfing being undertaken.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo



ordinary
meeting

end of
business
paper

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