



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 10 July 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

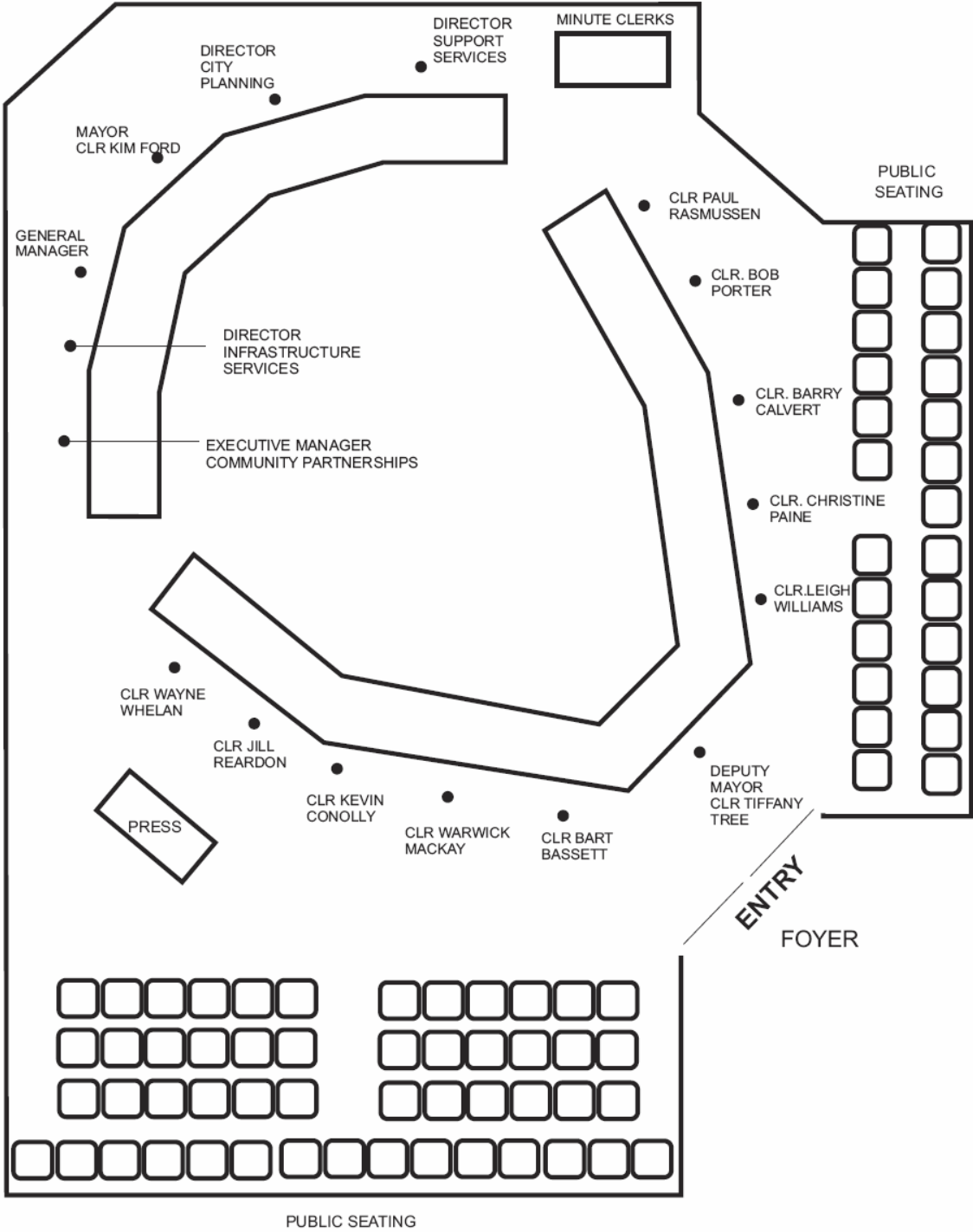
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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 1 - Confirmation of Minutes

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 113 **GM - Submission of Motions - 2012 Local Government Association of NSW Annual Conference - (79351, 79633, 95496)**

REPORT:

Executive Summary

The 2012 Local Government Association of NSW Annual Conference will be held from 28 – 31 October 2012 in Dubbo. This report advises on the topics, categories and due dates for motions to be submitted for consideration at the Conference.

Nominations for attendees to the Conference will be reported to Council after the Local Government Election on 8 September 2012.

Consultation

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

Background

The 2012 Local Government Association (LGA) of NSW Annual Conference will be held from 28 – 31 October 2012 in Dubbo. The LGA has called for motions to be considered at the Conference. All motions must be received online by the LGA before close of business on Wednesday, 15 August 2012, to be included in the draft business paper.

The LGA insist late motions will not be accepted unless the matter is both urgent and emergent.

Motions should be written to address strategic Local Government sector issues rather than specific single local issues. Motions will be considered under the following four subject headings:

1. **Services** (human services, environmental services, library services, cultural programs, recreation programs, health protection and promotion, development approvals, environmental regulatory activity, etc)
2. **Infrastructure** (issues relating to transport, roads, bridges, footpaths, open space, water & sewerage facilities, waste facilities & services, recreation facilities, arts facilities, civic buildings, etc)
3. **Finance** (revenue raising, government funding, cost shifting, emergency services levy, waste levy, carbon tax, economic development, etc)
4. **General** (land use planning, development approvals, environmental regulatory activity, workforce planning & development, industrial issues, etc)

Where councils submit similar motions on related topics, these motions may be grouped and the strategic issue debated at Conference to arrive at a 'Local Government Industry' position.

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Motions will be determined to be either Category 1 or Category 2:

Category 1

Motions must seek to establish a new policy or position or amend existing policy and it must be of regional, state or national significance.

Category 2

Motions which are already covered by existing policy or subject to ongoing lobbying and/or representation. Category 2 motions will be dealt with by the Executive and not by the Conference.

As Council has not resolved for any motions to be submitted to the 2012 LGA Conference in the last 12 months, this report is provided for Council's information.

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:

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

Financial Implications

There are no funding implications for the submission of motions to the Local Government Association of NSW for inclusion in the agenda of the Association's 2012 Annual Conference.

RECOMMENDATION:

That the report be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 114 **GM - Sydney West Joint Regional Planning Panel - Re-appointment of Council's Nominees - (79351)**

Previous Item: Item 102, Ordinary (26 May 2009)

REPORT:

Executive Summary

The current Joint Regional Planning system was established and commenced operations in the middle of 2009. At the time Council was required to nominate two persons to the Sydney West Joint Regional Planning Panel (SWJRPP). The General Manager and Director City Planning were subsequently nominated as Council's representatives to the SWJRPP.

A letter dated 26 June 2012 has now been received from the Minister for Planning and Infrastructure in connection with the ongoing operation of the Panels and requesting Council to confirm its nominees.

Consultation

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

Background

The current Joint Regional Planning system was established and commenced operations in the middle of 2009. At the time there was much discussion and concern regarding the establishment and operation of the proposed Panels, particularly surrounding the issues of council nominees to panels.

In association with the establishment of panels Council was required to nominate two persons to the SWJRPP. Subsequently, at its meeting held on 26 May 2009 Council resolved, in part:

"That:

- 1. Council nominate the Director City Planning and General Manager, to be Council's representatives on the Sydney Metro West Region Joint Regional Planning Panel and the General Manager be authorised to nominate an appropriate member of staff as an alternate member of the Panel.*
- 2. The General Manager be also authorised to nominate an alternate staff nominee to the Panel should the Department of Planning not accept any nominations made for the members and/or alternate members of the Panel."*

Nominations for the General Manager and Director City Planning as Council's representatives to the SWJRPP were submitted and accepted at the time.

A letter dated 26 June 2012 has now been received from the Minister for Planning and Infrastructure in connection with the ongoing operation of the Panels; pointing out that the three year term for the Council's nominees is due to expire and requesting Council to confirm its nominees. A copy of this letter is included as Attachment 1 to this report.

As the Minister's letter was not received until 28 June 2012 it has not been possible to submit the matter to Council with a view to confirming the nominees prior to the time of expiry as this is the first meeting that was available to enable Council to consider the matter.

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It is apparent that with the current NSW planning review the role of Planning Panels may alter and it is suggested that it would be appropriate for Council to confirm the continued nomination of the General Manager and Director City Planning as Council's nominees to the SWJRPP. Council could, if it wished, subsequently review these nominations.

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:

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

Financial Implications

The cost associated with the time required for attendance of Council's nominees at meeting of the SWJRPP will be met from within current budget allocations.

RECOMMENDATION:

That Council confirm the nomination of the General Manager and Director City Planning as Council's representatives on the Sydney West Region Joint Regional Planning Panel and the General Manager be authorised to nominate an appropriate member of staff as an alternate member of the Panel, if necessary.

ATTACHMENTS:

AT - 1 Letter dated 26 June 2012 from Minister for Planning and Infrastructure

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AT - 1 Letter dated 26 June 2012 from Minister for Planning and Infrastructure



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

Mr Peter Jackson
Hawkesbury City Council
PO Box 146
Windsor NSW 2756

Hawkesbury City Council

28 JUN 2012

12/06704

26 JUN 2012

Dear Mr Jackson,

Joint Regional Planning Panel reappointments

I am pleased to advise you I have decided to re-appoint all State members and alternates of the Joint Regional Planning Panels for a period of 12 months up to 30 June 2013 as an interim measure, pending the implementation of the NSW planning review. Accordingly, Mrs Mary-Lynne Taylor, Mr Paul Mitchell OAM and Mr Bruce McDonald have been re-appointed as State members to the Sydney West Joint Regional Planning Panel (regional panel).

In accordance with the changes to regional panels made in 2011, the Local Government and Shires Associations have endorsed the appointment of Mrs Taylor as the regional panel chair.

In contrast to previous arrangements, all alternates will be appointed as alternates for every regional panel (except where they are already a State member). This will create a 'pool' of alternates that can be drawn upon to assist regional panels in the event of there being any conflict of interest, panel member absences or when additional meetings are required.

A table outlining all State members and alternates of the regional panel is enclosed (Annexure A).

Council nominations

I would also like to take this opportunity to remind you that Council is required to nominate 2 persons as council nominees to the regional panel. In accordance with Schedule 4 of the *Environmental Planning and Assessment Act 1979*, at least one of the nominated persons must have expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Councils were previously asked to nominate members for a period of up to 3 years. If you have nominated members, I request that you confirm your council nominees with the Regional Panels Secretariat before their current term expires.

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Remuneration

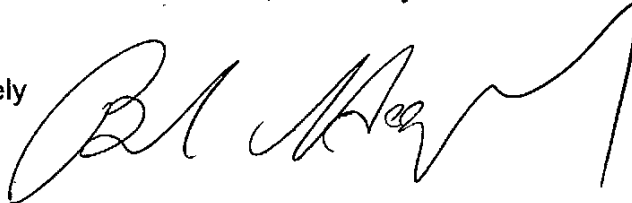
As with the previous arrangements for remuneration, the Department of Planning and Infrastructure will meet the remuneration of State members of the regional panels. The government has also determined that the fees for council nominated members are to remain a matter for each council to establish or modify, as appropriate. However, the following should be considered when setting fees:

- *Council staff members:* No fees should be paid, as participation in the regional panel would form part of the employee's regular duties, consistent with the Department of Premier and Cabinet *Guidelines for NSW Board and Committee Members: Appointment and Remuneration* (the DPC Guidelines).
- *Elected Councillors:* As councillors already receive an annual fee set by the Local Government Remuneration Tribunal each year for performing their councillor duties, an additional per meeting fee is reasonable, recognising that membership of the regional panel brings additional responsibilities.
- *Community members:* Each council may determine an appropriate level of remuneration for that person, by arrangement with that member, with your Council's current rates used as a guide when determining appropriate remuneration rates.

I would like to take this opportunity to thank you for your Council's ongoing co-operation and support with the regional panels.

Should you have any enquiries in relation to this matter, I have arranged for Ms Paulina Hon, Regional Panels Secretariat, to assist you. You can contact Ms Hon on 02 9228 2061.

Yours sincerely



HON BRAD HAZZARD MP
Minister

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Annexure A**Membership of Sydney West Joint Regional Planning Panel**

Chair	Members	Usual Alternates*	Pool of Alternates
Mary-Lynne Taylor	Bruce McDonald Paul Mitchell	Stuart McDonald Lindsay Fletcher	Bob McCotter Bruce Clarke Jason Perica** John Colvin Julie Savet Ward Kara Krason** Lindsay Fletcher Mark Grayson Stuart McDonald Terri O'Brien Timothy Moore Ruth Fagan* Gordon Kirkby*

*These are the existing alternates for the respective regional panels and given their experience they are likely to remain the first choice as alternates for their respective regions. The new arrangements will, however, allow for all alternates to work for any regional panel.

** Alternate for all regional panels (except Hunter and Central Coast)

* Alternate for all regional panels (except Western)

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 115 **CP - Development Application - Staged Torrens Title subdivision to create two allotments and partial road dedication - Lot 1 DP 771707 & Lot 4 DP 223023 - 66 Wells Street Pitt Town and 54 Wells Street Pitt Town - (95498, 85977, 34600, 34601, 12389, 12387)**

Development Information

File Number: DA0745/11
Property Address: 66 and 54 Wells Street Pitt Town
(Lot 1 DP: 771707 – 66 Wells Street)
(Lot 4 DP: 223023 – 54 Wells Street)
Applicant: Monaghan Surveyors Pty Ltd
Owner: Mr AR and Mrs SM Wilbow (66 Wells Street)
Mr KM, Mrs RJ and Mr MJ Mitchell (54 Wells Street)
Proposal Details: Subdivision – Staged Torrens Title subdivision to create two allotments and partial road dedication
Zone: Rural Housing and Rural Living under Hawkesbury Local Environmental Plan 1989
R5 Large Lot Residential and RU4 – Rural Small Holdings under Draft Hawkesbury Local Environmental Plan 2011
Date Received: 23 December 2011
Advertising: 1 May to 15 May 2012
Key Issues:

- ◆ SEPP No. 1 Objection to Minimum allotment size
- ◆ Staging of development
- ◆ History of site use

Recommendation: Approval

REPORT:

This application seeks the consent of Council to undertake a staged Torrens title subdivision and partial road construction at 66 and 54 Wells Street, Pitt Town. The subdivision comprises two stages; Stage 1 which involves a boundary adjustment between the subject properties and Stage 2 which involves the subdivision of the modified 66 Wells Street into two allotments and a partial road construction to service the new allotment.

66 Wells Street has a mixed zoning; with the central portion of the site zoned Rural Housing and the northern and southern portions of the site zoned Rural Living under Council's current planning controls. An objection to this development standard has been submitted pursuant to State Environmental Planning Policy (SEPP) No. 1 – Development Standards. This SEPP No. 1 Objection argues that full compliance with the Rural Living zone's minimum allotment size controls is unreasonable given that the allotments achieve the minimum allotment size requirements of the Rural Housing zone.

Strict compliance with this development standard would prevent the subdivision of the land in accordance with the Pitt Town Development Plan. Given that the existing property is currently split by two different zonings which do not follow any identified cadastral or topographic feature it is considered unreasonable that the Rural Living zone's allotment size controls may prevent this subdivision.

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The application is being reported to Council as the variation to the minimum allotment size exceeds 10%. It is a requirement that all SEPP No. 1 Objections with a variation in excess of 10% are reported to Council for determination. Should the proposal be supported it will be forwarded to the Department of Planning and Infrastructure for concurrence.

Introduction

The application is being reported to Council in accordance with Council's State Environmental Planning Policy No 1 (Development Standards) for Rural Subdivisions, which states:

The Guidelines for consideration of applications for rural subdivision which rely on State Environmental Planning Policy No. 1 for approval are:

1. *Applications which propose one (1) undersized lot only which is within 10% (ten percent) of the minimum allotment size, be determined by Council staff under delegated authority.*
2. *Applications involving more than one (1) undersized lot and/or a variation greater than 10% (ten percent) from the minimum be considered and determined by Council where they can demonstrate that the standard is unreasonable or unnecessary in the attainment of the relevant objects of the Act.*
3. *Applications which do not demonstrate that the standard is unreasonable or unnecessary be refused by Council staff under delegated authority.*
4. *Applications to re-subdivide existing undersized allotments, where no additional entitlements will result and where there are no unresolved objections, be determined by Council staff under delegated authority.*

The submitted application proposes the creation of one additional allotment, with it and the modified (existing) allotment both having areas that fail to satisfy the Rural Living zone's minimum allotment size control. The variation to the minimum allotment size control exceeds 10% and therefore requires the determination of Council.

Description of Proposal

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval to undertake a staged subdivision of 66 and 54 Wells Street, Pitt Town. The proposal involves the following:

- Stage 1: A boundary adjustment between 66 Wells Street, which is legally described as Lot 1 DP: 771707 and has an area of 1.072 hectares, and 54 Wells Street, which is legally described as Lot 4 DP: 223023 and has an area of 2.128 hectares. This adjustment involves the transfer of 275m² of land from 54 Wells Street to 66 Wells Street.

This boundary adjustment will result in an area of 1.099 hectares for 66 Wells Street (referred to as proposed Lot 11 in the documentation and plans) and 2.1 hectares for 54 Wells Street (proposed Lot 12).

The additional area to be obtained by 66 Wells Street corresponds with Council's Pitt Town Road Hierarchy Plan.

- Stage 2: The subdivision of 66 Wells Street to create two allotments and a half road dedication/construction.

Proposed Lot 1 is to have a total area of 2,672m², with 2,000m² of this allotment located within the Rural Housing zone and the remaining 672m² zoned Rural Living. This allotment is to be located to the south of the site and is to have access from Johnston Street and the new road.

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Proposed Lot 2 is to have a total area of 8,048m², with 4,828m² of this allotment located within the Rural Housing zone and the remaining 3,220m² zoned Rural Living. This allotment will contain the existing dwelling house and outbuildings. Existing access arrangements from Well Street will be maintained.

A sealed half-width road is to be constructed along the length of proposed Lot 1. This is to be dedicated to Council.

History

Previous applications submitted to Council for 66 Wells Street include:

NO.	DATE	PROPOSAL	DECISION
DA0419/85	10/10/1985	Construction of dwelling house with attached double garage	Approved
BA1399/86	07/01/1987	Construction of dwelling house with attached double garage	Approved
BA1607/94	12/12/1994	Construction of inground swimming pool	Approved
BA1404/95	23/11/1995	Erection of attached pergola	Approved
M0654/99	28/05/1999	Construction of rural shed	Approved

The site is currently used for rural residential purposes, with a dwelling house, attached garage, swimming pool and rural shed located onsite.

Previous applications submitted to Council for 54 Wells Street include:

NO.	DATE	PROPOSAL	DECISION
DA0170/88	08/03/1988	Construction of dwelling house	Approved
BA0279/88	18/04/1988	Construction of dwelling house	Approved
BA0671/95	07/06/1995	Construction of swimming pool	Approved
DA0172/97	08/09/1997	Filling of land	Approved

The site is currently used for rural residential purposes, with a dwelling house, attached garage, swimming pool and rural shed located onsite.

Information supplied by the Applicant, as well as the ground levels to the north, indicate that the area has previously been used for the extraction of sand. Contamination reports submitted for nearby properties do not indicate that the land or groundwater is contaminated. Given the known history of the site it is considered unlikely that the site is contaminated. The land is therefore considered suitable for a residential use as discussed later in this report.

Council Policies, Procedures and Codes to Which the Matter Relates

- Hawkesbury Local Environmental Plan 1989 (HLEP 1989)
- State Environmental Planning Policy No. 1 – Development Standards (SEPP No. 1)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- Sydney Regional Environmental Plan No. 9 – Extractive Industry (SREP No. 9)
- State Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

Section 79C Matters for Consideration

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

a) The provisions (where applicable) of any:

i. Environmental Planning Instrument:

Hawkesbury Local Environmental Plan 1989

66 Wells Street is zoned part Rural Housing and part Rural Living, whilst 54 Wells Street is zoned Rural Housing under HLEP 1989. Stage 1 of the development involves the transfer of land between the properties in anticipation of future road construction and dedication. This subdivision amounts to a boundary adjustment between the properties, although it is noted that the 'boundary adjustment' provisions of Clause 13 of the HLEP 1989 do not apply to this area of Pitt Town.

Stage 2 of the development involves the subdivision of 66 Wells Street to create two allotments and a half road dedication/construction. Proposed Lot 1 is to have a total area of 2,672m², with 2,000m² of this allotment located within the Rural Housing zone and the remaining 672m² zoned Rural Living. Proposed Lot 2 is to have a total area of 8,048m², with 4,828m² of this allotment located within the Rural Housing zone and the remaining 3,220m² zoned Rural Living.

Clause 11 of the HLEP 1989 outlines controls for rural subdivision. Clause 11(2) of the HLEP 1989 establishes minimum allotment sizes of 2,000m² for the Rural Housing zone and 2 hectares for the Rural Living zone.

The staged subdivision will not alter 54 Wells Street's compliance with the Rural Housing's minimum allotment size controls. However, 66 Wells Street's modified allotments, consisting of proposed Lots 1 and 2, will fail to satisfy the Rural Living zone's minimum allotment size requirements of 2 hectares.

A SEPP No. 1 Objection has been submitted for this non-compliance with the development standard and is discussed elsewhere in this report.

Clause 13(3) of the HLEP 1989 outlines further assessment criteria for rural residential subdivisions:

3. *The Council may consent to the subdivision of land to which this clause applies only if:*
 - a) *there is a ratio between the depth of the allotment and the frontage of the allotment that, in the opinion of the Council, is satisfactory having regard to the purpose for which the allotment is to be used, and*
 - b) *the pattern of allotments created by the proposed subdivision and the location of any proposed buildings on those allotments will, in the opinion of the Council, minimise the impact on any threatened species, populations or endangered ecological community or regionally significant wetland, watercourses, agriculture and bush fire threat, and*
 - c) *the Council has considered a geotechnical assessment that demonstrates the land is adequate for the on-site disposal of effluent, and*
 - d) *in the opinion of the Council, each of the allotments created contains suitable areas for a dwelling-house, an asset protection zone relating to bush fire hazard and effluent disposal.*

The proposal satisfies the minimum allotment size controls of the Rural Housing zone and proposed Lot 1 is considered adequate for the establishment of a future dwelling house onsite. The proposed subdivision corresponds with the Development Plan and Road Hierarchy Plan contained within Part E Chapter 4 of the HDCP 2002 (Figures E4.2 and E4.4). The width to depth ratio of the lots is satisfactory for the intended residential use of the new allotment.

Proposed Lot 1 and 2 are able to be serviced by the Water Factory and will not be dependent on the onsite disposal of effluent. An asset protection zone has been nominated for proposed Lot 1 and the NSW Rural Fire Service have provided their General Terms of Approval.

The majority of the new allotments (proposed Lots 1 and 2) will be zoned Rural Housing. The objectives of the Rural Housing zone are:

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- a) *to provide primarily for low density residential housing and associated facilities,*
- b) *to minimise conflict with rural land uses,*
- c) *to preserve and maintain the rural character of the locality and ensure building and works are designed to be in sympathy with the character of the locality,*
- d) *to ensure that development occurs in a manner that satisfy best management guidelines for the protection of water catchments, water quality, land surface conditions and important ecosystems,*
- e) *to prevent the establishment of traffic generating development along main and arterial roads,*
- f) *to ensure that development does not create unreasonable demands for the provision or extension of public amenities or services,*
- g) *to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character.*

The proposal is seen to be consistent with the objectives of the Rural Housing zone in that proposed Lot 1 will provide low density residential housing. The development is not expected to adversely impact water catchments, significant ecosystems or landscape values nor will it result in significant traffic generation. The proposal conforms to the subdivision pattern and road layout developed for the area and accordingly will not conflict with rural land uses. Given the small size of the land zoned Rural Living, as well as the existing boundaries, it is considered that the potential use of the land for agricultural purposes is minimal.

Clause 54 of the HLEP 1989 requires an assessment of a development's heritage impacts, both European and Aboriginal. The site has been cleared and disturbed in the past and the likelihood of finding relics is considered minimal. No submissions were received from local Aboriginal community groups.

Therefore, in conclusion, the proposal is seen to satisfy the provisions of the HLEP 1989.

State Environmental Planning Policy No. 1 – Development Standards

As detailed previously the proposal fails to comply with the minimum allotment size requirements of Clause 11(2)(a) of HLEP 1989. This clause states

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

Zone	Minimum allotment size if not lot averaging subdivision	Minimum allotment size if lot averaging subdivision
<i>Rural Living (land shown hatched on the map)</i>	<i>2 hectares</i>	<i>Not applicable</i>
<i>Rural Housing</i>	<i>Minimum lot size shown on the map (2,000m²)</i>	<i>Not applicable</i>

Whilst proposed Lot 1 and the modified proposed Lot 2 each satisfy the minimum allotment size control for the Rural Housing zone, each of the allotments contain a portion of land zoned Rural Living that fails to achieve the minimum allotment size of 2 hectares. In this regard, proposed Lot 1 has an area of 672m² which is zoned Rural Living whilst proposed Lot 2 has an area of 3,220m² zoned Rural Living.

The HLEP 1989 does not detail specific objectives for this development standard. However, it is assumed that Council has imposed a minimum allotment size control of 2 hectares for the Rural Living zone to provide for a rural residential lifestyle and to allow for a range of rural residential and agricultural uses.

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Primarily it is assumed this development standard has been imposed to prevent the fragmentation of agricultural land.

The Applicant has submitted a SEPP No. 1 Objection to this development standard arguing that full compliance is unreasonable in this instance. In this objection the Applicant argues:

Notwithstanding the proposal's non-compliance with the minimum allotment size the lots are also zoned Rural Housing which has a minimum lot size of 2,000sqm. The table below shows the approximate percentage and area of each zone on the proposed lots:

Lot	Rural Living zone area	Rural Housing zone area
1	25% (672sqm)	75% (2,000sqm)
2	40% (3,219sqm)	60% (4,828sqm)

The objectives of the Rural Living zone are achieved with the smaller allotments. The portion of the Rural Living zone on each of the proposed allotments is the smaller zone when compared (to) the area zoned Rural Housing which the lot areas comply as shown on the table above. The current lot area does not comply with the minimum lot area for the Rural Living zone of 2ha.

The zone boundary as made by the SEPP (Major Projects) Amendment (Pitt Town) 2008 created the current situation with part of the site being zoned Rural Living and Rural Housing.

The boundary of the Rural Housing zone was selected as being the approximate location of the 20m AHD contour line and it is unclear as to why this contour value was selected as the 1:100 floor level for Pitt Town is 17.3m AHD.

The zone map shows the Rural Living zone located in a small portion on the southern boundary and along the northern portion of the site. The Rural housing zone is located between the Rural Living areas located in the northern and southern portions of the site.

As a result of the Pitt Town amendment any future subdivision of this property would have resulted in lots not complying with the minimum area for the Rural living zone.

If Council insisted on strict compliance with the minimum allotment size contained in Clause 11(2)(a) HLEP 1989, such a decision would hinder the attainment of the object(ives) of the Act in that:

- The proper development of a resource that is compatible with the character of the existing rural and residential development in the surrounding locality (would be prevented).*
- The provisions of the SEPP Pitt Town amendment identified this property as having development potential for subdivision and any subdivision proposed would result in lots having a split zone.*
- The allotments will still ensure the co-ordination of the orderly economic use and development of the land for residential purposes now and in the future as proposed by the SEPP Pitt Town amendment.*

The proposed variation to the minimum allotment is considered to be justified and the variation will still achieve the objectives of the development standard and the Rural Living zone.

The portion of the proposed allotments that will be zoned Rural Living is smaller when compared to the Rural Housing zoned portion.

The proposed lots comply with the Rural Housing minimum allotment size of 2,000sqm.

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The variation in area is still consistent with the surrounding lot areas and shapes in the immediate locality and the variation in this case will not cause an undesirable precedent.

In determining whether or not a SEPP No. 1 Objection should be supported it is recommended any assessment use the set of planning principles provided by his honour Chief Judge Preston in Land and Environment Court hearing *Wehbe v Pittwater Council* [2007] NSWLEC 827. 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;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
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;*
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: The main objective of the Rural Living zone's minimum allotment size control is to prevent the fragmentation of agricultural land by retaining large rural allotments which have the potential to be used for agricultural activities. On account of the small size of the areas that are zoned Rural Living it cannot be argued that the proposal satisfies this primary objective of the Rural Living zone.

Having said that, the proposed allotments (proposed Lots 1 and 2) are primarily zoned Rural Housing. Each of these allotments satisfy the minimum allotment size controls of 2,000m² for the Rural Housing zone. Given that the proposal satisfies this development standard, and is consistent with the Pitt Town Development Plan, it is considered that the underlying objectives of the Rural Living's minimum allotment size control are not relevant to this particular case in accordance with Principle 2 above.

Strict compliance with this development standard would prevent the subdivision of the land in accordance with the Pitt Town Development Plan. Given that the existing property is currently split by two different zonings which don't follow any identified cadastral or topographic feature it is considered unreasonable that the Rural Living zone's allotment size controls may prevent this subdivision.

The lots proposed will provide a suitable area for their low density residential living.

The subdivision is consistent with Part E Chapter 4 of the HDCP 2002 in terms of location, minimum allotment sizes, frontages and road location. Having considered the submitted SEPP No. 1 Objection it is felt that the non-compliance with the Rural Living's minimum allotment size controls will not conflict with Council's broader objectives for the locality. Given the overall acceptability of the proposal, it is considered that the approval of this application will not act as a precedent for the area or diminish the significance of the development standard. The submitted SEPP No. 1 Objection is seen to be well-founded and in this instance a departure from the minimum allotment size criteria contained with Clause 11(2) (a) of the HLEP 1989 is considered acceptable. It is therefore recommended that the Council support the SEPP No. 1 Objection.

State Environmental Planning Policy No. 44 – Koala Habitat

The road construction associated with Stage 2 of the subdivision will most likely require the removal of vegetation along the boundary between 54 and 66 Wells Street. The location of this road corresponds with the Road Hierarchy Plan contained within Part E Chapter 4 of the HDCP 2002 and is unlikely to provide habitat for koalas. Having regards to the requirements of SEPP No. 44 it is considered that the proposal will not remove significant strands of vegetation or disturb of any natural habitats which would be considered as 'core koala habitat'.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of SEPP No. 55 outlines a consent authority "*must not consent to the carrying out of any development on land unless:*

- a) *it has considered whether the land is contaminated, and*
- b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose".*

The preliminary investigation included in the submitted Statement of Environmental Effects (SOEE) indicates that the locality has previously been used for sand mining. Whilst this is a form of extractive industry, the sand mining historically undertaken within the locality involved the physical removal of material without the use of chemicals, explosives or the like.

Council's records do not indicate that the subject land comprises significantly contaminated land under the Contaminated Land Management Act 1997 or is located within a mine subsidence district. An inspection of the southern portion of 66 Wells Street, which is to accommodate proposed Lot 1 does not show evidence of any fill. The northern portion of 54 Wells Street has been filled however conditions imposed on Development Consent No. DA0172/97 required the use of clean fill.

Contamination reports submitted for nearby properties do not indicate that the land or groundwater is contaminated. Given the known history of the site it is considered unlikely that the site is contaminated. The land is therefore considered suitable for a residential use.

It is acknowledged that asbestos was used in the past within Pitt Town. As such a condition is recommended covering the safe handling and disposal of asbestos.

Sydney Regional Environmental Plan No. 9 – Extractive Industry (SREP No. 9)

SREP No. 9 identifies regionally significant extractive resources within the Sydney Region to facilitate their utilisation. This Plan aims to ensure that extraction is carried out in an environmentally acceptable manner, prohibits extraction from certain environmentally sensitive areas and outlines decisions on future urban expansion take into account the ability to realise the full potential of important deposits.

The land is not identified as an area of extractive industry under Schedule 1 Division 4 or 5 of the SREP No. 9 (as identified by the associated maps). Furthermore the property is not located within the vicinity of an identified extractive industry and as such Sections 8, 16 and 18 of the Policy do not apply. As such the provisions of this Policy do not apply to the subject proposal.

It should be noted that the construction of the dwelling house on 66 Wells Street was approved prior to the gazettal of SREP No. 9, whilst the concurrence of Department of Mineral Resources was granted as a part of the approval process for the dwelling house at 54 Wells Street.

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

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The subject land falls within the boundary of SREP No. 20. This Policy aims “to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context”. SREP No. 20 requires an assessment with regard to the general and specific considerations, policies and strategies set out in the Policy.

Section 6(8) of SREP No. 20 outlines “Rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna)”.

The land is located within an established rural residential area. The area has been largely cleared and proposed Lot 1 is not located within the immediate vicinity of an identified wetland, creek or water course. The subject land has been identified as an area for residential development and the proposal is consistent with the provisions of the HLEP 1989 and Part E Chapter 4 of the HDCP 2002. The area of land zoned Rural Living is minor and is not expected to significantly reduce available agricultural land.

It is therefore considered that the proposed development will not significantly impact upon the environment of the Hawkesbury-Nepean River either in a local or regional context.

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

Draft HLEP 2011 has been publicly exhibited and is a matter of consideration under Section 79C(1)(a)(ii) of the EP&A Act.

The subject lots are zoned R5 – Large Lot Residential and RU4 – Rural Small Holdings under Draft HLEP 2011. The Draft Instrument’s layout of the zoning boundaries is consistent with that of the HLEP 1989.

Clause 4.1A of Draft HLEP 2011 permits subdivision with development consent subject to the minimum subdivision lot sizes as shown on the Lot Size Map. The minimum allotment sizes under Draft HLEP 2011 are consistent with those imposed under HLEP 1989. The previous commentary relating to the SEPP No. 1 Objection is therefore still relevant.

It should be noted that Clause 4(6)(a) of the Draft HLEP 2011 prohibits the subdivision of the RU4 – Rural Small Holdings zone where an allotment is less than 90% of the development standard. The modified allotments of 66 Wells Street will each have a portions of land zoned Rural Living that fail to achieve this requirement. However, as discussed elsewhere in this report, the proposal achieves the controls and overriding objectives of the Rural Housing zone (which is equivalent to the R5 – Large Lot Residential zone) and is therefore seen to be acceptable. Further to this, the provisions of the Draft HLEP 2011 have been given less weight than the HLEP 1989 as the application was submitted in 2011 and at the time the adoption of the draft was not ‘certain and imminent’.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

The proposed development is generally consistent with the requirements of the HDCP 2002. An assessment of the proposal against the relevant provisions of this Plan follows:

Part A Chapter 3 – Notification

The application was notified to adjacent property owners in accordance with Part A Chapter 3 of the HDCP 2002. A single submission was received and this is discussed later in this report.

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Part C Chapter 3 – Subdivision

The following is an assessment of the proposal against Part C Chapter 3 of the HDCP 2002:

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.	Minimal vegetation is to be removed with this application. A single tree is located within the nominated building envelope and asset protection zone however it is unlikely this tree will be removed given the large size of the building envelope.	Yes
	b) Vegetation cover should be retained where ever practicable as it acts to stabilize soils, minimize runoff, acts as a pollutant trap along watercourses and is important as a habitat for native fauna.	Minimal vegetation is to be removed with this application.	Yes
	c) Degraded areas are to be rehabilitated as part of the subdivision.	N/A	Yes
	d) Vegetation should be retained where it forms a link between other bush land areas.	Vegetation corridors between properties will generally be maintained.	Yes
	e) Vegetation which is scenically and environmentally significant should be retained.	Minimal vegetation is to be removed with this application.	Yes
	f) Vegetation which adds to the soil stability of the land should be retained.	Minimal vegetation is to be removed with this application.	Yes
	g) All subdivision proposals should be designed so as to minimize fragmentation of bushland.	Minimal vegetation is to be removed with this application.	Yes

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Element	Rule	Provides	Complies
Visual Amenity	a) Building envelopes, accessways and road shall avoid ridge tops and steep slopes.	The site is not steeply sloped.	Yes
	b) Subdivision of escarpments, ridges and other visually interesting places should: Be managed in such a way that the visual impact rising from development on newly created allotments is minimal; and Retain visually significant vegetation such as that found on ridge tops and other visually prominent locations.	N/A	Yes
	c) Development Applications for subdivision shall take into consideration the provisions of SREP No. 20 in relation to scenic quality	Noted.	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.	The proposal is located within the general vicinity of Pitt Town Conservation Area. The proposal complies with the subdivision pattern identified for the area and it is therefore considered that it will not impact upon the significance of the Pitt Town Conservation Area.	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.	Infill subdivision	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.	Reticulated water is available. Conditions may be imposed in this regard.	Yes

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Element	Rule	Provides	Complies
Flooding, Landslip & Contaminated Land	a) Compliance with Clause 25 of Hawkesbury Local Environmental Plan 1989.	The indicative building envelope shown for proposed Lot 1 is located above the 1-in-100 year flood level of 17.3m AHD.	Yes
	b) Access to the subdivision shall be located above the 1% AEP flood level.	Access to proposed Lot 1 is above the 100 year flood level. Access arrangements to proposed Lot 2 will be maintained.	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. See report.	Yes
	e) Contaminated Land shall be remediated prior to the issue of the Subdivision Certificate.	N/A	N/A
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.	See justification under SEPP No. 1 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	An existing dwelling house will be able to be accommodated on proposed Lot 2, whilst sufficient space is available on	Yes

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Element	Rule	Provides	Complies
	<p>bushfire mitigation.</p> <p>c) In calculating the area of a battle-axe or hatched shaped allotment, the area of the battle-axe handle should be included.</p> <p>d) The width to depth ratio of allotments should not exceed 1:5</p> <p>e) Lot layout shall consider the location, the watercourse vegetation and other environmental features.</p>	<p>proposed Lot 1 for a future dwelling house.</p> <p>No battle axe allotment proposed</p> <p>The width top depth ratio does not exceed 1:5.</p> <p>Noted.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>
Rural Road and Accessway Design	<p>a) The design specifications in Figure D3.9 at the end of this clause are to be met.</p> <p>b) Where the road width is insufficient or unsatisfactory, an applicant should dedicate or provide land required for local road widening or new roads at no cost to council.</p> <p>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</p> <p>d) Where access to the subdivision is via a Crown or Reserve road in addition to the above, the road should be fully constructed to a standard commensurate with roads in the locality and linked to the nearest Council road. Prior to any construction works being undertaken the relevant section of Crown road is to be transferred to Council.</p>	<p>A half road construction and dedication is proposed to service the new allotment.</p> <p>Council's development Engineer has raised no objection to the proposal subject to the imposition of conditions.</p> <p>A half road construction and dedication is proposed to service the new allotment.</p> <p>A half road construction and dedication is proposed to service the new allotment.</p> <p>N/A</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>N/A</p>

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Element	Rule	Provides	Complies
	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.	A half road construction and dedication is proposed to service the new allotment.	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	N/A
	g) All internal driveways shall be constructed to an all weather standard suitable for the expected traffic generation. An all weather access should also be provided across the footway to any battle-axe lot. Such access should be sealed within the vicinity of existing houses on adjoining lots where dust nuisance may occur and also on steeply sloping land.	The construction of a vehicular crossing and driveway will be subject to a future development application.	N/A
Effluent Disposal	a) An effluent disposal report prepared by a suitably qualified person is required to accompany any development application for rural-residential subdivisions.	The application proposes connection to the Water Factory.	N/A
	b) Any system proposed other than a Household Aerated Wastewater Treatment System is required to be installed prior to release of subdivision certificate.	N/A	N/A

The proposal therefore complies with Part C Chapter 3 of the HDCP 2002.

Part E Chapter 4 – Pitt Town

The majority of 66 Wells Street is located within Precinct C of the Pitt Town development area. 54 Wells Street is wholly located within Precinct C.

Table E4.1 of Part E Chapter 4 of the HDCP 2002 establishes a minimum allotment size of 2,000m² and a minimum frontage of 28m for Precinct C. Proposed Lot 1 of the Stage 2 subdivision satisfies each of these requirements. The proposed road construction/dedication between 54 and 66 Wells Street is also consistent with the Figure E4.4 of Part E Chapter 4 of the HDCP 2002 (the Road Hierarchy Plan). Accordingly the proposal is seen to comply with the provisions of Part E Chapter 4 of the HDCP 2002.

It should be noted that the future construction of a dwelling house on proposed Lot 1 would be subject to the requirements of Section 4.14 and Tables E4.4 and E4.5 of Part E Chapter 4 of the HDCP 2002 in terms of setbacks and site coverage etc.

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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. The developer has not entered into a planning agreement with Council or the Department of Planning and Infrastructure.

v. Matters prescribed by the Regulations:

These matters have been considered in the assessment of this application.

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:

These matters have been considered in the assessment of this application.

Council's mapping system indicates that a sliver of Shale Plains Woodland (Cumberland Plains Woodland) exists to the south of 54 and 66 Wells Street. Shale Plains Woodland is a critically endangered ecological community.

The property does not contain Cumberland Plains Priority Conservation vegetation.

The proposed road construction would intersect this vegetation although minimal trees will have to be removed to accommodate this road. The road construction and dedication is consistent with Council's Road Hierarchy Plan and it is considered unlikely that the removal of these trees will significantly impact on native flora and fauna communities on the subject site or within the surrounding locality.

The proposal is not expected to generate significant adverse environmental, social or economic impacts for the locality.

c) Suitability of the site for the development:

These matters have been considered in the assessment of this application.

Adequate access arrangements, services and utilities are to be provided to the new allotment. The land is located above the 1-in-100 year flood level and the development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

The site is therefore considered to be suitable for the proposed development.

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

The proposal was notified from 1 to 15 May 2012. One (1) submission was received in response to this notification. The matters raised in this submission are detailed below in italics, followed by a response.

The documentation suggests that the existing dwelling house, which is currently connected to a septic tank, will be connected to the Pitt Town Water Factory. There is no sewerage line in Wells Street and the nearest point for connection is on the opposite side of Johnston street.

Comment: The Pitt Town development area is serviced by a high pressure sewer system owned and operated by the Water Factory. A main pipe currently exists within Johnston Street, whilst it is proposed to install a further main pipe in Wells Street. Proposed Lots 1 and 2 may be connected to either of these pipes subject to the requirements of the Water Factory.

The southern unsealed section (adjacent to 103 and 105 Johnston Street) and the newly sealed section of Johnston Street are unsafe and the provision of additional roads will place further strain on this road.

Comment: It should be noted that developers are responsible for half-road construction only (i.e. they are only responsible for half of the road adjacent to their property. The road construction and dedication proposed with this application corresponds with the Road Hierarchy Plan developed for Pitt Town.

e) The Public Interest:

The proposed development is considered to be in the public interest on the basis that it is consistent with the overall objectives of the Pitt Town Development Plan. The proposal generally complies with the objectives and requirements of the HDCP 2002 and is not expected to adversely impact on the amenity of the locality or the surrounding environment.

Referrals

Internal Referrals

Engineering

Council's Development Engineer has reviewed the proposal and has advised that no civil works are required for Stage 1 of the development.

The Torrens title subdivision proposed with Stage 2 will require civil works to be undertaken, including a sealed half-width road along the length of proposed Lot 1. These civil works will need to be completed prior to the issue of a subdivision certificate.

The imposition of conditions has been recommended by the Development Engineer.

External referrals

NSW Rural Fire Services

The subdivision of rural residential land within bushfire prone land is defined as integrated development and requires approval under Section 100B of the Rural Fires Act. To obtain this approval the application was referred to NSW Rural Fire Services pursuant to Section 91A(2) of the EP&A Act.

The NSW Rural Fire Services raised no objection to the proposal and provided their general terms of approval on 7 February 2012. These terms of approval are recommended as conditions of consent.

Developer Contributions

The majority of the new allotment, proposed Lot 1, is located within Catchment 5 of the Section 94 Development Contribution Plan. As such the subdivision is subject to the payment of Section 94 Contributions Plan.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. Despite the non-compliance with the numerical controls of Clause 11(2)(a) of the HLEP 1989, the subdivision is consistent with the HLEP 1989's Rural Housing controls and objectives, as well as Part E Chapter 4 of the HDCP 2002. Having considered the submitted SEPP No. 1 Objection it is felt that the non-compliance with the Rural Living's minimum allotment size controls will not conflict with Council's broader objectives for the locality.

Given the overall acceptability of the proposal, it is considered that the approval of this application will not set as a precedent for the area or diminish the significance of the development standard. The submitted SEPP No. 1 Objection is seen to be well-founded and its support is recommended.

Under the provisions of SEPP No.1, Council can not determine the application without the concurrence of the Director General. It is recommended that Council support the application and request that the Director General grant concurrence to the application. Should concurrence be granted, the application can be approved. Should concurrence not be granted, then the application must be refused. Both of these determination options may be undertaken under the delegated authority of the General Manager.

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Planning Decision

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

RECOMMENDATION:

That:

1. Council advise the Department of Planning and Infrastructure that it supports the objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 – Development Standards and requests that the Department issue its concurrence.
2. Upon receipt of the concurrence, or otherwise, of the Department of Planning and Infrastructure, determination of Development Application No. DA0745/11 for a staged Torrens Title subdivision be delegated to the General Manager.

ATTACHMENTS:

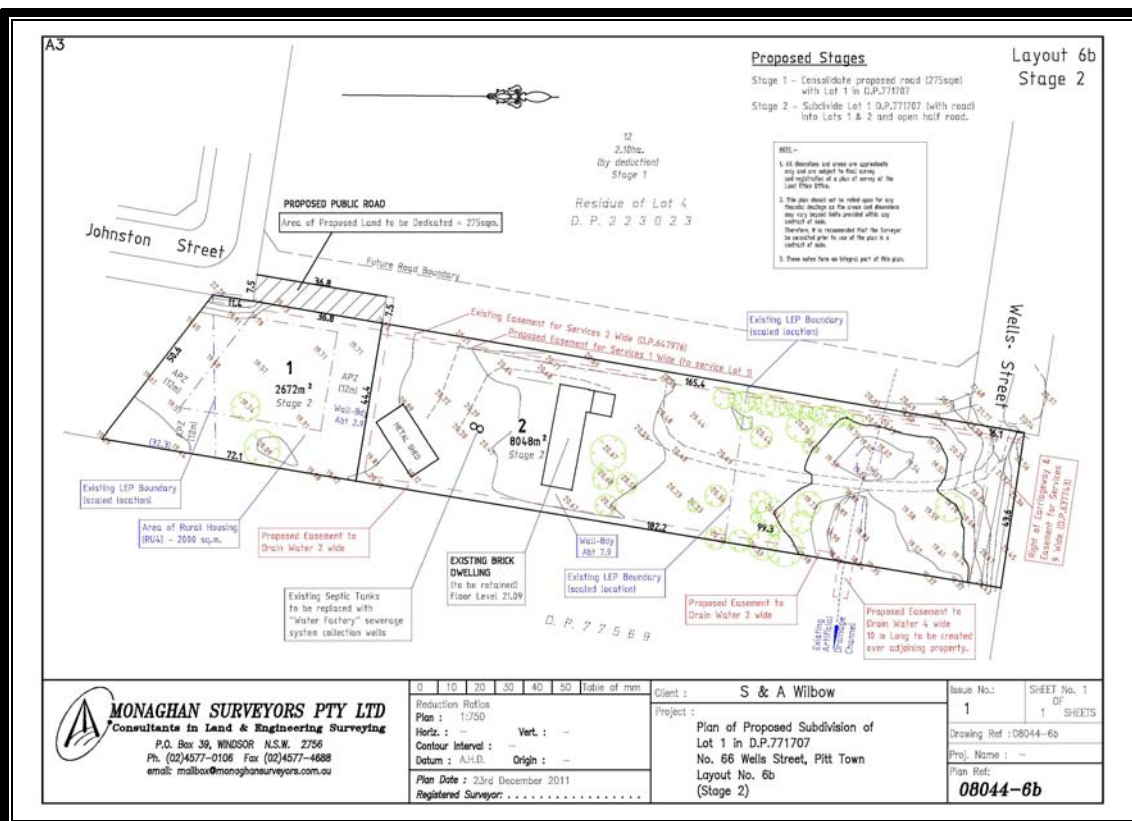
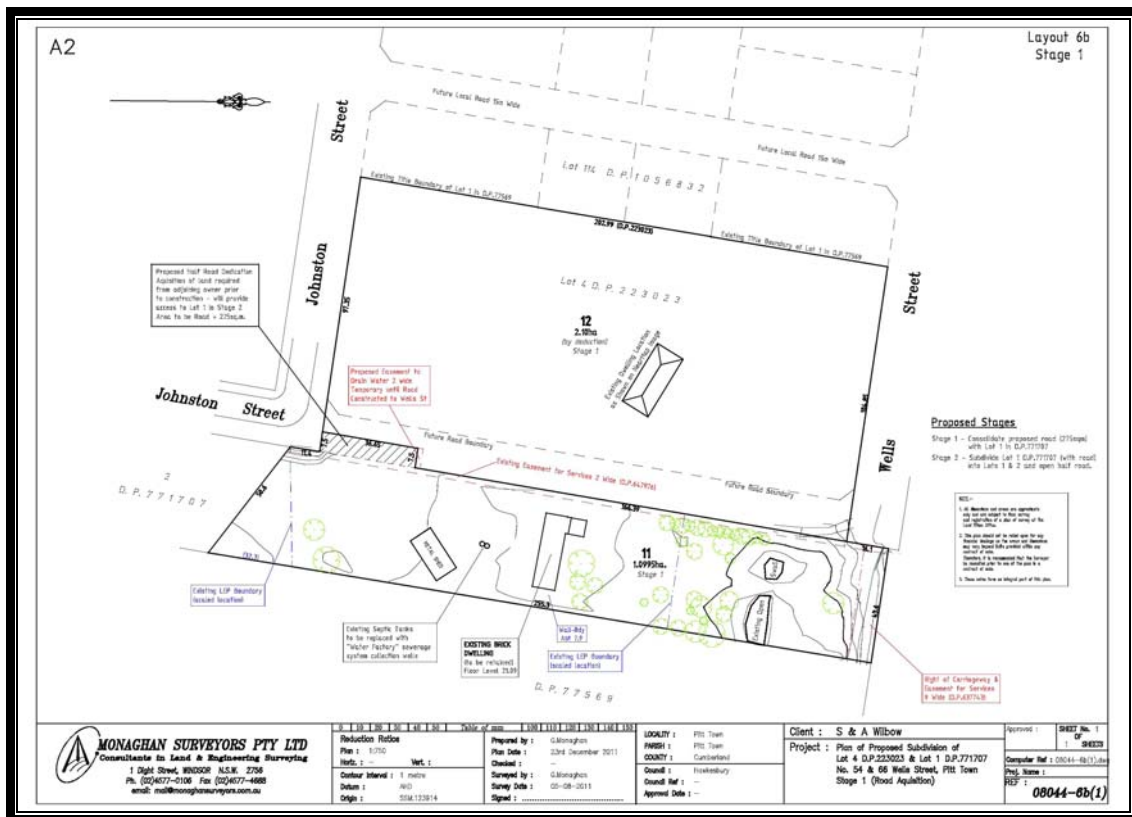
AT - 1 Locality Plan

AT - 2 Plans of Subdivision

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AT 2 – Plans of Subdivision



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ORDINARY MEETING

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Item: 116 **CP - Development Application - Two Lot Title Subdivision - Lot 4 DP 803225 - 19 Price Lane, Agnes Banks - (95498, 74563)**

Development Information

File Number: DA0117/12
Property Address: 19 Price Lane, Agnes Banks
Applicant: Falson & Associates Pty Limited
Owner: Mr GB Fitton & Mrs PA Fitton
Proposal Details: Subdivision - Torrens Title - Two lot Torrens Title Subdivision
Zone: Environmental Protection - Agriculture Protection (Scenic)
Rural Living
Date Received: 5 March 2012
Recommendation: Approval

REPORT:

Executive Summary

This application seeks approval for a one lot into two lots subdivision. The existing property is zoned both Rural Living and Environmental Protection – Agriculture Protection (Scenic), however the proposed lot boundaries do not correspond with the zones' boundaries. Whilst this is the case, it is considered that the proposed lot layout will result in a more appropriate subdivision having regard to the constraints of the site.

The proposed subdivision does not result in lots that meet the minimum allotment requirements of the Rural Living and Environmental Protection – Agriculture Protection (Scenic) zone, and an objection under State Environmental Planning Policy No. 1 – Development Standards has been submitted in this regard. Due to the variation of the size of the lots being greater than 10% the application requires determination by Council and the concurrence of the Department of Planning and Infrastructure.

This Report demonstrates that the proposed subdivision will have no adverse impact on the natural or built environment and that, in this case, the objection under State Environmental Planning Policy No.1 should be supported. Upon support of the objection, the proposal will be referred to the Department of Planning and Infrastructure for concurrence or otherwise.

Issues Relevant to the Decision

- Objection under State Environmental Planning Policy No.1
- Minimum allotment size
- Flooding

Introduction

An application has been received seeking approval for a two lot Torrens Title subdivision of Lot 4 in DP803225, 19 Price Lane, Agnes Banks.

The application is being reported to Council in accordance with Council's Policy - State Environmental Planning Policy No.1 (Development Standards) for Rural Subdivisions Policy, which states:

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"The Guidelines for consideration of applications for rural subdivision which rely on State Environmental Planning Policy No. 1 for approval are:

1. *Applications which propose one (1) undersized lot only which is within 10% (ten percent) of the minimum allotment size, be determined by Council staff under delegated authority.*
2. *Applications involving more than one (1) undersized lot and/or a variation greater than 10% (ten percent) from the minimum be considered and determined by Council where they can demonstrate that the standard is unreasonable or unnecessary in the attainment of the relevant objects of the Act.*
3. *Applications which do not demonstrate that the standard is unreasonable or unnecessary be refused by Council staff under delegated authority.*
4. *Applications to re-subdivide existing undersized allotments, where no additional entitlements will result and where there are no unresolved objections, be determined by Council staff under delegated authority."*

The proposed variation to the minimum allotment size exceeds 10%.

A variation was previously sought and granted on this land via a three lot subdivision (DA0071/09) involving the subject land, which was approved on 2 September 2010.

The Applicant states:

"The reason for this current proposal is identified within the Statement of Environmental Effects but basically is due to one of the owners of the previous proposal not being in a position to purchase part of the land of our client which now wishes to proceed with the subdivision of his land.

The previous approval can stand in case the other owner finds himself in a position to purchase land. There is nothing within the relevant legislation that suggests that two current approvals cannot exist at the same time over the same land."

It is considered that approval of the current two lot subdivision will not inhibit or interfere with the previously approved three lot subdivision should Development Consent DA0071/09 be enacted in the future.

History

DA0071/09Three Lot Subdivision	Deferred Commencement Consent 2 September 2010 Operational Consent 14 March 2011
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This application was report to Council's Ordinary Meeting of 13 July 2010, where it was resolved that:

1. *"Council advise the Department of Planning that it supports the objection associated with Development Application DA0071/09 lodged pursuant to the provisions of State Environmental Planning Policy No. 1 – Development Standards and requests that the Department issue its concurrence; and*
2. *Upon receipt of the concurrence, or otherwise, of the Department of Planning, determination of Development Application DA0071/09 for a three lot Torrens Title subdivision be delegated to the General Manager.*
3. *Should any determination by way of approval be issued a condition regarding flood free access from proposed Lot 102 to Price Lane be included."*

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The configuration of the two lots under the current proposal (DA0117/12) is not dissimilar to those lots fronting Price Lane approved under DA0071/09. A condition regarding flood free access will be included in any consent.

DA0736/09 Landfill to create a building - Approved 12 July 2010
platform above the 1 in 100
year flood level

This Consent approved a building envelope above the 1 in 100 year flood level on an area of land that will be contained within Proposed Lot 102. A construction certificate for this landfilling has been issued by Council on 6 May 2011.

Description of Proposal

The application seeks approval to divide the existing 10.9ha allotment into two new allotments having the following attributes:

Proposed Lot 101– will have an area of 2.28ha, will contain an existing dwelling house and garage/outbuilding and will gain access from Price Lane.

Proposed Lot 102 – will have an area of 8.63ha, will contain existing sheds and will gain access from Price Lane.

Description of the Land and its Surroundings

The subject site is relatively cleared with the levels of the land ranging from 19.5m AHD to 12.5m AHD.

Existing Lot 4 in DP 803225 fronts Price Lane and has an area of 10.91Ha. The site is irregular in shape, contains one dwelling, two sheds, and seven horse shelters and is currently being used for rural residential purposes.

Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No. 1 – Development Standards
- State Environmental Planning Policy No. 44 – Koala Habitat
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Planning Policy 20 - Hawkesbury Nepean River
- Hawkesbury Local Environmental Plan 1989
- Draft Hawkesbury Local Environmental Plan 2011
- Hawkesbury Development Control Plan 2002

Section 79C Matters for Consideration

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

a. The provisions 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 in respect to the minimum allotment size requirement for land zoned Rural Living (land shown hatched on the map) and Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map). The SEPP No. 1 objection states:

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"The subdivision follows from proper and reasonable management of a rural/residential and agricultural landholding having regard to existing physical features and to minimum allotment size normally required within the zone. Particularly the subdivision recognises that the land is of an irregular shape and is divided by the zone boundary between the Rural Living zone and Agricultural Protection zone and that this zone boundary does not provide for optimal subdivision of the site noting that subdivision could take place without the need for SEPP1.

The social and economic welfare of the community is maintained by the subdivision being both an orderly and economic use of the land. Subdivision of land within each zone is a permissible land use. The subdivision as proposed will provide two rural/residential lots that would be better able to be managed whilst maintaining agricultural potential of the land.

To not subdivide the land and leave it as is would result in good rural/residential land not being brought to its proper and full potential. This would be contrary to the stated objectives of the Act.

There is no public benefit of maintaining the 2ha and 10ha planning controls in this instance as the resultant subdivision will create lots that are better able to be managed, are suitable for rural/residential and agricultural development and which more or less conform to the zone minimum requirements whilst recognising the zone boundary is not in an appropriate position having regard to physical and cadastral features."

In responding to the clauses of SEPP No. 1, the applicant states that compliance with the development standard is considered unreasonable and unnecessary for the following reasons:

- *"Each of the proposed lots would not be distinguishable in an overall context from those that exist in the surrounding lot pattern;*
- *The allotments are of a size and shape adequate to contain dwellings in a rural residential and agricultural environment;*
- *Lot 101 has only marginally less than the required 2ha within the Rural Living zone although still has an area of 2.28ha.*
- *Lot 102 is more than the required 2ha minimum area within the Rural Living zone;*
- *There would be no adverse impact on amenity or streetscape arising from the subdivision. The dwelling site on Lot 101 is sufficiently separate from the dwelling site on Lot 102;*
- *The subdivision has been designed to account for environmental and physical features whilst still allowing development in accordance with the zone provisions;*
- *The existing allotment could be subdivided into 2 x 2ha allotments wholly within the Rural Living zone however this would result in a significantly inferior subdivision to that proposed;*
- *The underlying objectives of the standards are achieved notwithstanding non-compliance with the standards (e.g. lots satisfactory for a rural residential lifestyle, which conform to established rural character and amenity and maintenance of agricultural opportunity;*
- *The underlying objective would be defeated or thwarted if compliance with the standards is required given that the land is better able to be used for relevant zone purposes than if left in its current state;*
- *It is unreasonable and unnecessary for the existing zone boundary to be used given that it dissects the site without any particular apparent reason as to its actual location."*

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Given that the variation in lot sizes having regard to zoning is in excess of 10%, the application requires consideration by Council. It is recommended that should Council support the proposed subdivision, the application be referred to the Department of Planning and Infrastructure for concurrence pursuant to the provisions of Section 79B of the Environmental Planning and Assessment Act, 1979.

Comment: Clause 11(2) limits lot sizes to 2ha for land zoned Rural Living (land shown hatched on the map) and 10ha for land zoned Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map).

The minimum allotment sizes for each of the zones have been employed to minimise the impact of subdivision and development of land while still providing suitable space for the development of land consistent with the objectives of each of the respective zones as outlined in HLEP 1989.

It is noted that there is sufficient area for the subdivision of Lot 4 within the Rural Living zone. However, this would result in a less desirable outcome than what is currently proposed with respect to flooding, access, lot layout and lot width to depth ratios. The subdivision layout proposed will intersect the existing zone boundaries in order to provide for a subdivision layout that is in keeping with the surrounding rural residential properties of Price Lane.

Given that the existing property is currently split by two different zonings which don't follow any identified cadastral or topographic feature it is considered unreasonable in this instance that the subdivision of Lot 4 follow the Rural Living zone boundary. Furthermore, it is considered unlikely that the subdivision of the subject site along the existing zone boundary would result in a better natural environmental outcome.

The lots proposed will provide suitable area for their intended uses, being rural residential living.

It is considered that in the circumstances of the case the departure to the minimum allotment size criteria contained in Hawkesbury Local Environmental Plan 1989 is acceptable. It is therefore recommended that the variation be supported in this instance.

State Environmental Planning Policy No. 44 – Koala Habitat

State Environmental Planning Policy No. 44 - Koala Habitat applies to land within the Hawkesbury Local Government Area to which a development application has been made and has an area of more than 1 hectare.

Circular No. B35 was issued by the former Department of Planning (DIPNR) on 22 March 1995. The purpose of the Circular was to provide information relating to the implementation of SEPP 44 and to provide the Guidelines made by the Director for the purposes of the SEPP. Section 1.5 of the Circular states, inter alia, that:

"In relation to affected DAs it is the intention of the policy that investigations for "potential" and "core" koala habitats be limited to those areas in which it is proposed to disturb habitat".

The proposed development does not require the removal of native vegetation and will therefore not disturb habitat areas within the site. Consequently, the subject land is not considered to be 'potential koala habitat' or 'core koala habitat' as defined by this Plan.

State Environmental Planning Policy No. 55 – Remediation of Land

Council records indicate that the property has only been used for rural residential purposes in the recent past. It is therefore considered that the property is unlikely to be contaminated to a degree that would prevent the proposed subdivision and future development of Proposed Lot 102 for rural residential purposes. A Preliminary Site Investigation is not warranted. Therefore the application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55.

Hawkesbury Local Environmental Plan (HLEP) 1989

Clause 2 - Aims, objectives etc,

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

Clause 9A – Zone objectives

A zone boundary runs through the subject land splitting the site into two separate zonings: Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map) and Rural Living (land shown hatched on the map).

Comment: The proposed subdivision is consistent with the objectives of both the Environmental Protection - Agricultural Protection (Scenic) and Rural Living zones of HLEP 1989 as:

- proposed Lot 101 will provide for a rural residential lifestyle and proposed Lot 102 will provide for a rural residential lifestyle and/or agricultural use.
- the proposal is not likely to have a negative impact on the potential agricultural use of the land,
- no significant adverse impact on water catchments, significant ecosystems or the River, or surface and groundwater quality and flows, or surface conditions is expected to occur as a result of the proposed subdivision,
- the proposed development is not likely to create any unreasonable rural land use conflicts, given the nature and use of adjoining properties,
- the subdivision will not have a negative impact on the existing landscape values of the locality,
- the proposed subdivision will not have any significant adverse impacts on river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality,
- the proposed development will not result in the significant generation of traffic on main or arterial roads, and,
- the proposal will not create unreasonable economic demands for the provisions or extension of public amenities or services.

Clause 10 – Subdivision General

The general provisions for Subdivision are detailed as follows:

1. *“Land to which this plan applies may be subdivided, but only with development consent.*
2. *Land shall not be subdivided unless the boundaries of allotments so created correspond generally with the boundaries (if any) between zones as shown on the map.*
3. *Notwithstanding the provisions of subclause (4), the Council may consent to a plan of subdivision whereby the boundaries of allotments so created will not correspond with the boundaries between different zones as shown on the map but which, in the opinion of the Council, depart there from only to a minor effect.*
4. *Where, on registration of a plan of subdivision referred to in subclause (3), the boundary between land is determined in a different position from that indicated on the map, land shall be deemed to be within the appropriate zone as determined by the Council.*

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5. *All subdivision is prohibited on the Pitt Town Site unless the area of each lot created for a dwelling house is equal to or greater than the minimum lot sizes for the land shown on the Lot Size Map and the number of lots created does not exceed the density control for the land shown on the Density Control Map.*
6. *State Environmental Planning Policy No 1—Development Standards does not apply to subclause (5)."*

Comment: The subdivision proposal is inconsistent with Clause 10(2) in that the application seeks to create new allotment boundaries which do not correspond with the existing zone boundaries. However Subclause (3) allows Council to consider a subdivision where lot boundaries do not correspond with zone boundaries and, in the opinion of Council, depart to a minor effect. It is considered that this departure within the proposed lots is not inconsistent with the current situation affecting the subject land and adjoining properties, and will allow for the better utilisation of the land than that which follows the zone boundaries and will provide for a subdivision layout that is in keeping with the surrounding rural residential properties of Price Lane. In this regard, it is considered that the lot boundaries not corresponding with the zones boundaries will not result in any adverse environmental, social or economic impact and therefore the departure will have a minor effect.

Clause 11- Rural Subdivision - general provisions

2. *Except as otherwise provided by this clause and clause 13, the Council may consent to the subdivision of land in Zone No 7 (a) or 7 (d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone only if the area of each of the allotments to be created is not less than:*
 - a) *if it is not a lot averaging subdivision, that shown for the zone in Column 2 of the following Table, or*
 - b) *if it is a lot averaging subdivision, that shown for the zone in Column 3 of that Table.*

Zone	Minimum allotment size if not lot averaging subdivision	Minimum allotment size if lot averaging subdivision
<i>Rural Living (land shown hatched on the map)</i>	<i>2 hectares</i>	<i>Not applicable</i>
<i>Environmental Protection—Agriculture Protection (Scenic) (land shown hatched on the map)</i>	<i>10 hectares</i>	<i>Not applicable</i>

Comment: The proposed development is not a lot averaging subdivision. Clause 11 requires a minimum allotment size of 2ha for land zoned Rural Living (land shown hatched on the map) and 10ha for land zoned Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map). The proposed lot and zone areas are detailed as follows:

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Approximate area occupied by land zoned Rural Living (land shown hatched on the map)

Lot Area	Area of lot zoned Rural Living	Percentage variation %	Complies
Lot 101 2.28ha	1.1ha	45%	No
Lot 102 8.63ha	4.1ha	N/A	Yes

Approximate area occupied by land zoned Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map)

Lot Area	Area of lot zoned Environmental Protection - Agricultural Protection (Scenic)	Percentage variation %	Complies
Lot 101 2.28ha	1.18ha	88.2%	No
Lot 102 8.63ha	4.53ha	54.7%	No

The applicant has submitted a State Environmental Planning Policy No.1 Objection in relation to minimum area provisions and is considered separately in this report.

3. *The Council may consent to the subdivision of land to which this clause applies only if:*

- a) *there is a ratio between the depth of the allotment and the frontage of the allotment that, in the opinion of the Council, is satisfactory having regard to the purpose for which the allotment is to be used, and*

Comment: The width to depth ratio of the lots is satisfactory for the properties intended use. The proposal complies with the requirements of Hawkesbury Development Control Plan Part D Chapter 3.7.5 Lot Size and Shape.

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

Comment: It is considered that the proposed subdivision will not have a significant impact upon any threatened species, populations or endangered ecological communities or significant wetland, watercourses, agriculture or be subject to significant bushfire threat.

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

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Comment: A geotechnical report has been previously prepared in relation to DA0071/09. This Report is considered satisfactory and concludes that the existing system servicing the dwelling house to be located on Proposed Lot 101 is 'adequate with no signs of failure', and that Proposed Lot 102 is capable of supporting on site effluent disposal for a future dwelling house.

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

Comment: It is considered that each lot would be able to provide suitable space for both the existing dwelling on Proposed Lot 101 and for a new dwelling on Proposed Lot 102, including associated effluent disposal areas. The land is not identified as 'bushfire prone land'.

6. *Consent must not be granted to a subdivision of land in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone that creates an allotment (otherwise than for use for a public purpose) unless the Council is satisfied that there is an area of land above the 1-in-100 year flood level on the allotment that is:*

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

Comment: The subject site has been identified as being flood prone. The levels of the land range from 19.5m AHD to 12m AHD. It is noted that a significant portion of the land is below the 1 in 100 year flood level. The existing dwelling on Proposed Lot 101 is consistent with Clause 25 of HLEP 1989. Development Consent No. DA0736/09 approved filling to be carried out on proposed lot 102 to create an area of land situated above the 1 in 100 year flood level (up to 18.3m AHD) to enable a dwelling to be erected consistent with the provisions of Clause 25. This Consent would need to be met before this subdivision could become operational.

Subclauses (4), (4A), (5), (7), (8) and (9) do not apply to this proposal.

Clause 18 - Provision of water, sewerage etc. services

The existing dwelling has suitable access to water, electricity, sewage and telecommunication services. Written evidence that satisfactory arrangement for the provision of these services for the subdivision is a recommended condition of consent.

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

The aim of the policy is to protect the environment of the Hawkesbury-Nepean River system by ensuring the impacts of future land use are considered in the regional context. General and specific matters for consideration, specific planning policies and recommended strategies and development controls, which are to be considered in the assessment of development applications, are included in the policy.

Comments: The subject land falls within the boundary of SREP 20 and is situated within a scenic corridor of significance beyond the region. The proposal meets the overall aim of the plan in that it is consistent with the specific planning policies which apply to the proposal. Clauses 6(1), 6(2), 6(3), 6(4), 6(6) and 6(7) of the Plan apply to the proposal and have been considered in the table below:

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Specific Planning Policies and Recommended Strategies	Compliance	Comment
CI 6(1) Total Catchment Management	Yes	The proposal is unlikely to result in any significant adverse environmental impacts on any downstream local government areas.
CI 6(2) Environmentally Sensitive Areas	Yes	It is unlikely that the proposal will have an impact on the water table or result in the formation of acid sulphate soils.
CI 6(3) Water Quality	Yes	It is unlikely that the proposal will have an impact on the water quality of the locality.
CI 6(4) Water Quantity	Yes	The proposal will not increase water run-off from the site or the rate at which it leaves.
CI 6(6) Flora and Fauna	Yes	The proposed works are in an area previously cleared and disturbed by past activities. It is considered that there will be no significant adverse impact on flora and fauna species, populations or habitats.
CI 6(7) Riverine Scenic Quality	Yes	The proposal is considered to be consistent with the landscape character as described in the Scenic Quality Study.

Based on the above it is considered that the proposed development is consistent with Sydney Regional Environmental Planning Policy 20.

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 was exhibited 5 February 2010 to 12 April 2010. The subject lots are identified as being Zoned RU2 - Rural Landscape and RU4 - Rural Small Holdings under Draft Hawkesbury Local Environmental Plan 2009.

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 sizes that currently apply to the subject site under Hawkesbury Local Environmental Plan 1989.

The commentary relating to the recommended variation to the minimum allotment size criteria in accordance with SEPP 1 has been discussed in the report above.

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The proposed development is generally consistent with the requirements of HDCP. 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. No submissions were received.

Subdivision Chapter

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

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 to be removed	Yes
	b) Vegetation cover should be retained where ever practicable as it acts to stabilize soils, minimize runoff, acts as a pollutant trap along watercourses and is important as a habitat for native fauna.	No vegetation to be removed.	Yes
	c) Degraded areas are to be rehabilitated as part of the subdivision.	N/A	Yes
	d) Vegetation should be retained where it forms a link between other bush land areas.	The site does not contain any bushland.	N/A
	e) Vegetation which is scenically and environmentally significant should be retained.	No vegetation to be removed.	Yes
	f) Vegetation which adds to the soil stability of the land should be retained.	No vegetation to be removed.	Yes
	g) All subdivision proposals should be designed so as to minimize fragmentation of bushland.	The subdivision will have no impact on the fragmentation of bushland.	Yes

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Element	Rule	Provides	Complies
Visual Amenity	a) Building envelopes, accessways and road 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 as that found on ridge tops and other visually prominent locations. 		Yes
	c) 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 or is adjacent to an item of environmental heritage	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.	Infill subdivision	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.	Existing dwelling to remain, building platform approved by DA0739/09 for dwelling on proposed lot 102 consistent with clause 25.	Yes

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Element	Rule	Provides	Complies
	b) Access to the subdivision shall be located above the 1% AEP flood level.	Access to lot 101 is above 1% AEP flood level. Access to lot 102 is 800mm below 1% AEP flood level but is considered to be reasonable as access is level with Price Lane.	No
	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	N/A
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.	See justification under SEPP 1 assessment in report above.	No

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Element	Rule	Provides	Complies
	<p>b) Lots should be able to accommodate a building envelope of 2000m² 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.</p> <p>c) In calculating the area of a battle-axe or hatched shaped allotment, the area of the battle-axe handle should be included.</p> <p>d) The width to depth ratio of allotments should not exceed 1:5</p> <p>e) Lot layout shall consider the location, the watercourse vegetation and other environmental features.</p>	<p>Existing dwelling will be able to be accommodated on Proposed Lot 101. Sufficient space is available on Proposed Lot 102 for future dwelling.</p> <p>No battle axe allotment proposed</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
Rural Road and Accessway Design	<p>a) The design specifications in Figure D3.9 at the end of this clause are to be met.</p> <p>b) Where the road width is insufficient or unsatisfactory, an applicant should dedicate or provide land required for local road widening or new roads at no cost to council.</p> <p>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</p> <p>d) Where access to the subdivision is via a Crown or Reserve road in addition to the above, the road should be fully constructed to a standard commensurate with roads in the locality and linked to the nearest Council road. Prior to any construction works being undertaken the relevant section of Crown road is to be transferred to Council.</p>	<p>No new road. Proposed lots will be serviced by Price Lane.</p> <p>N/A</p> <p>To be conditioned</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p> <p>N/A</p>

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Element	Rule	Provides	Complies
	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.	Existing road acceptable, traffic volume considered to be low	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	N/A
	g) All internal driveways shall be constructed to an all weather standard suitable for the expected traffic generation. An all weather access should also be provided across the footway to any battle-axe lot. Such access should be sealed within the vicinity of existing houses on adjoining lots where dust nuisance may occur and also on steeply sloping land.	To be conditioned	Yes
	h) Where 3 or more individual access handles are proposed, common roads are to be provided.	N/A	N/A
	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.	To be conditioned	Yes
	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.	N/A	Yes
	l) Cul-de sacs for rural roads should have minimum seal radii of 12.0m and boundary radii of 17.0m.		N/A
Effluent Disposal	a) an effluent disposal report prepared by a suitably qualified person is required to accompany any development application for rural-residential subdivisions.	A geotechnical report was prepared in relation to DA0071/09 and	Yes

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Element	Rule	Provides	Complies
	b) Any system proposed other than a Household Aerated Wastewater Treatment System is required to be installed prior to release of subdivision certificate.	is considered satisfactory.	

Conclusion

The proposed subdivision has been assessed against the Hawkesbury Council's Development Control Plan and has concluded that the proposed subdivision would not have an adverse impact on the locality.

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:

Not relevant matters.

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:

It is considered unlikely that the proposed development will have any adverse environmental or social impacts on the locality.

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

Context and setting

The surrounding locality is predominantly used for a combination of rural residential and agricultural purposes. The proposal is not inconsistent with the surrounding locality and seeks to retain the rural residential landscape character of Price Lane.

The proposed lots are considered to be consistent with the subdivision pattern of the locality.

Flora and Fauna

The site is relatively cleared with no vegetation proposed to be removed as part of the application. It is therefore considered that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats.

Natural Hazards

The subject site is not affected by bushfire.

Significant portions of the subject site are below the 1 in 100 year flood level of 18.3m AHD. An assessment against the relevant flood controls affecting the site have been addressed in the report above.

Access, Transport and Traffic

It is considered that the traffic generated by the proposal will have no significant impact on traffic movements within the locality.

c. Suitability of the site for the development:

Access to the site is satisfactory for the intended use. Adequate services and utilities are available to the site. The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats. The flood affectation of the land is not prohibitive to the proposed development or to future residential use. The site is considered to be suitable for the development subject to the implementation of the conditions attached to this Report.

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

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

e. The Public Interest:

The proposed development is considered to be in the public interest based on the following:

- The proposal is consistent with the overall objectives of the existing zones;
- The proposal generally complies with the objectives and requirements of the Hawkesbury Development Control Plan 2002; and,
- The proposed development is not expected to adversely impact on the amenity of the locality or the surrounding environment

Conclusion

The current proposal is not consistent with the minimum allotment size requirement for subdivision as per Clause 11(2) of Hawkesbury Local Environmental Plan 1989. In addition, the proposed lot boundaries do not correspond with the existing zone boundaries as required by Clause 10 (2) of Hawkesbury Local Environmental Plan 1989.

The objection submitted pursuant to State Environmental Planning Policy No. 1 satisfactorily demonstrates that adherence to the minimum lot size in relation to the zones affecting the land is unreasonable and unnecessary in this circumstance. It is considered that the proposed lots have been appropriately configured having regard to the natural constraints of the land and to the existing subdivision pattern in the locality. On balance this proposal is considered to be satisfactory, subject to the implementation of conditions outlined in the recommendation to this report.

Under the provisions of State Environmental Planning Policy No. 1 (SEPP No.1), Council cannot determine the application without the concurrence of the Director General. It is recommended that Council support the application and request that the Director General grant concurrence to the application. Should concurrence be granted, the application can be approved. Should concurrence not be granted, then the application must be refused. Both of these determination options may be undertaken under the delegated authority of the General Manager.

Developer Contributions

The development is exempt from contributions under Section 94E of the Environmental Planning and Assessment Act 1979 and 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.

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RECOMMENDATION:

That:

1. Council advise the Department of Planning that it supports the objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards and requests that the Department issue its concurrence.
2. Upon receipt of the concurrence, or otherwise, of the Department of Planning, determination of Development Application No. DA0117/12 for a two lot Torrens Title subdivision be delegated to the General Manager.

ATTACHMENTS:

AT – 1 Aerial Photograph

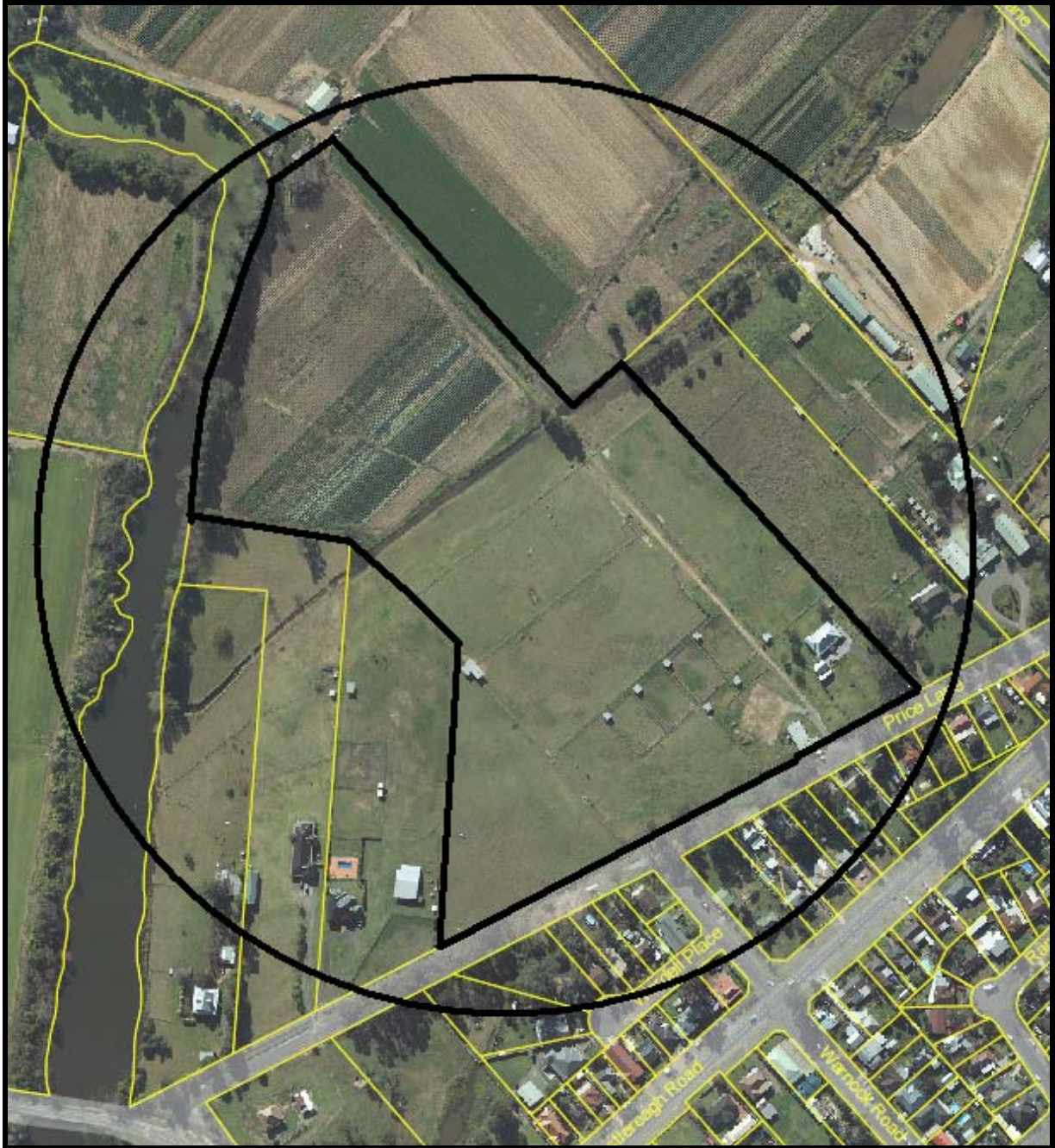
AT – 2 Locality Plan

AT – 3 Subdivision Plan

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AT – 1 Arial Photograph - DA0117/12
Lot 4 DP803225, 19 Price Lane AGNES BANKS NSW 2753

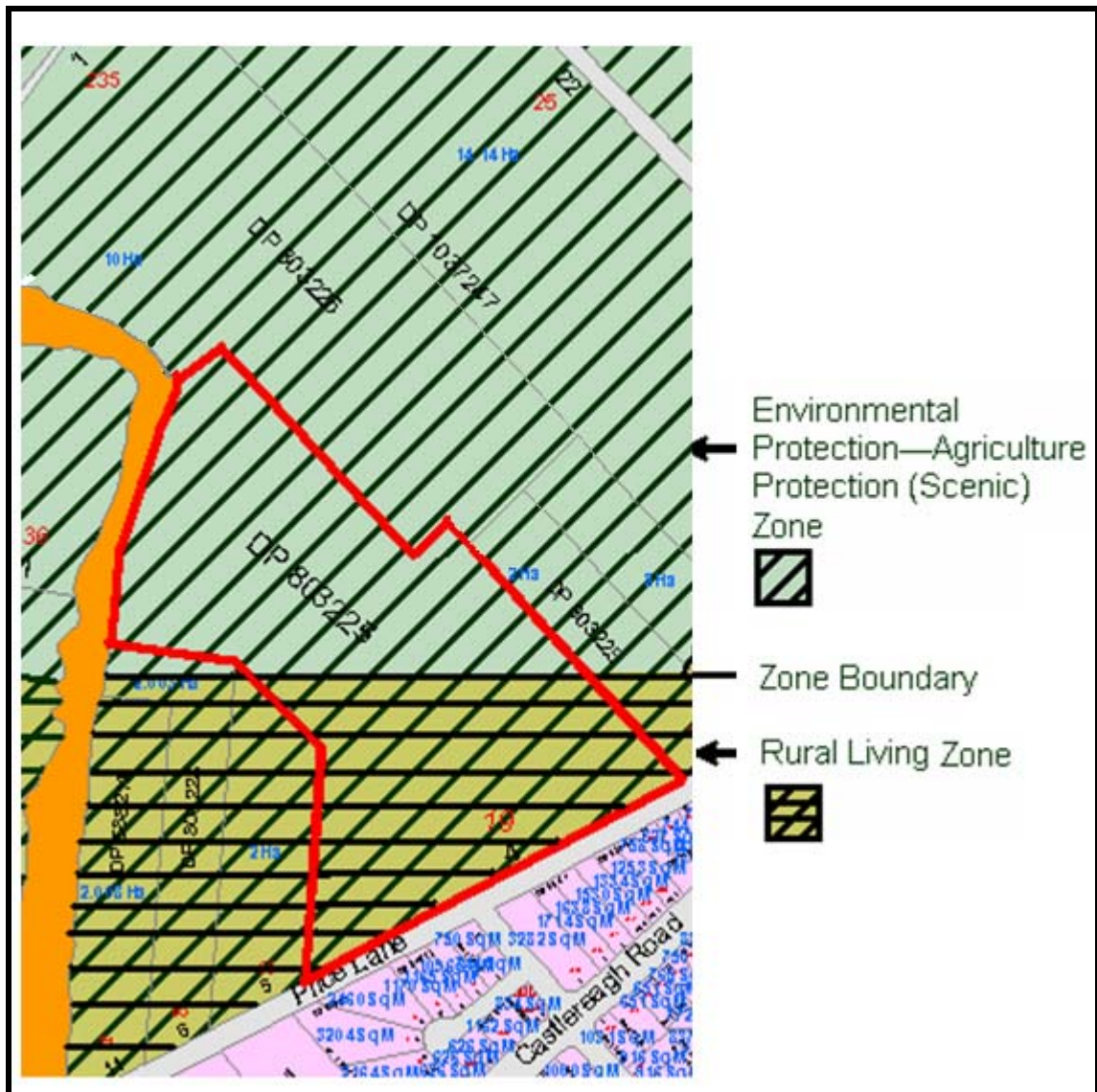


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<p align="center">ORDINARY MEETING</p> <p align="center">Meeting Date: 10 July 2012</p>

AT – 2 Locality Plan - DA0117/12
Lot 4 DP803225, 19 Price Lane, AGNES BANKS NSW 2753

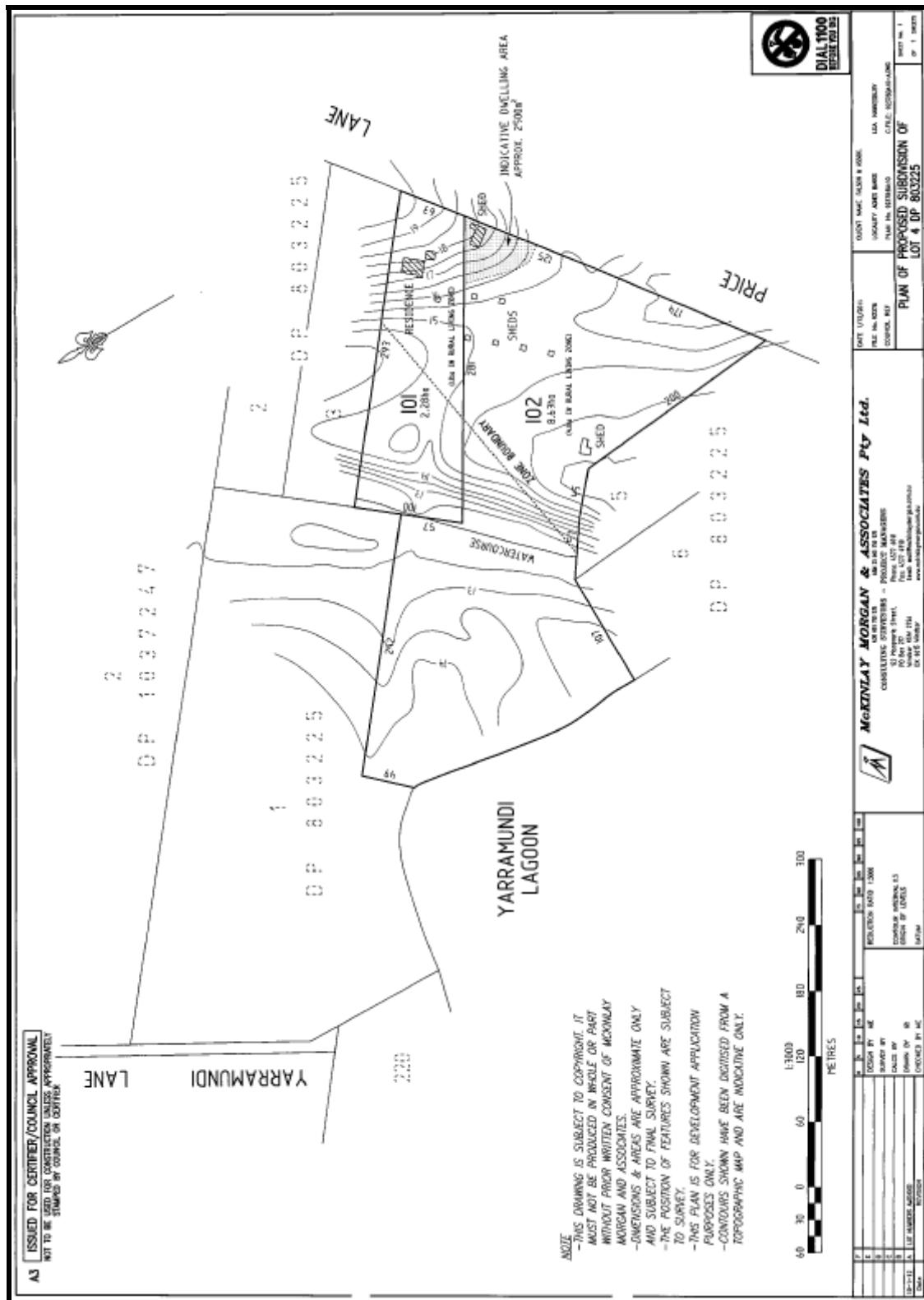
AT – 2 Locality Plan - DA0117/12
Lot 4 DP803225, 19 Price Lane, AGNES BANKS NSW 2753



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AT – 3 Subdivision Plan - DA0117/12
Lot 4 DP803225, 19 Price Lane, AGNES BANKS NSW 2753



oooO END OF REPORT Oooo

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Item: 117 **CP -Development Application - Three lot Torrens Title re-Subdivision - Lot 1,4 &5 in DP 233937 - 37 Gorricks Lane, Freemans Reach - (95498, 18200, 18900)**

Development Information

File Number: DA0039/12
Property Address: Lot 1, 4 & 5 in DP 233937, 37-97 Gorricks Lane Freemans Reach
Applicant: William John Horley and Dawn Rita Ferguson
Owner: Mr WJ Horley & Mrs DR Ferguson
Proposal Details: Three lot Torrens title re-subdivision
Estimated Cost: Nil
Zone: Part Environmental Protection - Agriculture Protection (EPA) and Part 7(a) Environmental Protection (Wetlands)
Date Received: 31 January 2012
Advertising: 3 February 2012 to 21 February 2012

Key Issues:

- ◆ SEPP No. 1 objection
- ◆ Dwelling entitlements
- ◆ Flooding

Recommendation: Approval

REPORT:

Executive summary

The application seeks approval for the re-subdivision of three existing lots at Gorricks Lane, Freemans Reach. The re-subdivision does not create any additional lots or dwelling entitlements but seeks to provide a more suitable lot arrangement to contain the wetland area.

The proposal is contrary to the minimum allotment size requirement of 40 hectares for subdivision of land zoned 7(a) Environmental Protection (Wetlands) under Hawkesbury Local Environmental Plan 1989 (HLEP 1989) as it seeks to create one undersized lot (Lot 801). However the other two lots (Lot 802 and 803) comply with the minimum allotment size requirement of 10 hectares for subdivision of land zoned Environmental Protection - Agriculture Protection (EPA) under HLEP 1989.

In addition a SEPP 1 variation is sought regarding Clause 11(6) of HLEP 1989 for proposed Lot 803 as it is more than 3m below the 1 in 100 year flood level. It is intended that Lot 803 would have no dwelling entitlement due its land level being suitable for agricultural purposes only.

Hence the application involves two SEPP 1 variation requests. The first variation is sought relating to the minimum lot size (lot 801 only) and the other is regarding the requirement for all new lots to have a suitable dwelling location above the 1 in 100 flood level.

The application is being reported to Council as the two SEPP 1 variations are more than 10% and it is a requirement that all variations greater than 10% be considered by Council.

Description of Proposal

The proposal involves the re-subdivision of Lot 1, 4 and 5 in DP 233937, 37-97 Gorricks Lane, Freemans Reach into three separate allotments consisting of the following:

Proposed Lot 801 proposed to front Blacktown Road and Gorricks Lane, total of 11.75ha in area and contains an existing single dwelling, two sheds and a dam. The access will remain

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the same from Blacktown Road. This lot will be located wholly within the Environmental Protection – Agricultural Protection zone.

Proposed Lot 802 proposed to front Gorricks Lane, total of 10ha in area and contains an existing dwelling which was approved as rural workers dwelling. The subject dwelling on proposed Lot 802 will no longer be considered as rural workers dwelling. This lot will be wholly within the Environmental Protection – Agricultural Protection zone.

Proposed Lot 803 proposed to front Gorricks Lane and Bachelors Wharf Road, total of 21.07ha in area and contains Part of Bushells Lagoon and part of two dams. This lot will be used for agricultural purpose only and will have no dwelling entitlement as the whole lot will be below more than 3m below the 1 in 100 year flood level. Access for this agricultural property will remain the same from Bachelors Wharf road and Gorricks Lane.

At present Lot 1 contains two dwellings (one was approved as a rural workers dwelling) and two sheds. Lot 4 and 5 are currently vacant and part of Bushells Lagoon bisects the lots. The proposed subdivision layout will result in Lot 801 having an existing single dwelling and two sheds, Lot 802 having the other existing dwelling which was approved as rural workers dwelling and Lot 803 having no dwelling entitlement and being used for agricultural purposes only.

Description of the land and its surrounding

The subject sites are known as Lot 1, 4 and 5 in DP 233937, 37-97 Gorricks Lane Freemans Reach having an area of 32.36 hectares, 5.279 hectares and 5.183 hectares respectively.

Lot 1 comprises approximately 32.36 hectares of area with frontage to Blacktown Road, Gorricks Lane and Bachelors Wharf Road. The lot contains an existing single dwelling and two sheds which are located in mown grasslands and grazed grasslands with access from Blacktown Road. A second dwelling (approved as rural worker's dwelling) is located on a ridge within mown grasslands and grazed grasslands with access and services from Gorricks Lane through the adjoining Lot 3 in DP 233937 (no easement exist over the access or for services). The property contains two dams and part of Bushells Lagoon. The lagoon bisects the property and each side of the Lagoon can only be accessed by travelling around the public roads. The property has been used for grazing and contains little native vegetation.

Lot 4 and Lot 5 comprise an area of approximately 5.279 hectares and 5.183 hectares respectively. Both of the lots are vacant with no little vegetation. Part of a dam and part of Bushells Lagoon bisect the properties and each side of the lagoon and dam can only be accessed by travelling around the public roads. The lots have frontage both from Gorricks Lane and Bachelors Wharf Road. Both lots are below the 1 in 100 year flood level and do not have any land high enough to erect a dwelling.

Surrounding lots are primarily used for a combination of agricultural and rural residential uses.

History

DA0365/88 Erection of a dwelling at Lot 1 in DP 233937 cnr Gorricks Lane and Blacktown Road Freemans Reach

DA81/85 Rural workers cottage at Lot 1 in DP 233937

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)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- 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 and the requirement for an allotment to have a land area above the 1 in 100 year flood level sufficient for the erection of a dwelling house in accordance with Hawkesbury Local Environmental Plan 1989. Clause 11(2) of this plan limits lot sizes to 40ha for land zoned 7(a) Environmental Protection (Wetlands) and Clause 11(6) of this plan limits the subdivision of any land when no area of land above 1 in 100 year flood level is available. The application proposes the creation of 1 x 21.07ha lot which is more than 3m below the 1 in 100 year flood level and also does not comply with the minimum lot size requirement of 7(a) Environmental Protection (Wetlands).

The applicant's objection under State Environmental Planning Policy No. 1 requesting a variation from the minimum allotment size requirement states:

"The development standard is both unreasonable and unnecessary to apply in the circumstances of this case:

- *No lot surrounding or adjoining the property is 40ha in size. The lots in the vicinity are 10ha in size consistent with the proposed lot sizes.*
- *The subdivision has been designed to account for environmental and physical features and allows the best long-term management opportunities for the landholding and in particular the wetland.*
- *The underlying objectives of the 40ha standard are achieved notwithstanding non-compliance with the standard (agricultural potential of rural land and protect wetland area).*
- *It is unreasonable that the 7(a) Environmental Protection (wetlands) minimum allotment size of 40ha is considered as the single planning control for the land within the same lot outside of the wetlands being zoned Environmental Protection – Agriculture Protection (Scenic) (hatched) with a minimum subdivision size of 10ha.*
- *The wetlands are contained within one allotment for better management.*
- *The underlying objective would be defeated or thwarted if compliance with the 40ha standard is required given that this development application has a significant environmental benefit and further protects and preserves the wetland by consolidation and relocation of the boundaries Lots 1, 4 and 5 DP 233937 such that the wetland and the land zoned 7(a) Environmental protection (Wetlands) and completely in one allotment and not three."*

The applicant's objection under State Environmental Planning Policy No. 1 requesting a variation from having an area above 1 in 100 year flood level on the allotment states:

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'Throughout the Hawkesbury Local government area the most fertile land is below the 1 in 100 year flood level and there are many properties which are not able to have a dwelling erected thereon because of the flood level relative to the level of the land. Subdivision or re-subdivision of these lots for agricultural purposes is not possible under HLEP 1989 irrespective of subdivision for better agricultural use or an environmental benefit.

Subsequently compliance with the standard hinders the objectives of protection of agricultural and agricultural uses, conservation and a better environment because compliance means that the subdivision to create one lot containing all the 7(a) zoned land and not three lots, that is not severed by a wetland and which can be used for agriculture can not proceed.

In the draft HLEP 2011 clause 4.2(3), (4) and (5) will permit a lot to be created less than the zone minimum for agricultural purposes only and without the potential for a dwelling to be erected thereon. The proposal would comply with clause 4.2 of the draft LEP since the lot will be undersized (a 21.07ha lot within the 7(a) zoned land with a minimum lot size of 40ha) and does not have the ability to have a dwelling erected on it.

The development standard is both unreasonable and unnecessary in the circumstances of this case.

- *the subdivision has been designed to account for environmental and physical features and allows the best long-term management opportunities for the total landholding and in particular the wetland and agricultural uses.*
- *The underlying objectives of both zones are achieved.*
- *It is unreasonable if 3 undersized lots all served by a wetland, the two smaller lots with limited agricultural and both without the ability for a dwelling to be erected thereon can't be re-subdivided and consolidated to create one lot with agricultural potential and access to all parts of the lot and two lots meeting all the requirements of the zone objectives and LEP requirements.*
- *The wetlands are contained within one allotment and not 3 for better management.*
- *The proposal (Lot 803) as regard creating an undersized lot for agricultural purposes with a dwelling area would comply with the draft HLEP 2011."*

Assessment of Grounds for objection under SEPP No. 1

In the Land and Environment Court hearing *Wehbe v Pittwater Council* [2007] NSWLEC 827 - 21 December 2007, CJ Preston provided principles by which to assess an objection made under State Environmental Planning Policy No. 1.

The Chief Judge suggests that support of an Objection be based on the following:

- a) That the objection is well founded
- b) That the granting of consent is consistent with the aims of SEPP 1
- c) That the matters identified in Clause 8 to SEPP 1 are satisfied:
 - i. Whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning, and

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- ii. The public benefit of maintaining the planning control adopted by the environmental planning instrument.

The aim of SEPP No. 1 is to *"provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act."*

The Chief Judge further identified ways in which it can be demonstrated that strict compliance with a standard would be unnecessary and unreasonable:

1. *"The objectives of the development standard are achieved notwithstanding non-compliance with the standard."*
2. *"Establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary."*
3. *"Establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable."*
4. *"Establish that 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."*
5. *"Establish that 'the zoning of particular land' was 'unreasonable or inappropriate' so that 'a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land' and that 'compliance with the standard in that case would also be unreasonable or unnecessary'"*

Comments

The main objective of the minimum lot size standard is to conserve larger parcels of rural land to preserve the potential for the land to be used for agricultural purposes, especially those uses which require larger areas. In particular to the subject 7(a) Environmental Protection zone the main objective of the standard is to protect wetland areas from development that could adversely affect their preservation and conservation. In turn, the larger lot sizes ensure that conflicts between agricultural activities / types of development with the environmentally sensitive areas are minimised.

Having regard to the Planning principle above, it is considered that the applicant has demonstrated that the objectives of the standard are achieved in this instance for the following reasons;

1. The agricultural potential within the land adjacent to the Bushells Lagoon will be best managed by keeping the lagoon in one allotment.
2. The proposal will result in a significant environmental benefit by protecting and preserving the wetland in one allotment.
3. It is considered that the development is generally consistent with the objectives of the Environmental Protection – Agriculture Protection zone and 7(a) Environmental Protection (Wetlands) zone as discussed further in this Report.
4. The creation of a lot for agricultural purpose only is consistent with Draft HLEP 2011 which is imminent and certain.

In view of the above, it is considered that it has been demonstrated that compliance with Clause 11(2) and Clause 11(6) of Hawkesbury LEP 1989 is, in this case, unreasonable and unnecessary.

It is recommended that the objections under State Environmental Planning Policy No. 1 be supported.

Given that the variation in Lot size is in excess of 10%, the application requires the consideration by Council. It is proposed that should Council support the proposed subdivision, the application be referred to the Department of Planning and Infrastructure for concurrence pursuant to the provisions of Section 79B of the *Environmental Planning and Assessment Act 1979*.

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.

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 proposed development does not require the removal of native vegetation and will therefore not disturb habitat areas within the site. Consequently, an investigation into whether or not the land is a potential koala habitat is not required for the development in accordance with the requirements of the Guidelines for the implementation of the SEPP.

State Environmental Planning Policy No. 55 - Remediation of Land

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

The applicant advises that the land is being used for "grazing". Council records do not indicate the land has been used for any intensive farming purpose in the past. Given the use of the land for low intensity grazing it is considered that the land would not be contaminated to such a degree as to cause harm. The land is considered suitable for the proposed development and a Preliminary Site Investigation is not required.

The application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55.

Hawkesbury Local Environmental Plan 1989

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

General Provisions of HLEP 1989

Clause 2 - Aims, objectives etc,

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

Clause 8 - Zones indicated on the map

The land is zoned part Environmental Protection – Agriculture Protection (scenic) and part 7(a) Environmental Protection (Wetlands).

Clause 9A - Zones Objectives

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

The objectives of the Environmental Protection – Agriculture Protection (scenic) zone are:

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

Comment:

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The proposal will provide lots capable of being used for agriculture with regard to size.

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

- *that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*
- *that satisfies best practice guidelines and best management practices;;*

Comment:

It is considered that the proposed subdivision will not compromise the continued use of the properties for grazing or other appropriate agricultural uses.

c) *To ensure that development does not create or contribute to rural land use conflicts ;*

Comment:

It is considered that the use of the resultant lots for residential and/or agricultural use will not result in land use conflicts within the general locality.

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

Comment:

The proposed re-subdivision will have no adverse impact on the quality of the existing landscape.

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

Comment:

It is considered that the proposal will have no significant adverse impact on the river, watercourses, surface and groundwater quality and surface conditions in the locality.

f) *To protect hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significances;*

Comment:

Given the location of the existing dwellings, it is considered that the proposed subdivision will have no adverse impact on ridges or escarpments, or the scenic quality of the area.

g) *To prevent the establishment of traffic generating development along main and arterial roads;*

Comment:

The proposed development is not considered to be a traffic generating development.

h) *To control outdoor advertising so that it does not disfigure the rural landscape;*

Comment:

The proposed development does not involve advertising.

i) *To ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services;*

Comment:

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

j) *To preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping;*

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Comment:

It is considered that the proposal will not have any adverse impact on the landscape character of the area.

- k) *To encourage existing sustainable agricultural activities.*

Comment:

It is considered that the proposed subdivision will not reduce the agricultural potentiality of the lands.

The objectives of the 7(a) Environmental Protection (Wetlands) zone are:

- a) protect wetland areas from development that could adversely affect their preservation and conservation, and
- b) preserve wetland areas as habitats for indigenous and migratory wildlife.

Comment:

It is considered that the proposed subdivision will encourage the preservation of the wetland by keeping the wetland in one allotment. This will ensure better management of the wetland environment and adjacent agricultural lands.

Specific Provisions of HLEP 1989

Clause 10 - Subdivision - general

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

Clause 11 - Rural subdivision - general provisions

Relevant extracts are:

In this clause:

1. **regionally significant wetlands** means any land shown as wetland on 'the map' within the meaning of Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997).
2. *Except as otherwise provided by this clause and clause 13, the Council may consent to the subdivision of land in Zone No 7 (a) or 7 (d) or in the Mixed Agriculture, rural Living, rural Housing, Environmental Protection – Agriculture Protection (Scenic) or Environmental Protection – Mixed Agriculture (Scenic) zone only if the area of each of the allotments to be created is not less than:*
 - a) *if it is not a lot averaging subdivision, that shown for the zone in Column 2 of the following Table, or*
 - b) *if it is a lot averaging subdivision, that shown for the zone in Column 3 of that Table.*

Zone	Minimum allotment size if not lot averaging subdivision	Minimum allotment size if lot averaging subdivision
<i>Environmental Protection – Agriculture Protection (Scenic) (land shown hatched on the map)</i>	<i>10 hectares</i>	<i>Not applicable</i>
<i>Environmental Protection (Wetlands) 7 (a)</i>	<i>40 hectares</i>	<i>Not applicable</i>

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Comment:

The proposed development is not a lot averaging subdivision however it seeks to provide for wetland protection. Proposed Lot 801 will have an area of 11.75 ha, proposed Lot 802 will have an area of 10 ha and Proposed Lot 803 will have an area of 21.07 ha. The application is supported by an objection under State Environmental Planning Policy No. 1 (SEPP No. 1) to the minimum allotment size requirement of this subclause in respect to the area of Proposed Lot 803. As previously discussed, it is recommended that the objection under SEPP No. 1 be supported.

3. *The Council may consent to the subdivision of land to which this clause applies only if:*

- a) *there is a ratio between the depth of the allotment and the frontage of the allotment that, in the opinion of the Council, is satisfactory having regard to the purpose for which the allotment is to be used, and*

Comment:

The depth to frontage ratio of the proposed allotments is satisfactory given the intended use of the lots for rural residential and/or agricultural use.

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

Comment:

It is considered that the proposed re-subdivision will have no adverse impacts on threatened species, populations or endangered ecological community, on wetlands, watercourses, or increased bush fire threat. The re-subdivision does not require significant removal of native vegetation and existing buildings are located on the lots. The application was referred to NSW Rural Fire Service for approval. In their letter of 28 February 2012, the NSW Rural Fire Service granted a bush fire safety authority subject to conditions. As Council received an amended plan on 28 June 2012, the amended subdivision plan has been referred back to RFS for their review. The amended conditions will be included in any approval that would be issued.

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

Comment:

Both of existing dwellings have their own onsite sewage management system (septic tank and trench). The existing systems were inspected in January 2010 and given a low-risk approval to operate which will be expired in January 2015.

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

Comment:

Both of existing dwellings have their own onsite sewage management system (septic tank and trench). The existing systems were inspected in January 2010 and given a low-risk approval to operate which will be expired in January 2015.

4. N/A

(4A) N/A

5. N/A

6. *Consent must not be granted to a subdivision of land in Zone No 7(d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection – Agriculture Protection (Scenic) or Environmental Protection – Mixed Agriculture (Scenic) zone that creates an allotment (otherwise than for use for a public purpose) unless the Council is satisfied that there is an area of land above the 1-in-100 year flood level on the allotment that is:*

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

Comment:

Proposed lots 801 and 802 currently contain existing dwellings which are located above 1 in 100 year flood level. Proposed Lot 803 has no area available above 1 in 100 year flood level. A SEPP 1 objection has been submitted consequently seeking the future use of the lot for agricultural purposes only without having any dwelling entitlement.

- 7. N/A
- 8. N/A
- 9. *References to a number of allotments in this clause do not include allotments created for a public purpose or allotments created as neighbourhood property.*

Comment:

The proposal does not include allotments created for a public purpose or allotments created as neighbourhood property.

Clause 17 – Rural workers' dwelling

Clause 17(2) states,

A dwelling-house to be erected on an allotment in accordance with subclause (1) must be sited so that a subdivision of land in accordance with clause 11 will not result in two dwellings being located on one allotment.

Clause 17(3) states,

A dwelling-house erected on an allotment after the first dwelling-house has been erected thereon in accordance with subclause (1) shall be used only for the accommodation of a person engaged in the use of that allotment for the purposes of agriculture.

Comment:

It appears that a rural workers' dwelling was approved on the existing Lot 1 in DP 233937 in 1985. The proposed subdivision will result in having the primary dwelling on proposed Lot 801 and the rural workers dwelling on proposed Lot 802. It is therefore considered that the existing dwelling on proposed Lot 802 will no longer be considered as a rural workers dwelling. In this regard an approval to change the use of the Rural Workers Dwelling to a single dwelling is required. Given the recommended support for the proposed SEPP 1 objections and also the subdivisions, it is recommended that, should concurrence to the SEPP 1 variations be obtained from the Department of Planning and Infrastructure and a consent be issued, a condition of consent could be included to approve the change of use to this structure.

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

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

Comment:

The land will be subject to onsite collection of water and disposal of effluent. Both of existing dwellings have their own onsite sewage management system (septic tank and trench). The existing systems were inspected in January 2010 and given a low-risk approval to operate which will be expired in January 2015.

Conditions of consent will be imposed requiring written evidence to be provided demonstrating that satisfactory arrangements for the provision/extension of telephone and electrical services have been made to this development.

Clause 25 – Development of flood liable land

Clause 25(5) states,

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

Comments

The existing single dwelling and the rural workers dwelling are situated on land above 1 in 100 year flood level. The proposed re-subdivision will result in providing two existing dwellings on two separate allotments. Proposed Lot 801 will maintain the existing access from Blacktown Road which is above 1 in 100 year flood level. Proposed Lot 802 has frontage to Gorricks Lane and access could be constructed wholly within the property. However, it is noted that an access over Lot 3 in DP 233937 exists in the current situation. It is intended to create a right of way over the existing driveway on Lot 3 in DP 23937 to proposed Lot 802. It is therefore considered that the effect of isolation of the land in the event of a flood does not change.

The proposed Lot 803 will be wholly below 1 in 100 year flood level. The proposed lot will be used for agricultural purpose only without having any dwelling entitlement. The dwelling restriction will be identified on the 88B instrument relating to the land and a condition is recommended to be imposed for this purpose.

Clause 28 – Development in the vicinity of heritage items

The subject land is not identified as containing a heritage item. However, the adjacent Lots (No.s 90-94, Lots 5 and 6 in DP 247874, Lot 4 in DP 847231) are identified as containing heritage item named 'Reibycroft'. It is considered that the proposed re-subdivision will have no adverse impact on the heritage significance of this item.

Clause 37A – Development on land identified on Acid Sulfate Soils Planning Map

The existing sites are within Class 4 and 5 as shown of the Acid Sulfate Soils Planning Map. The proposal does not require any works, as defined in this Clause. The proposed development is consistent with the requirements of this Clause.

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

Draft Hawkesbury Local Environmental Plan 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.

Under this Plan the subject lands are proposed to be zoned RU2 Rural Landscape and E2 Environmental Conservation. 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 40ha allotment size requirement for E2 Environmental Conservation contained within the draft plan. It is noted that 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 RU2 Rural Landscape and E2 Environmental Conservation zone Council can support variations to lot sizes up to 10% of the standard. The current proposal seeks a variation of more than 10% for proposed Lot 803 which is not consistent with the draft plan. However, Clause 4.2 provides flexibility in rural subdivisions to allow land owners a greater chance to achieve the objectives for development in the relevant zone. In this instance, Clause 4.2 (2), (3), (4) and (5) permits a lot to be created less than the zone minimum for agricultural purposes only and without the potential for a dwelling to be erected thereon.

It is considered that the proposal would comply with Clause 4.2 of the Draft LEP since the proposed Lot 803 will be undersized (more than 10% variation within a minimum lot size requirement for E2 Environmental Conservation zone) and will not have the ability to have a dwelling erected on it.

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 07/02/2012 to 21/02/2012. 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.

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. The proposed lots are consistent with the subdivision pattern of the locality. The proposed re-subdivision will result in consolidating all the agricultural land and removing the boundaries that are served by the lagoons/dams and consolidate that land within the 7(a) Environmental Protection zone. The proposed re-subdivision will provide for a better management of the existing agricultural lands.

Access, Transport & Traffic

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

Heritage

The subject land is not identified containing a heritage item. However, the adjacent Lots (No.s 90-94, Lots 5 and 6 in DP 247874, Lot 4 in DP 847231) are identified as containing heritage item named 'Reibycroft'. It is considered that the proposed re-subdivision will have no adverse impact on the heritage significance of this item.

Flora and fauna

The subject sites are mostly cleared having few scattered vegetation listed as Shale Sandstone Transition Forest. The sites also contain part of Bushells Lagoon which is listed as freshwater wetlands on coastal floodplain and is known as habitat to various endangered bird species including various migratory bird species. The significance of both the Bushells Lagoon and the migratory birds is recognised in the *Environment Protection and Biodiversity Conservation Act 1999* and other Conventions and Agreements.

The proposed subdivision will not require any significant disturbance to, or removal of, native vegetation. As the existing dwellings are located in existing cleared grasslands there is no need for clearing vegetation

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for the establishment of bush fire asset protection zone. In addition, the proposed re-subdivision will retain part of Bushells lagoon all within one lot which will result in better management of the existing agricultural lands.

Waste

Both of the existing dwellings have their own onsite sewage management system (septic tank and trench). The existing systems were inspected in January 2010 and given a low-risk approval to operate which will be expired in January 2015.

Bush Fire

The subject land is identified as 'bushfire prone land'. A report titled "*Bushfire Threat Evaluation*" was prepared by McKinlay Morgan & Associates. The application was referred to NSW Rural Fire Service for approval. In their letter of 28 February 2012, the NSW Rural Fire Service granted a bush fire safety authority subject to conditions. As Council received an amended plan on 28 June 2012, the amended subdivision plan has been referred back to RFS for their review. The amended conditions will be included in any approval that would be issued.

Flooding

The majority of the existing land is under 1 in 100 year flood level. The existing single dwelling and the rural workers dwelling are situated on land above 1 in 100 year flood level. The proposed re-subdivision will result in providing two dwellings on two separate allotments. Proposed Lot 801 will maintain the existing access from Blacktown Road. Proposed Lot 802 has frontage to Gorricks Lane and access could be constructed wholly within the property. However, it is noted that an access over Lot 3 in DP 233937 exists in current situation. It is intended to create a right of way over the existing driveway on Lot 3 in DP 233937 to proposed Lot 802. It is therefore considered that the effect of isolation of the land in the event of a flood does not change.

The proposed Lot 803 will be wholly below 1 in 100 year flood level. The proposed lot will be used for agricultural purpose only without having any dwelling entitlement.

Cumulative Impacts

The proposed development is compatible with the surrounding land uses and no significant negative cumulative impact is foreseen.

c. Suitability of the site for the development:

It is considered that the site is suitable to support the proposed re-subdivision and the subsequent use of the lots for rural residential and agricultural purposes. The constraints of the site, including flooding, bush fire affectation and flora-fauna attributes, are not prohibitive to the development.

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

Department of Planning & Infrastructure

Clause 7 to State Environmental Planning Policy No. 1 requires the concurrence of the Director, Department of Planning.

Should the SEPP 1 application be supported, the application is required to be referred to the Department of Planning & Infrastructure 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 28 February 2012 the NSW Rural Fire Service granted concurrence subject to conditions. As Council received an amended plan on 28 June 2012, the amended subdivision plan has been referred back to RFS for their review.

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.

e. The Public Interest:

The proposed re-subdivision and future rural residential and/or agricultural use of the lots is consistent with the character of the locality. The proposal is consistent with relevant legislation and will have no adverse environmental impact. For these reasons it is considered that the proposed development is in the public interest.

Conclusion:

This proposed re-subdivision is considered to be satisfactory, subject to the implementation of conditions outlined in the recommendation to this report.

Whilst the current proposal is not consistent with the minimum allotment size requirement for subdivision as per Clause 11(2) and available land area above 1 in 100 year flood level requirement as per Clause 11 (6) of Hawkesbury Local Environmental Plan 1989, it is considered that the proposed undersized and flood affected lot (Proposed Lot 803) provides a more suitable management approach to the flood prone land and that compliance with Clause 11(6) (requiring a dwelling location above 1 in 100 flood level) is unnecessary in this instance and under the draft LEP intent.

Under the provisions of State Environmental Planning Policy No. 1 (SEPP No.1), Council cannot determine the application without the concurrence of the Director General. It is recommended that Council support the SEPP No.1 objection and request that the Director General grant concurrence to the application. Should concurrence be granted, the application can be approved. Should concurrence not be granted, then the application must be refused. Both of these determination options may be undertaken under the delegated authority of the General Manager.

Developer contributions

The development is exempt from contributions under Section 94E of the Environmental Planning and Assessment Act 1979 or Council's Section 94A Contributions Plan as the estimated cost of development does not exceed \$100,000.

Planning Decision

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

RECOMMENDATION:

That:

1. Council advise the Department of Planning that it supports the objections lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards and requests that the Department issue its concurrence.
2. Upon receipt of the concurrence, or otherwise, of the Department of Planning, determination of Development Application No. DA0039/12 for a three lot Torrens Title re-subdivision be delegated to the General Manager.

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ATTACHMENTS:

AT - 1 Hawkesbury DCP 2002 – Subdivision Compliance

AT - 2 Aerial Photograph

AT - 3 Locality Plan

AT - 4 Existing Subdivision Plan

AT – 5 Proposed Subdivision Plan

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AT - 1 Hawkesbury DCP 2002 – Subdivision Compliance

Element	Rule	Complies
General		
Flora and Fauna Protection	<p>(a) Any subdivision proposal which is likely to result in any clearing of native vegetation or impact on any environmentally sensitive area is to be accompanied by a flora and fauna assessment report prepared by a suitably qualified person. This report is to primarily address the Eight Part Test pursuant to the Act (Section 5A), State Environmental Planning Policy 44 – Koala Habitat protection.</p> <p>(b) Vegetation cover should be retained where ever practicable as it acts to stabilize soils, minimize runoff, acts as a pollutant trap along watercourses and is important as a habitat for native fauna.</p> <p>(c) Degraded areas are to be rehabilitated as part of the subdivision.</p> <p>(d) Vegetation should be retained where it forms a link between other bush land areas.</p> <p>(e) Vegetation which is scenically and environmentally significant should be retained.</p> <p>(f) Vegetation which adds to the soil stability of the land should be retained.</p> <p>(g) All subdivision proposals should be designed so as to minimize fragmentation of bushland.</p>	<p>Yes – No clearing proposed</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Visual Amenity	<p>(a) Building envelopes, accessways and road shall avoid ridge tops and steep slopes.</p> <p>(b) Subdivision of escarpments, ridges and other visually interesting places should:</p> <p>Be managed in such a way that the visual impact rising from development on newly created allotments is minimal; and</p> <p>Retain visually significant vegetation such as that found on ridge tops and other visually prominent locations.</p> <p>(c) Development Applications for</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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Element	Rule	Complies
	subdivision shall take into consideration the provisions of SREP No. 20 in relation to scenic quality.	See assessment above.
Heritage	(a) A subdivision proposal on land which contains or is adjacent to an item of environmental heritage as defined in Schedule 1 of the Hawkesbury LEP should illustrate the means proposed to preserve and protect such items.	Yes It is considered that the proposed subdivision will have no adverse impact on the heritage significance of the adjacent property.
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. (b) All lots created are to have the provision of power. (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.	Yes Yes N/A
Flooding, Landslip & Contaminated Land	(a) Compliance with clause 25 of Hawkesbury Local Environmental Plan 1989. (b) Access to the subdivision shall be located above the 1% AEP flood level. (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	Yes Existing dwellings on proposed Lot 801 & 802 are on land located above 1 in 100 year flood level. The proposed Lot 803 is below 1 in 100 year flood level and will not have any dwelling entitlement. A SEPP 1 objection has been submitted. Yes, Proposed Lot 801 & 802 has access above the 1% AEP flood level. Yes Site not within an

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Element	Rule	Complies
	<p>provide recommendations as to the siting and the type of buildings which could be permitted on the subject land.</p> <p>(d) In the event the Council deems that there is the potential that land subject to a subdivision application is contaminated then the applicant shall engage a suitably qualified person to undertake a soil and ground water assessment.</p> <p>(e) Contaminated Land shall be remediated prior to the issue of the Subdivision Certificate.</p>	<p>identified landslip area.</p> <p>Yes Site not considered to be contaminated.</p> <p>N/A</p>
Rural Lot Size and Shape	<p>(a) The minimum allotment size for land within rural and environmental protection zones are contained within Hawkesbury Local Environmental Plan 1989.</p> <p>(b) Lots should be able to accommodate a building envelope of 2000m² with a minimum dimension of 20 metres. Building envelopes should be located a minimum of 30 metres from significant trees and other significant vegetation or landscape features. Building envelopes will contain the dwelling house, rural sheds, landscaping, and on-site effluent treatment and disposal areas, and bushfire mitigation.</p> <p>(c) In calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle axe handle should be included.</p> <p>(d) The width to depth ratio of allotments should not exceed 1:5.</p> <p>(e) Lot layout shall consider the location of watercourse vegetation and other environmental features.</p>	<p>No, See SEPP 1 Objection assessment previously discussed</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Effluent Disposal	<p>(a) An effluent disposal report prepared by a suitably qualified person is required to accompany any development application for rural and rural-residential subdivisions.</p> <p>(b) Any system proposed other than a Household Aerated Wastewater Treatment System is required to be installed prior to release of Subdivision Certificate.</p>	<p>Yes</p> <p>N/A</p>

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

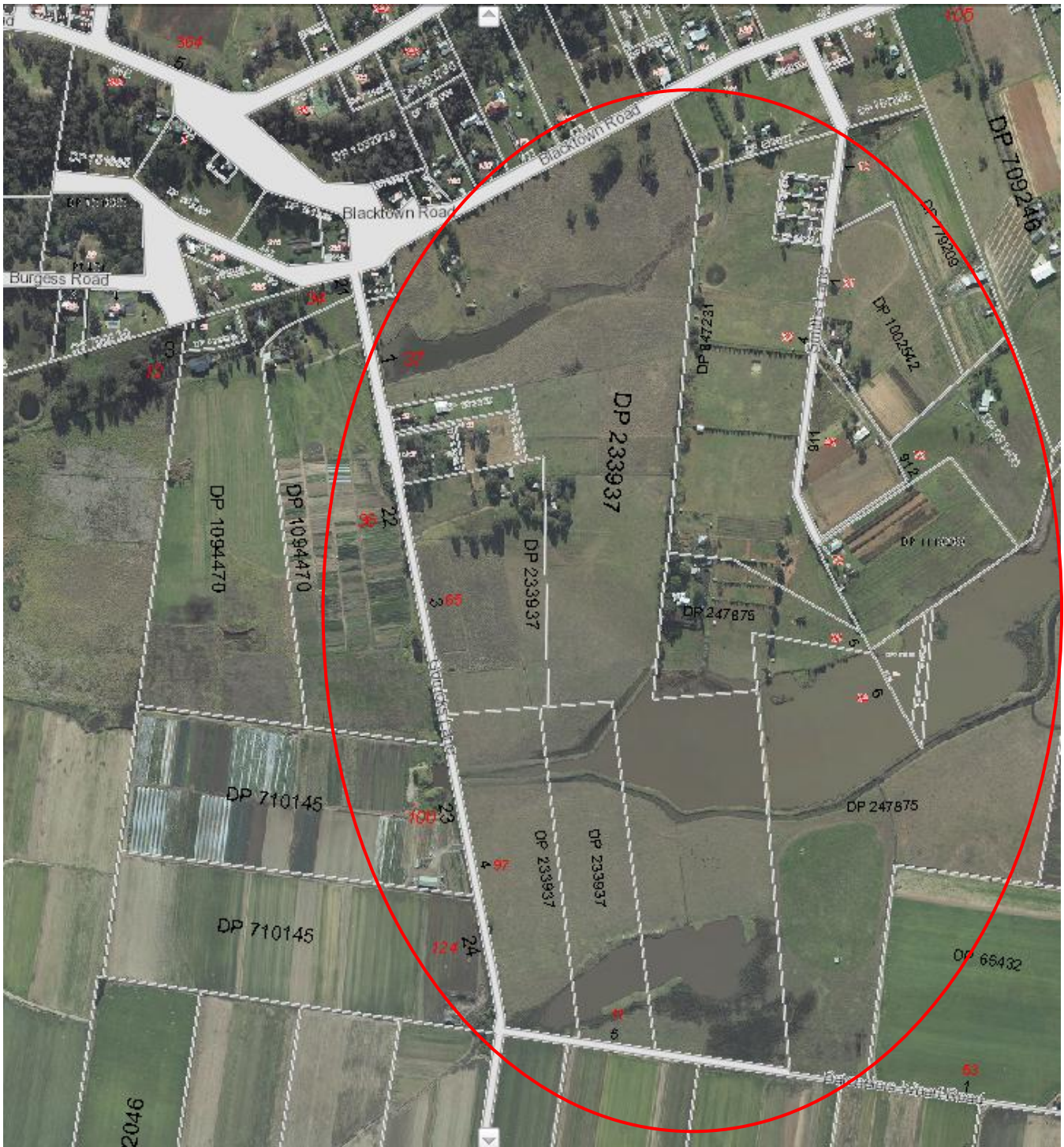
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Element	Rule	Complies
	(i) Battle-axe handles shall have a minimum width of 6 metres.	Conditioned
	(j) Access ways should have a maximum grade of 25% (1:4) and be sealed if the grade exceeds 1:6, concrete if exceeds 1 in 5.	Yes
	(k) Where an access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

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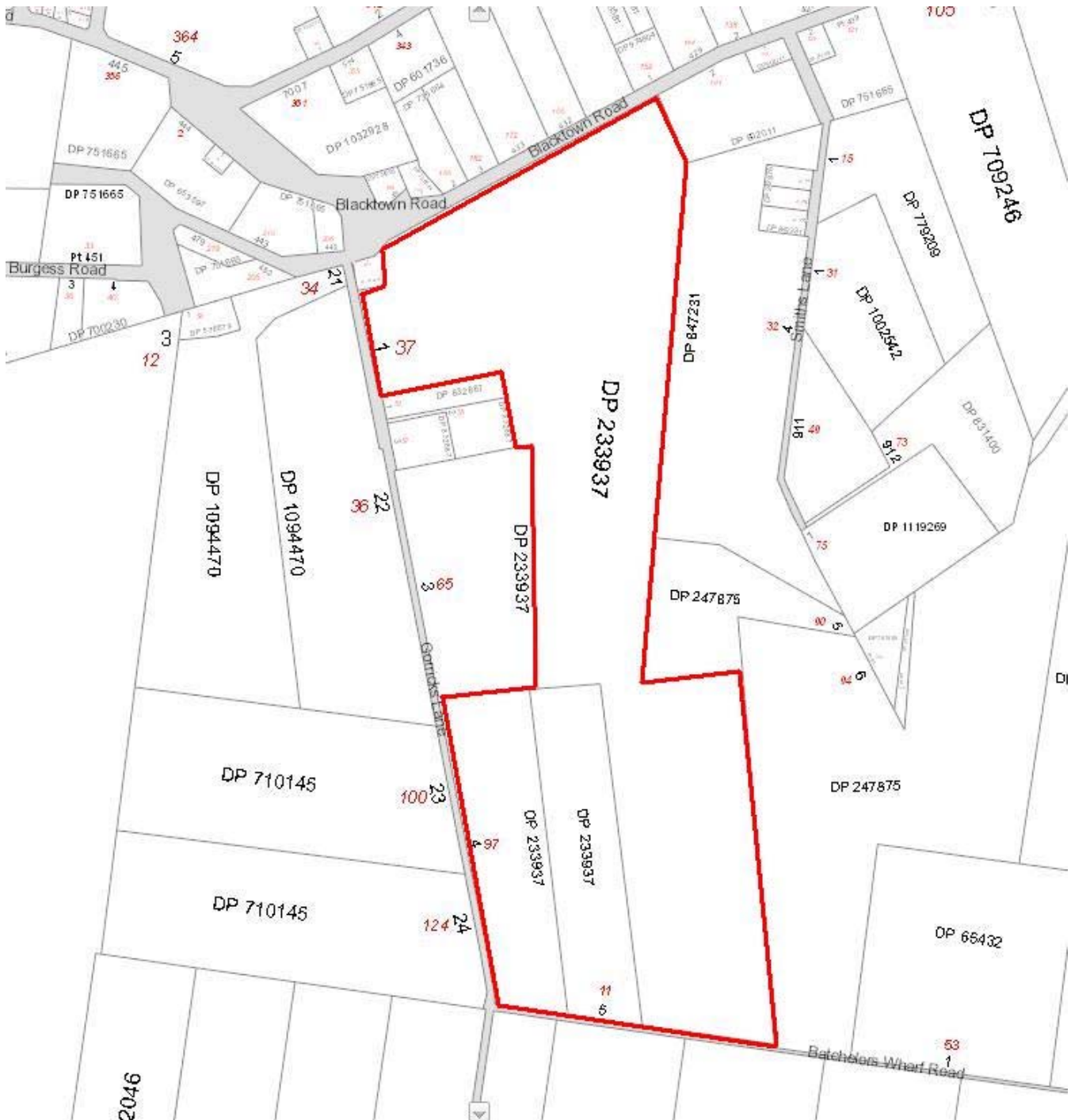
AT - 2 Aerial Photograph



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AT - 3 Locality Plan



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REGISTRATION OF CERTAIN SUBSTANCES		REGISTRATION OF CERTAIN SUBSTANCES	
REG. NO.	NAME OF SUBSTANCE	REG. NO.	NAME OF SUBSTANCE
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2	1,1,1,2,2,2-Tetrachloroethane	2	1,1,1,2,2,2-Tetrachloroethane
3	1,1,1,2,2,2-Trichloroethane	3	1,1,1,2,2,2-Trichloroethane
4	1,1,1,2,2,2-Pentachloroethane	4	1,1,1,2,2,2-Pentachloroethane
5	1,1,1,2,2,2-Hexachlorocyclopentadiene	5	1,1,1,2,2,2-Hexachlorocyclopentadiene
6	1,1,1,2,2,2-Heptachlorocyclopentadiene	6	1,1,1,2,2,2-Heptachlorocyclopentadiene
7	1,1,1,2,2,2-Octachlorocyclopentadiene	7	1,1,1,2,2,2-Octachlorocyclopentadiene
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11	1,1,1,2,2,2-Dodecachlorocyclopentadiene	11	1,1,1,2,2,2-Dodecachlorocyclopentadiene
12	1,1,1,2,2,2-Trichloroethene	12	1,1,1,2,2,2-Trichloroethene
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57	1,1,1,2,2,2-Octachloroethene	57	1,1,1,2,2,2-Octachloroethene
58	1,1,1,2,2,2-Nonachloroethene	58	1,1,1,2,2,2-Nonachloroethene
59	1,1,1,2,2,2-Decachloroethene	59	1,1,1,2,2,2-Decachloroethene
60	1,1,1,2,2,2-Undecachloroethene	60	1,1,1,2,2,2-Undecachloroethene
61	1,1,1,2,2,2-Dodecachloroethene	61	1,1,1,2,2,2-Dodecachloroethene
62	1,1,1,2,2,2-Trichloroethane	62	1,1,1,2,2,2-Trichloroethane
63	1,1,1,2,2,2-Tetrachloroethane	63	1,1,1,2,2,2-Tetrachloroethane
64	1,1,1,2,2,2-Pentachloroethane	64	1,1,1,2,2,2-Pentachloroethane
65	1,1,1,2,2,2-Hexachloroethane	65	1,1,1,2,2,2-Hexachloroethane
66	1,1,1,2,2,2-Heptachloroethane	66	1,1,1,2,2,2-Heptachloroethane
67	1,1,1,2,2,2-Octachloroethane	67	1,1,1,2,2,2-Octachloroethane
68	1,1,1,2,2,2-Nonachloroethane	68	1,1,1,2,2,2-Nonachloroethane
69	1,1,1,2,2,2-Decachloroethane	69	1,1,1,2,2,2-Decachloroethane
70	1,1,1,2,2,2-Undecachloroethane	70	1,1,1,2,2,2-Undecachloroethane
71	1,1,1,2,2,2-Dodecachloroethane	71	1,1,1,2,2,2-Dodecachloroethane
72	1,1,1,2,2,2-Trichloroethene	72	1,1,1,2,2,2-Trichloroethene
73	1,1,1,2,2,2-Tetrachloroethene	73	1,1,1,2,2,2-Tetrachloroethene
74	1,1,1,2,2,2-Pentachloroethene	74	1,1,1,2,2,2-Pentachloroethene
75	1,1,1,2,2,2-Hexachloroethene	75	1,1,1,2,2,2-Hexachloroethene
76	1,1,1,2,2,2-Heptachloroethene	76	1,1,1,2,2,2-Heptachloroethene
77	1,1,1,2,2,2-Octachloroethene	77	1,1,1,2,2,2-Octachloroethene
78	1,1,1,2,2,2-Nonachloroethene	78	1,1,1,2,2,2-Nonachloroethene
79	1,1,1,2,2,2-Decachloroethene	79	1,1,1,2,2,2-Decachloroethene
80	1,1,1,2,2,2-Undecachloroethene	80	1,1,1,2,2,2-Undecachloroethene
81	1,1,1,2,2,2-Dodecachloroethene	81	1,1,1,2,2,2-Dodecachloroethene
82	1,1,1,2,2,2-Trichloroethane	82	1,1,1,2,2,2-Trichloroethane
83	1,1,1,2,2,2-Tetrachloroethane	83	1,1,1,2,2,2-Tetrachloroethane
84	1,1,1,2,2,2-Pentachloroethane	84	1,1,1,2,2,2-Pentachloroethane
85	1,1,1,2,2,2-Hexachloroethane	85	1,1,1,2,2,2-Hexachloroethane
86	1,1,1,2,2,2-Heptachloroethane	86	1,1,1,2,2,2-Heptachloroethane
87	1,1,1,2,2,2-Octachloroethane	87	1,1,1,2,2,2-Octachloroethane
88	1,1,1,2,2,2-Nonachloroethane	88	1,1,1,2,2,2-Nonachloroethane
89	1,1,1,2,2,2-Decachloroethane	89	1,1,1,2,2,2-Decachloroethane
90	1,1,1,2,2,2-Undecachloroethane	90	1,1,1,2,2,2-Undecachloroethane
91	1,1,1,2,2,2-Dodecachloroethane	91	1,1,1,2,2,2-Dodecachloroethane
92	1,1,1,2,2,2-Trichloroethene	92	1,1,1,2,2,2-Trichloroethene
93	1,1,1,2,2,2-Tetrachloroethene	93	1,1,1,2,2,2-Tetrachloroethene
94	1,1,1,2,2,2-Pentachloroethene	94	1,1,1,2,2,2-Pentachloroethene
95	1,1,1,2,2,2-Hexachloroethene	95	1,1,1,2,2,2-Hexachloroethene
96	1,1,1,2,2,2-Heptachloroethene	96	1,1,1,2,2,2-Heptachloroethene
97	1,1,1,2,2,2-Octachloroethene	97	1,1,1,2,2,2-Octachloroethene
98	1,1,1,2,2,2-Nonachloroethene	98	1,1,1,2,2,2-Nonachloroethene
99	1,1,1,2,2,2-Decachloroethene	99	1,1,1,2,2,2-Decachloroethene
100	1,1,1,2,2,2-Undecachloroethene	100	1,1,1,2,2,2-Undecachloroethene
101	1,1,1,2,2,2-Dodecachloroethene	101	1,1,1,2,2,2-Dodecachloroethene
102	1,1,1,2,2,2-Trichloroethane	102	1,1,1,2,2,2-Trichloroethane
103	1,1,1,2,2,2-Tetrachloroethane	103	1,1,1,2,2,2-Tetrachloroethane
104	1,1,1,2,2,2-Pentachloroethane	104	1,1,1,2,2,2-Pentachloroethane
105	1,1,1,2,2,2-Hexachloroethane	105	1,1,1,2,2,2-Hexachloroethane
106	1,1,1,2,2,2-Heptachloroethane	106	1,1,1,2,2,2-Heptachloroethane
107	1,1,1,2,2,2-Octachloroethane	107	1,1,1,2,2,2-Octachloroethane
108	1,1,1,2,2,2-Nonachloroethane	108	1,1,1,2,2,2-Nonachloroethane
109	1,1,1,2,2,2-Decachloroethane	109	1,1,1,2,2,2-Decachloroethane
110	1,1,1,2,2,2-Undecachloroethane	110	1,1,1,2,2,2-Undecachloroethane
111	1,1,1,2,2,2-Dodecachloroethane	111	1,1,1,2,2,2-Dodecachloroethane
112	1,1,1,2,2,2-Trichloroethene	112	1,1,1,2,2,2-Trichloroethene
113	1,1,1,2,2,2-Tetrachloroethene	113	1,1,1,2,2,2-Tetrachloroethene
114	1,1,1,2,2,2-Pentachloroethene	114	1,1,1,2,2,2-Pentachloroethene
115	1,1,1,2,2,2-Hexachloroethene	115	1,1,1,2,2,2-Hexachloroethene
116	1,1,1,2,2,2-Heptachloroethene	116	1,1,1,2,2,2-Heptachloroethene
117	1,1,1,2,2,2-Octachloroethene	117	1,1,1,2,2,2-Octachloroethene
118	1,1,1,2,2,2-Nonachloroethene	118	1,1,1,2,2,2-Nonachloroethene
119	1,1,1,2,2,2-Decachloroethene	119	1,1,1,2,2,2-Decachloroethene
120	1,1,1,2,2,2-Undecachloroethene	120	1,1,1,2,2,2-Undecachloroethene
121	1,1,1,2,2,2-Dodecachloroethene	121	1,1,1,2,2,2-Dodecachloroethene
122	1,1,1,2,2,2-Trichloroethane	122	1,1,1,2,2,2-Trichloroethane
123	1,1,1,2,2,2-Tetrachloroethane	123	1,1,1,2,2,2-Tetrachloroethane
124	1,1,1,2,2,2-Pentachloroethane	124	1,1,1,2,2,2-Pentachloroethane
125	1,1,1,2,2,2-Hexachloroethane	125	1,1,1,2,2,2-Hexachloroethane
126	1,1,1,2,2,2-Heptachloroethane	126	1,1,1,2,2,2-Heptachloroethane
127	1,1,1,2,2,2-Octachloroethane	127	1,1,1,2,2,2-Octachloroethane
128	1,1,1,2,2,2-Nonachloroethane	128	1,1,1,2,2,2-Nonachloroethane
129	1,1,1,2,2,2-Decachloroethane	129	1,1,1,2,2,2-Decachloroethane
130	1,1,1,2,2,2-Undecachloroethane	130	1,1,1,2,2,2-Undecachloroethane
131	1,1,1,2,2,2-Dodecachloroethane	131	1,1,1,2,2,2-Dodecachloroethane
132	1,1,1,2,2,2-Trichloroethene	132	1,1,1,2,2,2-Trichloroethene
133	1,1,1,2,2,2-Tetrachloroethene	133	1,1,1,2,2,2-Tetrachloroethene
134	1,1,1,2,2,2-Pentachloroethene	134	1,1,1,2,2,2-Pentachloroethene
135	1,1,1,2,2,2-Hexachloroethene	135	1,1,1,2,2,2-Hexachloroethene
136	1,1,1,2,2,2-Heptachloroethene	136	1,1,1,2,2,2-Heptachloroethene
137	1,1,1,2,2,2-Octachloroethene	137	1,1,1,2,2,2-Octachloroethene
138	1,1,1,2,2,2-Nonachloroethene	138	1,1,1,2,2,2-Nonachloroethene
139	1,1,1,2,2,2-Decachloroethene	139	1,1,1,2,2,2-Decachloroethene
140	1,1,1,2,2,2-Undecachloroethene	140	1,1,1,2,2,2-Undecachloroethene
141	1,1,1,2,2,2-Dodecachloroethene	141	1,1,1,2,2,2-Dodecachloroethene
142	1,1,1,2,2,2-Trichloroethane	142	1,1,1,2,2,2-Trichloroethane
143	1,1,1,2,2,2-Tetrachloroethane	143	1,1,1,2,2,2-Tetrachloroethane
144	1,1,1,2,2,2-Pentachloroethane	144	1,1,1,2,2,2-Pentachloroethane
145	1,1,1,2,2,2-Hexachloroethane	145	1,1,1,2,2,2-Hexachloroethane
146	1,1,1,2,2,2-Heptachloroethane	146	1,1,1,2,2,2-Heptachloroethane
147	1,1,1,2,2,2-Octachloroethane	147	1,1,1,2,2,2-Octachloroethane
148	1,1,1,2,2,2-Nonachloroethane	148	1,1,1,2,2,2-Nonachloroethane
149	1,1,1,2,2,2-Decachloroethane	149	1,1,1,2,2,2-Decachloroethane
150	1,1,1,2,2,2-Undecachloroethane	150	1,1,1,2,2,2-Undecachloroethane
151	1,1,1,2,2,2-Dodecachloroethane	151	1,1,1,2,2,2-Dodecachloroethane
152	1,1,1,2,2,2-Trichloroethene	152	1,1,1,2,2,2-Trichloroethene
153	1,1,1,2,2,2-Tetrachloroethene	153	1,1,1,2,2,2-Tetrachloroethene
154	1,1,1,2,2,2-Pentachloroethene	154	1,1,1,2,2,2-Pentachloroethene
155	1,1,1,2,2,2-Hexachloroethene	155	1,1,1,2,2,2-Hexachloroethene
156	1,1,1,2,2,2-Heptachloroethene	156	1,1,1,2,2,2-Heptachloroethene
157	1,1,1,2,2,2-Octachloroethene	157	1,1,1,2,2,2-Octachloroethene
158	1,1,1,2,2,2-Nonachloroethene	158	1,1,1,2,2,2-Nonachloroethene
159	1,1,1,2,2,2-Decachloroethene	159	1,1,1,2,2,2-Decachloroethene
160	1,1,1,2,2,2-Undecachloroethene	160	1,1,1,2,2,2-Undecachloroethene
161	1,1,1,2,2,2-Dodecachloroethene	161	1,1,1,2,2,2-Dodecachloroethene
162	1,1,1,2,2,2-Trichloroethane	162	1,1,1,2,2,2-Trichloroethane
163	1,1,1,2,2,2-Tetrachloroethane	163	1,1,1,2,2,2-Tetrachloroethane
164	1,1,1,2,2,2-Pentachloroethane	164	1,1,1,2,2,2-Pentachloroethane
165	1,1,1,2,2,2-Hexachloroethane	165	1,1,1,2,2,2-Hexachloroethane
166	1,1,1,2,2,2-Heptachloroethane	166	1,1,1,2,2,2-Heptachloroethane
167	1,1,1,2,2,2-Octachloroethane	167	1,1,1,2,2,2-Octachloroethane
168	1,1,1,2,2,2-Nonachloroethane	168	1,1,1,2,2,2-Nonachloroethane
169	1,1,1,2,2,2-Decachloroethane	169	1,1,1,2,2,2-Decachloroethane
170	1,1,1,2,2,2-Undecachloroethane	170	1,1,1,2,2,2-Undecachloroethane
171	1,1,1,2,2,2-Dodecachloroethane	171	1,1,1,2,2,2-Dodecachloroethane
172	1,1,1,2,2,2-Trichloroethene	172	1,1,1,2,2,2-Trichloroethene
173	1,1,1,2,2,2-Tetrachloroethene	173	1,1,1,2,2,2-Tetrachloroethene
174	1,1,1,2,2,2-Pentachloroethene	174	1,1,1,2,2,2-Pentachloroethene
175	1,1,1,2,2,2-Hexachloroethene	175	1,1,1,2,2,2-Hexachloroethene
176	1,1,1,2,2,2-Heptachloroethene	176	1,1,1,2,2,2-Heptachloroethene
177	1,1,1,2,2,2-Octachloroethene	177	1,1,1,2,2,2-Octachloroethene
178	1,1,1,2,2,2-Nonachloroethene	178	1,1,1,2,2,2-Nonachloroethene
179	1,1,1,2,2,2-Decachloroethene	179	1,1,1,2,2,2-Decachloroethene
180	1,1,1,2,2,2-Undecachloroethene	180	1,1,1,2,2,2-Undecachloroethene
181	1,1,1,2,2,2-Dodecachloroethene	181	1,1,1,2,2,2-Dodecachloroethene
182	1,1,1,2,2,2-Trichloroethane	182	1,1,1,2,2,2-Trichloroethane
183	1,1,1,2,2,2-Tetrachloroethane	183	1,1,1,2,2,2-Tetrachloroethane
184	1,1,1,2,2,2-Pentachloroethane	184	1,1,1,2,2,2-Pentachloroethane
185	1,1,1,2,2,2-Hexachloroethane	185	1,1,1,2,2,2-Hexachloroethane
186	1,1,1,2,2,2-Heptachloroethane	186	1,1,1,2,2,2-Heptachloroethane
187	1,1,1,2,2,2-Octachloroethane	187	1,1,1,2,2,2-Octachloroethane
188	1,1,1,2,2,2-Nonachloroethane	188	1,1,1,2,2,2-Nonachloroethane
189	1,1,1,2,2,2-Decachloroethane	189	1,1,1,2,2,2-Decachloroethane
190	1,1,1,2,2,2-Undecachloroethane	190	1,1,

ORDINARY MEETING

Meeting Date: 10 July 2012

Item: 118 **CP - Development Application - Garage and retaining walls - Lot 2008 DP 1134503 - 33 Bootles Lane, Pitt Town - (95498, 117236, 121269)**

Development Information

File Number: DA0087/12
Property Address: Lot 2008, DP 1134503, 33 Bootles Lane, Pitt Town
Applicant: Colin Allan Bryce and Rachel Anne Bryce
Owner: Colin Allan Bryce and Rachel Anne Bryce
Proposal Details: Garage - Garage and retaining walls
Estimated Cost: \$30000
Zone: Housing
Date Received: 21 February 2012
Advertising: 27 February 2012 – 13 March 2012

Key Issues:

- ◆ Garage Size
- ◆ Location of Garage
- ◆ Height of Garage
- ◆ Over Shadowing
- ◆ Landscaped Area
- ◆ Desired Character – Vermont Pitt Town Estate

Recommendation: Refusal

REPORT:

Executive summary

The application seeks approval for the construction of a garage with associated retaining walls to the rear of Lot 2008, DP 1134503, 33 Bootles Lane, Pitt Town.

Council's Hawkesbury Development Control Plan (HDGP) – Part D, Chapter 1 Residential Development & Part E Chapter 4 Pitt Town Chapter permits garages and outbuildings (Class10a structures) to be constructed within the side and rear setbacks of the property.

This matter is being referred to Council to determine following the Councillor Briefing Session on the 5 June 2012, discussing the impact of oversized garages, sheds and outbuildings in the rear of properties in the establishing Vermont Pitt Town Estate.

Description of Proposal

The application is proposing the construction of a garage. The proposed use of the garage is for the storage of personal items by the property owners.

The original proposed garage dimensions were 10 x 7.5 metres; giving a total area of 75 square metres. However, following a meeting with the applicant on 19 June 2012, the applicant has amended these dimensions to 10 x 6 metres, i.e., amended the overall width of the proposed garage, giving a total area of 60 square metres. It is intended to be used to house a small truck, excavator, bobcat and a boat trailer.

Retaining walls of up to 400mm are proposed to cut this site in an attempt to reduce the height of the building above the boundary fence.

The original proposed garage had an external ridge height of 4.929 metres and external wall height of 4.2 metres. However, on 19 June 2012 the applicant also amended these dimensions to 4.7 metres and 4.1m respectively.

Council Policies, Procedures and Codes to Which the Matter Relates

Hawkesbury Local Environmental Plan 1989
Draft Hawkesbury Local Environmental Plan 2011
Sydney Regional Environmental Plan No 20
Hawkesbury Development Control Plan 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 (where applicable) of any:**
i. **Environmental Planning Instrument:**

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

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

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

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

An assessment of the proposal against the relevant clauses of HLEP 1989 is made below:

Clause 9 - Carrying out of development

The proposed garage is a permissible form of development in the Housing zone of HLEP 1989.

Clause 9A - Zone Objectives

The objectives of this zone are as follows:

- a) *to provide for low density housing and associated facilities in locations of high amenity and accessibility,*
- b) *to protect the character of traditional residential development and streetscapes,*
- c) *to ensure that new development retains and enhances the existing character,*
- d) *to ensure that development is sympathetic to the natural amenity and ecological processes of the area,*
- e) *to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character,*
- f) *to control subdivision so that the provision for water supply and sewerage disposal on each resultant lot is satisfactory to the Council,*
- g) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

Comment: The size, height and boundary setback of the proposed garage is likely to have an unacceptable visual impact upon adjoining properties which will adversely affect the residential character of the area.

Given that Vermont Pitt Town Estate is still being constructed the overall character is yet to be established, and the construction of oversized garages at this early stage will affect the ongoing amenity of the area and the establishing character of the area.

The height and size are not considered suitable for domestic scale. It is considered that the proposed garage will be significantly greater in height and scale than a traditional double garage and have an appearance more like an industrial shed due to size and materials.

The residential character of the area will not be preserved with the size, proximity to boundaries and amenity effects of the proposed garage, which are considered to be inconsistent with the establishing character of the Vermont Pitt Town Estate.

The Vermont Design Guidelines detail the following:

Garages & Outbuildings

Garages should be large enough to accommodate additional storage needs for garden implements etc. To ensure garages oriented toward the street do not dominate the streetscape, the garage opening/s width shall be limited to a maximum of 50% of the overall width of the dwelling and the garage to be setback a minimum of 1m behind the predominant front building line.

Detached garages must be constructed in materials and colours consistent with that of the dwelling house and have hipped roofs to reduce visual prominence. Additional 'outbuildings' should be located in areas not visible from the street and should be finished in material and colours consistent with that of the dwelling house.

Whilst the front of the garage is proposed to be brickwork matching the existing dwelling, the remaining three sides are proposed to be colourbond which will be visible to a height of approximately 2.1 metres above the fence (being the wall of the outbuilding) from the neighbouring properties. Further the size, height and bulk of the shed will dominate when viewed from the adjoining properties.

Clause 28 - Development in the vicinity of a heritage item

The subject land is located within the vicinity of heritage items. However, given the distance separating the proposed garage from each heritage item it is not considered that the proposed garage will have a detrimental impact on the significance of those heritage items.

Clause 37A Development on land identified on Acid Sulfate Soils Planning Map

The land is not located on an acid sulfate soils.

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 (DHLEP) 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. The proposed development is a permissible form of development in the DHLEP, R2 Low Density Residential Zone.

Objectives of the zone;

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To protect the character of traditional residential development and streetscapes.*

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- *To ensure that new development retains and enhances the existing character.*
- *To ensure that development is sympathetic to the natural amenity and ecological processes of the area.*
- *To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character.*
- *To control subdivision so that the provision for water supply and sewerage disposal on each resultant lot is satisfactory to the Council.*
- *To ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities or services.*

Comment: The size and height of the proposed garage will likely have an unacceptable visual impact upon adjoining properties which will adversely affect the establishing character of the residential development and streetscapes which forms the Vermont Pitt Town Estate.

Whilst the development is for a residential use (storage of recreation boat and small truck that is driven from place of residence to work location each day), given the proposed height and size of the garage, it is not considered to be in keeping with the developing domestic scale and character of the Vermont Pitt Town Estate.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

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.

Three (3) objections were received and will be discussed later in the report.

Part D – 1.4 Setbacks

The Pitt Town Chapter overrides the Residential portion of the HDCP. The Pitt Town Chapter does not provide comment on setbacks for garages and outbuildings (Class10a structures). This matter was also identified in the Councillor Briefing Session on the 5 June 2012. The intent of setbacks is to reduce potential impact on neighbouring land. It is considered that given the size of the proposed structure, an increased setback should be provided.

Part D - 1.6 Landscaped Areas

Aims

- h) *To create a pleasant and safe living environment by enhancing the setting of buildings and the environmental quality of the neighbourhood.*
- i) *To ensure that planting and building structures are compatible in protecting existing landscape features.*
- j) *To provide for privacy and shade and to assist in microclimate management.*
- k) *To maximise absorptive landscaped areas for on-site infiltration of stormwater by limiting the area of hard surfaces at ground level.*

The height and scale of the garage will make the building visually prominent to the adjoining properties. Further given the reduced setbacks to the boundary, there is not sufficient area available for the planting of landscaping to reduce the visual impact on the garage to the adjoining properties and surrounds.

ORDINARY MEETING**Meeting Date:** 10 July 2012**Rules**

- a) *All forms of residential development are to contain pervious soft landscaped areas to a total of 30% of the total site area. This may be calculated by adding together soft landscaped areas of private and common open space. Development proposals, where required, are to indicate the proportion of the total site area that is:*
- *total “soft” landscaped area;*
 - *total ground level private open space; and*
 - *total common open space.*

A minimum of 30% or 242.7m² of soft open space is required. The applicant has provided information that they intend to meet the minimum standard.

After reviewing the information provided it is unlikely that the proposal will be able to meet the minimum standard. Areas that are considered trafficable (hard surface), or unable to be landscaped due to their width or limited access cannot be considered landscaped area.

The tables below show that the proposal includes an area of 32.2m² as landscaping area in front of the garage that does not totally count for this purpose.

Submitted Information

Location	Dimensions (m)	Area (m²)
Front landscaped area	(10 x 5) + 11	61
Rear area	10 x 4.8	148
Rear area in front of garage	8.1 x 4	32.2
Side to garage Northern boundary	0.2 x 8	1.6
Side to garage eastern boundary	0.2 x 10	2.4
Total		245.4 or 30.03%

Council assessment

Location	Dimensions (m)	Area (m²)
Front landscaped area	(10 x 5) + 11	61
Rear area	10 x 4.8	148
Rear area in front of garage	Driveway as shown on DA0043/12 is to be 4.490m wide. Area available 3.6 x 4	14.4
Side to garage Northern boundary	Setback is 0.15m not 0.2 and access to these areas for maintenance of the building and landscaping is limited as identified by the applicant in his choice of materials for the construction of the garage.	Nil
Side to garage eastern boundary		
Total		223.4 or 27%

It is considered that the aims and objectives of this clause will not be met.

Part D – Chapter 8 Rural Sheds

This section of the HDCP is not applicable as the garage is not a Rural Shed.

Part E Specific Areas Chapter 4 Pitt Town**4.2 Desired Character**

Pitt Town provides a relaxed and comfortable lifestyle with a semi rural village character. New development is to maintain a semi rural village character with generous and landscaped building setbacks and open streetscapes within a modified grid urban structure. New development will have building designs and materials compatible with the semi rural setting and traditional housing forms. The public domain is to reinforce the semi rural character of Pitt Town.

It is considered that the size and setbacks of the garage will significantly influence the developing character of the Vermont Pitt Town Estate that is still being established. Given that the bulk and size of the garage is greater than a standard double garage, the establishing character of the area will be influenced by the construction of such an oversized garage.

Development Controls 4.114.2 Rules

- b) *(b) Garage may be attached or separate. Garages must be at least 1 metre behind the front building line, to be no greater than 50% of the building width and designed to minimise Visual Prominence. Garages and outbuildings may be located in the rear and side setbacks.*

The proposed garage is to be located at the rear of the property; but with setbacks to the side and rear boundaries of 150mm. The setbacks will limit access to both the common boundaries for building maintenance and limit the provision of landscaping to the area.

- c) *Total building footprint area must comply with the site coverage requirements set out in Table E4.5*

Precinct	Minimum lot size area	Maximum site coverage
A3	750m²	50%

The lot size is 809.8m², the existing building footprint of the existing dwelling is 287.01m², the proposed garage has an area of 60 m², giving a total footprint 347.01m² or 42.8%

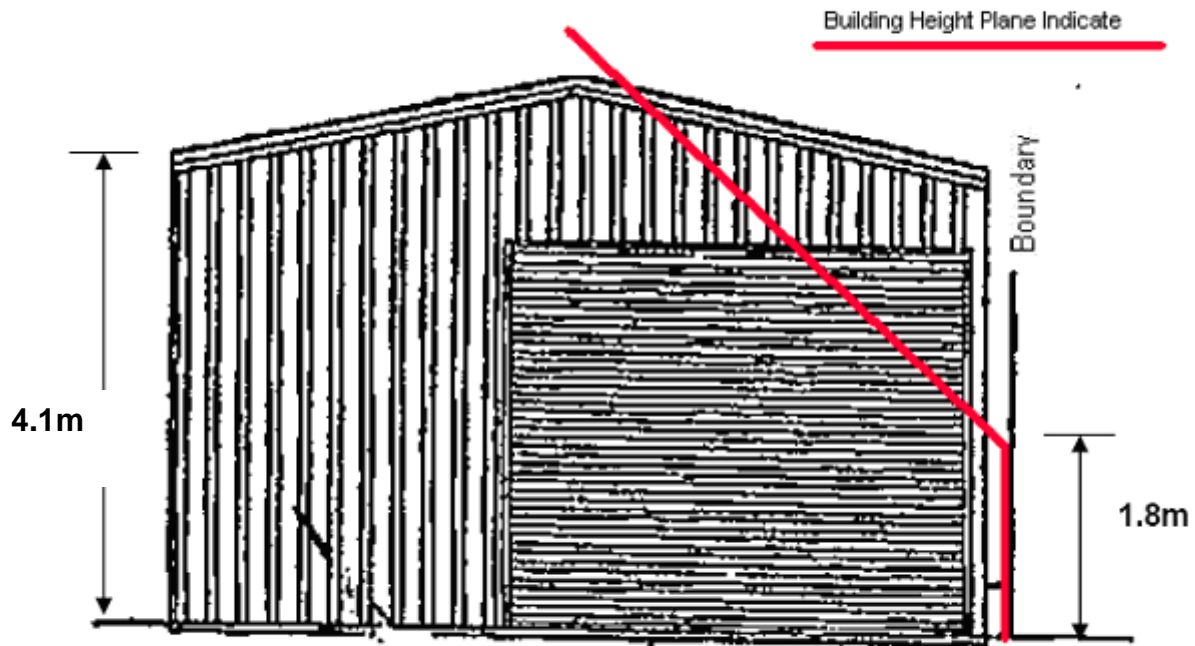
Whilst the proposal will be able to maintain the maximum site coverage, it will not be able to provide landscaping to the common boundaries.

Outbuildings in Pitt Town – Councilor Briefing 5 June 2012

In the absence of specific development controls and pending the review of the existing DCP, it was identified that the size of outbuildings in Pitt Town needs more detailed consideration during assessment. A briefing was provided to Councillors on 5 June 2012 and it was proposed that the points in italics below should be used in assessing Development Applications for outbuildings. It should be stressed, however, that the following is not a “change of rules” for the assessment of these proposals but, in the absence of any controls for these developments, is suggesting some guiding principles for the current and future assessment of these matters.

- *Building Envelope is to be applied to outbuildings*

The garage does not comply with the building envelope, the application of the building envelope or height plane was a result of the Councilor Briefing Session on the 5 June 2012, the diagram following clearly indicates the scale of the development.



- *Height – single storey, maximum 2.7m wall, 3.0m ridge*

The garage proposes a wall height of 4.1m, with a 4.7m ridge height. This is significantly greater than the recommended development control. The result will be a significant visual impact to the neighbouring properties. The garage will be dominant above the fences of the adjoining properties.

- *Area – maximum of 50 sqm (allows for home business)*

The proposed area of the garage is to be 60 sqm. This is 10sqm greater than the recommended development control. As a result of the garage size the soft landscaped area is reduced and the garage will dominate the backyard of the residential allotment.

- *Materials, colours, style – to match the dwelling (brick, render, tiles)*

The front facade is proposed to be brick, with the roof and walls to be colourbond, the existing dwelling is brick with roof tiles. The side and rear colourbond wall is still likely to adversely impact the neighboring properties.

- *Timber – Use of timber features (e.g. doors, walls) on merit*

The applicant does not propose the use of any timber features in the garage.

- *Landscaping – 30% site area, screening between outbuilding and fence*

As previously discussed, the applicant is unable to maintain 30% of the site area as landscaping. The setbacks between the shed and fence are unable to provide adequate screening.

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- *Setbacks – need to consider provision of adequate landscaping and open space, corner lot - need to ensure rear setbacks not completely compromised by outbuildings, pools etc.*

The setbacks are unable to allow for the planting of adequate landscaping to provide screening to adjoining properties.

History of Council Outbuilding Approvals in the Vermont Pitt Town Estate

For comparison, following is a list of applications made to Council for detached outbuildings. Each has been numbered and corresponds with attachment 4 to the report. The average area of out buildings is 45.70sqm and only one is greater than 50 sqm.

	Address	Description
1	3 Holly Place Pitt Town DA0243/11 Lot Size – 867.2m2	Two (2) garden sheds - colourbond Total Area 42.04 m2 Dimensions 3.5m x 3.5m Area 12.25m2 Wall Height 2.1m Ridge Height 2.4 Area 29.79m2 Dimensions 7.7m x 3.87m Wall Height 2.1m Ridge Height 2.4m
2	16 Bona Vista Drive Pitt Town DA0260/10 Lot Size – 1000m2	Detached Garage colourbond Area 54m2 Dimensions Area 6m x 9m Wall Height 3.3m Ridge Height 4.1m
3	4 Camellia Street Pitt Town DA0663/10 Lot Size – 751.9m2	Detached Garage –colourbond Area 42m2 Dimensions 7m x 5.6m Wall Height 2.4m Ridge Height 3.53m
4	5 Farmhouse Avenue Pitt Town DA0501/11 Lot Size – 813.2m2	Outbuilding – Brick to match the dwelling Area 35m2 Dimensions 5m x 7m Wall Height 2.7m Ridge Height 4.3m
5	3 Farmhouse Avenue Pitt Town DA0100/12 Lot Size – 809.8m2	Detached Outbuilding & Carport – colourbond & trimdeck Shed Area 15.6m2, Carport area 30.7m2 Dimensions 3.8m x 4.1m, Wall Height 2.5m Ridge Height 3.65m
6	3 The Cedars Avenue Pitt Town DA0156/12 Lot Size – 1000m2	Detached Outbuilding – colourbond Area 49m2 Dimensions 7m x 7m Wall Height 2.8m Ridge Height 3.7m
7	22 Bona Vista Drive Pitt Town	Detached Garage - colourbond Area 56m2

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	DA0180/12 Lot Size – 1219m ²	Dimensions 7m x 8m Wall Height 2.4m Ridge Height 3.8m
8	24 Bona Vista Drive Pitt Town DA0006/12 Lot Size – 867.2m ²	Detached Shed with Carport - colourbond Area 49.2 Dimensions 6m x 8.2m Wall Height 2.7m Ridge Height 3.710m
9	14 Bona Vista Drive Pitt Town DA0363/11 Lot Size – 1233m ²	Detached Garage - Brick to match the dwelling Area – 72m ² Dimensions 6mx12m Wall Height 3.6m
10 Current Proposal	33 Bootles Lane Pitt Town DA0087/12 Lot Size – 809.8m²	<u>Proposed</u> Detached Garage – Brick front, remainder colourbond Area – 60 m² Dimensions 10m x 6m Wall Height 4.1m Ridge Height
11	20 Farmhouse Avenue Pitt Town DA0220/12 Lot Size – 820.10m ²	Detached Carport - Colourbond with timber screening Area 36.66m ² Dimensions 4.82m x 7.606m Wall Height 2.7m Ridge Height 3.68m

Complying Development Provisions

The current application cannot be considered as Complying Development due to being located within a heritage conservation area.

Conclusion

The proposed garage is considered to be an over development for the site. It is non-compliant with the landscaping requirements and desired criteria of the HDCP together with the influence an approval of the oversized garage would have on the establishing character of the Vermont Pitt Town area. It is concluded that the location, size, height and design will have a significant effect on the surrounding residential development.

Should the development be approved in its current form; it may set an undesirable precedent for further development of similar structures in the Vermont Pitt Town Estate and as a result adversely influence the character of the Vermont Pitt Town estate.

Given that the objectives, rules and provisions of the HDCP are not meet the proposed variations should not be supported in this instance

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

There are no planning agreements applicable to the proposed development.

v. Matters prescribed by the Regulations:

The proposed development is not inconsistent with the provisions of the Environmental Planning and Assessment Regulation, 2000.

a) 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:

b) Suitability of the site for the development:

The site is a residential lot and whilst the use of the garage is acceptable the proposed garage is larger than typically occurring in a housing estate.

c) Any submissions made in accordance with the Act or the Regulations:

The application was notified to adjacent property owners in accordance with HDCP.

Three submissions were received which raised the following concerns:

- ***Use of the garage for commercial / home business in a residential area and associated effects including noise pollution, early hour disturbances;***

The application has provided information that the garage will be used for the storage of personal items and not for the undertaking of business activities.

- ***Semi – rural character of the area***

The Vermont Pitt Town Estate traditional character is still being established, and whilst it is not uncommon to see detached garages or sheds in the rear of residential yards, the size, bulk and scale of this garage is excessive as discussed earlier in the report.

- ***Height of garage, over shadowing in adjoining properties private open space;***

Due to the height and scale of the building, the garage will be visually prominent to, and adversely impact on the amenity of, the adjoining properties. Given the reduced setbacks to the boundary, it is unlikely that there will be an area available for landscaping in order to reduce the visual impact on the garage to the adjoining properties and surrounds.

- ***Maintenance to the garage wall;***

Access to carry out ongoing maintenance will be difficult between the boundary and garage wall, given the proposed reduced setbacks to 150mm to the Northern and Southern boundaries.

- ***Not meeting the DCP objectives for the Pitt Town area & Site coverage and landscaping along the boundary;***

This has been discussed previously in this report.

d) The Public Interest:

The proposal is not consistent with the desired character provisions of the relevant planning instruments affecting the site. Approval of the development may create an undesirable precedent for similar inappropriate development which would not be in the public interest.

Developer Contributions

Development contributions are not required where the works are a class 10a and 10b Building as classified in the National Construction Code.

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Planning Decision

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

RECOMMENDATION:

That Development Application DA0087/12 for the construction of a garage and retaining walls at Lot 2008, DP 1134503, 33 Bootles Lane, Pitt Town, be refused for the following reasons:

1. The proposed development fails to demonstrate compliance the provisions of the Hawkesbury Local Environmental Plan 1989;
2. The proposed development fails to demonstrate compliance the provisions of the Draft Hawkesbury Local Environmental Plan 2011;
3. The proposed development fails to demonstrate compliance with Hawkesbury Development Control Plan; Landscaped area
4. The proposed development is likely to have an adverse visual impact upon the scenic quality of the landscape and neighbouring properties due to its size and location.
5. Approval of the development application may create an undesirable precedent which is not in the public interest.

ATTACHMENTS:

AT - 1 Locality Map

AT – 2 Aerial Map

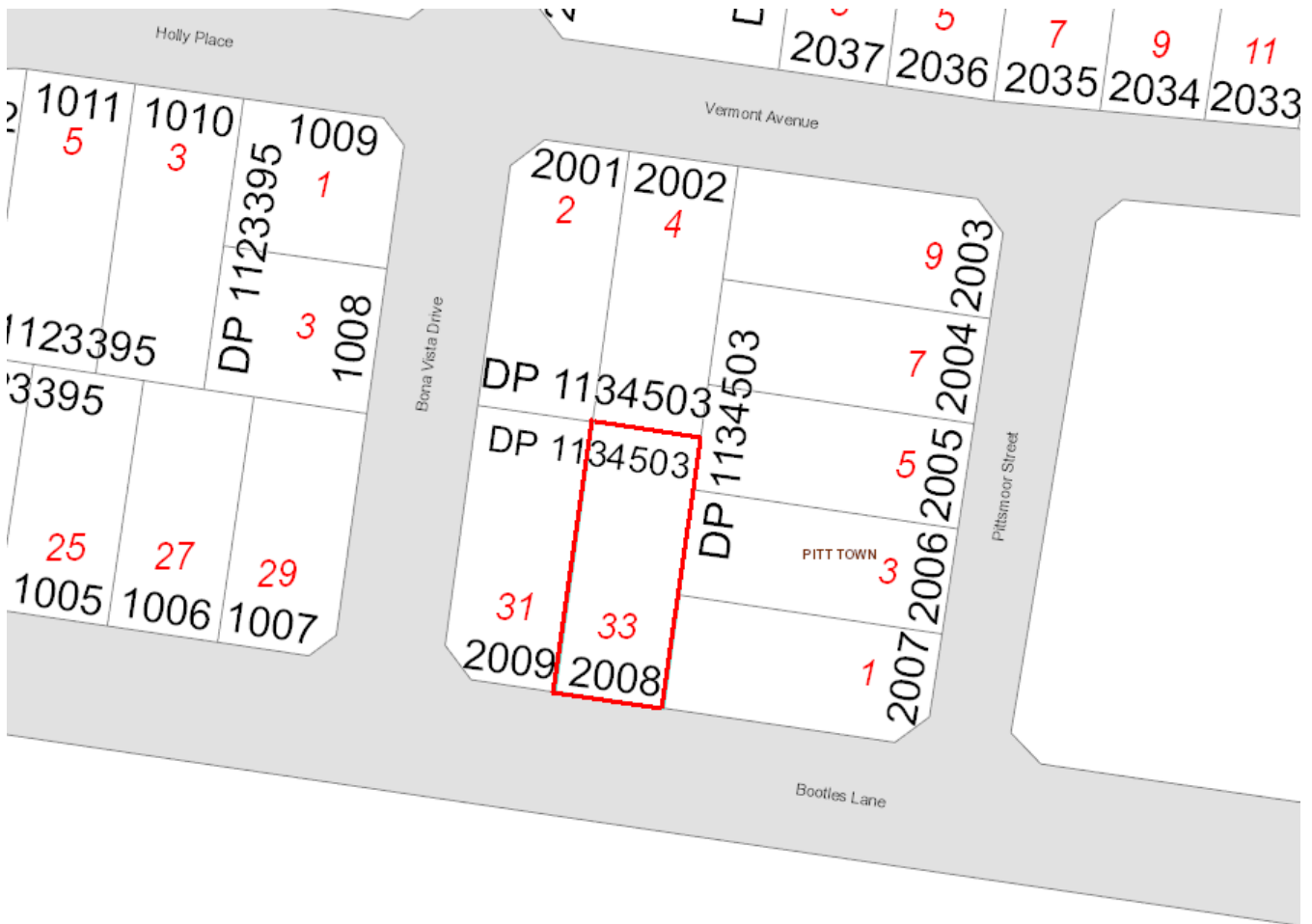
AT – 3 Plans

AT – 4 Locality Map Indicating Outbuilding Approved in Vermont Pitt Town Estate

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AT - 1 Locality Map



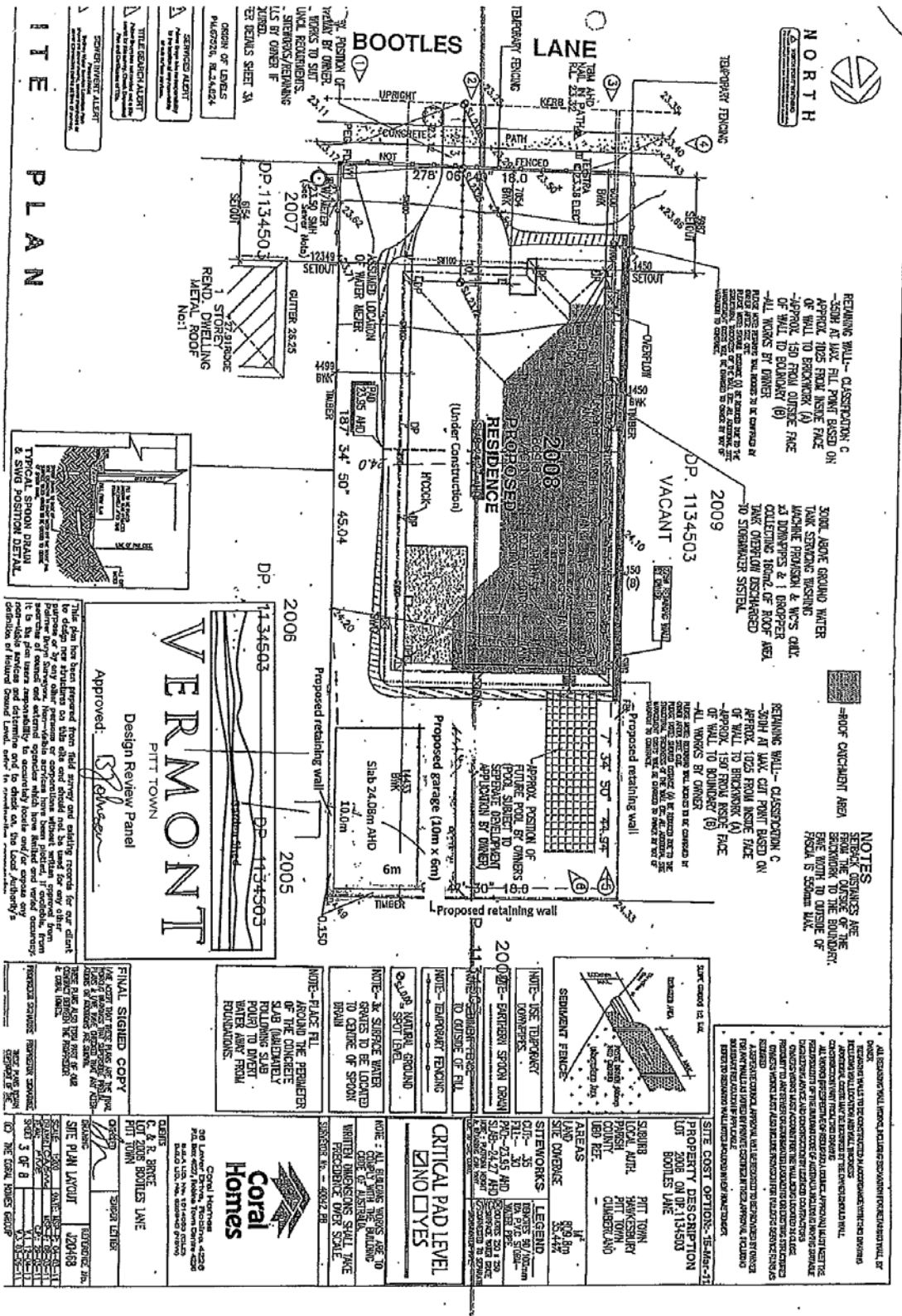
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AT – 2 Aerial Map



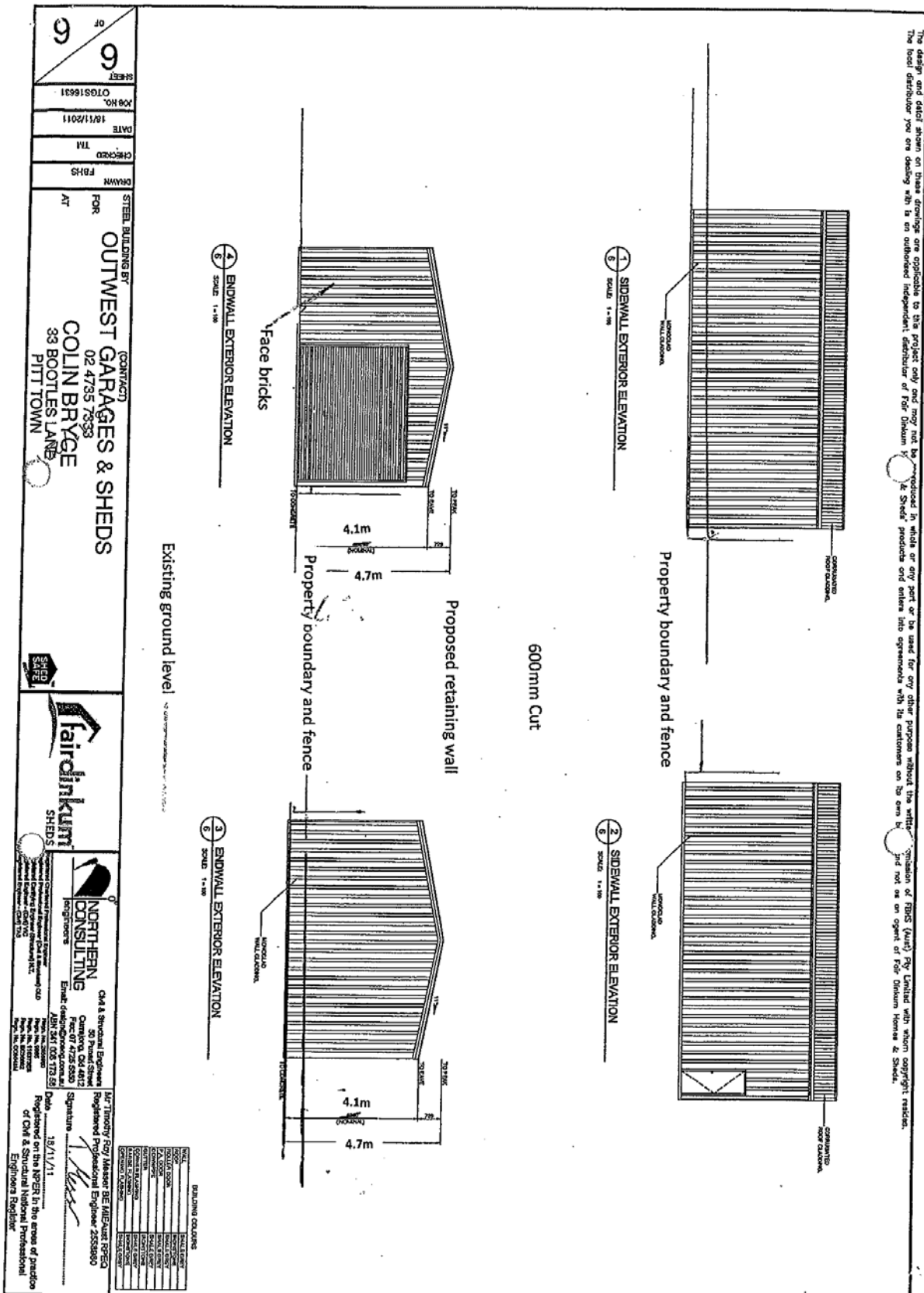
THE PLAN



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Elevation Plan



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AT – 4 Locality Map Indicating Sheds Approved in Vermont Pitt Town Estate



oooO END OF REPORT Oooo

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Item: 119 **CP - Public Hearing - Proposal to Alter the Categorisation of Pound Paddock, 46 Bourke St, Richmond (Lot 1 DP 1041524) - (95498)**

Previous Item: 108, Ordinary (31 May 2011)
 205, Ordinary (13 September 2011)
 18, Ordinary (14 February 2012)

REPORT:

Executive Summary

This report outlines the outcome of the public hearing process regarding the proposal to alter the categorisation of Pound Paddock from its current category of 'Sportsground' under Council's *Community Lands Generic Plans of Management* to the category of 'General Community Use'. It proposes that Council approve the re-categorisation. The report also advises Council of further steps to be taken to progress the partnership proposal with North West Disability Services Inc. (NWDS) for the construction of a disability services centre on Pound Paddock pursuant to the Expression of Interest lodged by NWDS which Council has accepted on an 'in principle' basis.

Consultation

This report outlines the outcomes of the public hearing process into the proposal to alter the categorisation of Council owned community land. The public hearing process was held in accordance with the provisions of Section 40A of the *Local Government Act 1993*, and as such is consistent with Council's Community Engagement Policy.

Background

In December 2010 Council was approached by a not-for-profit community agency seeking to explore a partnership proposal which would see the agency construct and operate a purpose-built disability service centre on a portion of Council owned land at Pound Paddock, Richmond.

The matter was reported to Council on 31 May 2011 with Council resolving to implement a consultation strategy to seek the views of local residents and stakeholders regarding the proposal.

On 13 September 2011, the results of the consultation strategy were reported to Council. They suggested that there was broad acceptance of the idea of Council exploring a partnership with a not-for-profit community agency to fund and construct a community facility on Pound Paddock. Council subsequently resolved to call for Expressions of Interest (EOI) from not-for-profit community agencies that were in a position to fund and construct a community building on Pound Paddock.

An EOI process, which mirrored Council's formal tender processes, was implemented and the outcomes reported to Council on 14 February 2012. Council resolved to accept an EOI lodged by North West Disability Services Inc. To facilitate the EOI, it was also resolved to proceed with the proposed re-categorisation of Pound Paddock from 'Sportsground' to 'General Community Use' and to undertake the required public hearing process regarding this proposal.

Public Hearing into the Proposal to Alter the Categorisation of Pound PaddockContext

Pursuant to Section 25 and 26 of the *Local Government Act 1993*, (the Act) Pound Paddock has been classified as 'community land'. On 10 May 2011, Council adopted generic plans of management for those community lands not covered by an existing site specific Plan of Management ('POM'). These generic plans of management were prepared in accordance with the requirements of the Act and provided for the categorisation of community land into one or more of the following categories:

- (a) a natural area
- (b) a sportsground
- (c) a park
- (d) an area of cultural significance
- (e) general community use

Under Council's adopted Generic Plans of Management, Pound Paddock is categorised as a 'Sportsground' which is defined as *'land used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games'*.

While the 'Sportsground' POM allows for the construction of a building for community use, it implies that such uses should be associated with a sportsground i.e. a club house rather than a hall or other 'non-sports' community facility. Accordingly, to remove any ambiguity as to the legality of the proposal to construct a non-sports community facility on Pound Paddock, Council proposed to alter the categorisation of Pound Paddock to 'General Community Use' which unequivocally allows for the construction of a generic community facility.

Statutory Situation

By virtue of Section 40A of the *Local Government Act 1993*, Council must hold a public meeting in respect to a proposal which would have the effect of altering the categorisation of community land.

The requirements for the public hearing are set down in Section 47G of the *Local Government Act 1993*. These requirements include:

- (a) the appointment of an independent person (a person who is not a Councillor or employee of Council) to preside at a public hearing;
- (b) the preparation of a report from the person presiding at the public hearing as to the result of the hearing; and
- (c) making a copy of the report available for inspection within 4 days after Council has received the report

In addition to these requirements, Council also placed the proposal to alter the categorisation of Pound Paddock on public exhibition and invited public submissions regarding the proposal.

Public Hearing

Ms Yvonne Impiombato (Manager, Hawkesbury Community Outreach Services) was engaged to chair the public hearing which was held at 7:30pm on 11 April 2012 at the Hawkesbury Seniors Leisure and Learning Centre, 144 March Street Richmond.

Ms Impiombato has submitted her report into the proceedings of the public hearing and her report is appended to this report (Attachment 1). Ms Impiombato has concluded that on balance the proposal to alter the categorisation of Pound Paddock from 'Sports Ground' to 'General Community Use' is in the public interest.

Amendment of Plan of Management for Pound Paddock

It is therefore recommended that in accordance with Section 41 of the *Local Government Act 1993*, Council amend the Plan of Management for Pound Paddock. The amendment would have the effect of altering the category of Pound Paddock from 'Sportsground' to 'General Community Use'. The proposed amendment would require no changes to the actual wording of the body of the text of the existing generic plans of management for these categories.

In practical terms the proposed amendment would require two simple alterations to the appendices as listed with the generic plans of management as follows:

1. *Community Land Generic Plan of Management - Appendix 1 - Schedule of Lands*. Altering the designated category coverage of Park no. 147 (Pound Paddock) from Sportsground to General Community Use (by deleting the 'tick' against Sportsground column and adding the 'tick' to General Community Use column).
2. *Community Land Generic Plan of Management - Appendix 2d - Community land Category Maps 9Parks 125-170*. Changing the 'reserve categorisation' shading for Park 147 (Pound Paddock) from crimson (Sportsground) to orange (General Community Use).

The Leasing of Pound Paddock

The proposed amendment to Council's generic plan of management would not alter the classification of Pound Paddock. It will remain as community land and be subject to the restrictions applying to the use, sale, management and leasing of community lands.

Consequently (as previously reported to Council) there is a further procedural step which will be required prior to Council considering any development application from NWDS for the proposed disability services centre on Pound Paddock. To facilitate the EOI partnership proposal Council would need to enter into a long-term agreement by which management and operation of the building would be delegated to NWDS at no rental, with NWDS responsible for meeting day-to-day occupancy and asset maintenance costs of the facility. To facilitate this arrangement Council would need to lease or licence Pound Paddock to NWDS to enable them to occupy and operate the community facility.

Council may grant a lease or licence for the use of community land to a not-for-profit organisation for a period not exceeding the maximum allowable in the Act. The granting of a lease or licence for the use of community land triggers a public notification process under Section 47 of the Act. If, during the public notification process a person makes a submission objecting to the granting of a lease or licence, then Council must apply to the Minister for consent to grant the lease or licence. The Act stipulates the information to be supplied to the Minister in conjunction with any application.

Accordingly, should Council resolve to approve the alteration to the categorisation of Pound Paddock, it is recommended that Council commence negotiations with NWDS to identify the portion of Pound Paddock as would be required by NWDS to operate a disability services centre and the proposed terms and conditions that would apply to the lease of this land to NWDS. The draft terms and conditions for the use of the designated portion of Pound Paddock to be reported to Council for consideration, prior to the commencement of the public notification process required under Section 47 of the *Local Government Act 1993* to enter into the proposed lease agreement.

Conformance to Community Strategic Plan

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

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

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

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- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities; and
- Work with public and private sectors to ensure funding and delivery of improved services and infrastructure.

The Community Strategic Plan requires Council to work with community agencies and other levels of government to improve local services and infrastructure. The report advocates the further exploration of a partnership proposal which has the potential to achieve a community outcome, through the leveraging of external investment, which otherwise might not be possible.

Financial Implications

There are no financial implications arising directly from this report.

RECOMMENDATION:

That:

1. Council approve amending Council's Generic Plans of Management for Community Lands by altering the categorisation of Pound Paddock from 'Sports Ground' to 'General Community Use' as outlined in the report.
2. Council commence negotiations with North West Disability Services Inc on the terms and conditions of a proposed lease of a portion of Pound Paddock as would be required by NWDS to operate a disability services centre.
3. The proposed terms and conditions for the lease of Pound Paddock to be reported to Council for consideration, prior to the commencement of the public notification process required under Section 47 of the *Local Government Act 1993*.

ATTACHMENTS:

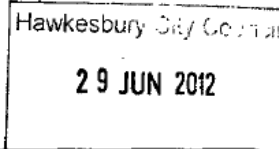
AT - 1 Public Hearing Report - Proposed Re-categorisation of Pound Paddock

AT - 1 Public Hearing Report - Proposed Re-categorisation of Pound Paddock

Public Hearing Report
Re-categorisation of Pound Paddock

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Public Hearing Report
Proposed Re-categorisation
Pound Paddock, 46 Bourke Street, Richmond

**1.0 INTRODUCTION**

Hawkesbury City Council ("Council") has a proposal ("the proposal") to alter the categorisation of Pound Paddock, 46 Bourke Street, Richmond from the category of 'sportsground' (under the meaning of Section 36 (4) (b) of the *Local Government Act 1993*), to the category of 'general community use' (under the meaning of Section 36 (4) (e) of the *Local Government Act 1993*).

In accordance with the requirements of Section 47G of the *Local Government Act 1993*, I was engaged to chair an independent public meeting held in relation to the proposed alteration of the categorisation of the subject land.

This report seeks to document the events of that Public Meeting and make recommendations to Council with regard to the proposal.

2.0 SUBJECT SITE

The land subject to the Public Meeting is commonly known as Pound Paddock (Lot 1 DP 1041524) with a street address of 46 Bourke St, Richmond. It lies just south of the level crossing at East Richmond next to the Richmond Golf Club and runs down to Blacktown Rd.

Pound Paddock is identified as Park No.147 under Council's *Community Lands Generic Plans of Management* (refer to Attachment 1). It is currently categorised as a 'Sportsground' whose use and management is governed by the provisions of the *Generic Plans of Management – Sportsground* adopted by Council on 10 May, 2011.

Pound Paddock is just over two acres in size (9,618m²), with a substantial portion of its area lying below the 1 in 100 year flood level. For the most part, Pound Paddock is open space parkland but it does contain a toilet block and two practice cricket nets both located on its northern boundary.



3.0 CONTEXT

Council is seeking to alter the categorisation of Pound Paddock to facilitate a proposal for the construction of a community facility on Pound Paddock.

The details of this proposal were initially reported to Council on 31 May 2011. Council subsequently commissioned a neighbourhood survey to obtain the views of local residents regarding the proposal - the outcomes of which were reported to Council on 13 September 2011. The Council report stated that *'76% of respondent households were in favour of Council entering into a partnership with a not for profit agency to build a community facility on a portion of Pound Paddock'*.

Council resolved to proceed to call for Expressions of Interest (EOIs) from not-for-profit community services agencies that were *'willing to explore a partnership proposal to fund and construct a community building on Pound Paddock'*. Eois were considered by Council on 14 February 2012, and Council resolved to accept an Eoi submitted by North West Disability Services Inc. (NWDS) to fund, construct and occupy a disability services centre on Pound Paddock.

As outlined in the Council Report, Council's acceptance of the EOI from NWDS was on an 'in principle' basis and was contingent on;

- (a) further consultation being undertaken with local residents on the specific details of the NWDS proposal and the outcomes; and
- (b) the outcomes of the public hearing process (required under the Local Government Act) regarding the proposal to alter the categorisation of Pound Paddock.

4.0 PROPOSED RE- CATEGORISATION

Pursuant to Section 25 and 26 of the *Local Government Act 1993*, Pound Paddock ('the subject site) has been classified as 'community land'. 'Community land' (as defined in Councils Generic Plans of Management) *'is land intended for public access and use. To prevent alienation of this land, it cannot be sold, leased, licensed or any other estate granted over the land for more than 21 years'*.

Council's Generic Plans of Management for Community Lands also note that the Local Government Act provides Councils with a specific approach to the

classification and management of community land and states that there must be a plan of management prepared for all community land which describes the permitted uses and activities applying to such land.

On 10 May 2011, Council adopted generic plans of management for those community lands not covered by an existing site specific Plan of Management ('POM'). These generic plans of management were prepared in accordance with the requirements of the *Local Government Act 1993* which provide for the categorisation of community land into one or more of the following categories;

- (a) a natural area
- (b) a sportsground
- (c) a park
- (d) an area of cultural significance
- (e) general community use

Under Council's adopted Generic Plans of Management, Pound Paddock is categorised as a 'Sportsground' which is defined as *'land used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games'*.

While the 'Sportsground' POM allows for the construction of a building for community use it implies that such uses should be associated with a sportsground i.e. a club house rather than a hall or other 'non-sports' community facility.

Accordingly, Council is seeking to remove any ambiguity as to the legality of the proposal to construct a non-sports community facility on Pound Paddock by altering the categorisation of Pound Paddock to 'General Community Use' which unequivocally allows for the construction of a generic community facility.

Council is therefore proposing to alter the category of Pound Paddock from 'Sportsground' to 'General Community Use'. 'General Community Use' is defined as *'a category of land that should be applied where the land may be available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public. It includes land that does not fall into the categories of natural area, sportsground, park or area of cultural significance'*.

5.0 STATUTORY SITUATION

By virtue of Section 40A of the *Local Government Act 1993*, Council must hold a public meeting in respect to a proposal which would have the effect of altering the categorisation of community land.

The requirements for the public hearing are set down in Section 47G of the *Local Government Act 1993*. These requirements include;

- (a) the appointment of an independent person (a person who is not a Councillor or employee of Council) to preside at a public hearing;
- (b) the preparation of a report from the person presiding at the public hearing as to the result of the hearing; and
- (c) making a copy of the report available for inspection within 4 days after Council has received the report.

In addition, Section 38 of the *Local Government Act 1993*, requires Council to give public notice of a draft plan of management by placing the draft plan on public exhibition for a period of not less than 28 days, and specifying a period of not less than 42 days - after the date that the draft plan is placed on public exhibition - during which submissions may be made to Council about the draft plan.

I understand that, with regard to the proposal to alter the categorisation of Pound Paddock, the public notice provisions of Section 38 of the *Local Government Act 1993* were not triggered but that Council chose to publicly exhibit the proposal in accordance with the provisions of Section 38 of the *Local Government Act 1993*.

6.0 THE PUBLIC MEETING

The public meeting was convened at the Hawkesbury Seniors Leisure and Learning Centre, 144 March Street Richmond, at 7:30pm on 11 April 2012.

12 members of the community attended plus:

Yvonne Impiombato (Chair)
Joseph Litwin (Hawkesbury City Council)
Patricia Sundin (Hawkesbury City Council)

ORDINARY MEETING

Meeting Date: 10 July 2012

Deborah Gersbach (North West Disability Services)

James Petterson (North West Disability Services)

7.0 SUMMARY OF PROCEEDINGS

The Council representatives in attendance at the meeting provided a power-point presentation which summarised;

- (a) the background to the proposal,
- (b) the community and stakeholder consultation process to date,
- (c) the relevant provision of the *Local Government Act 1993* as they relate to Plans of Management,
- (d) the permitted uses of community land as stipulated in the 'Sportsground' and 'General Community Use' Generic Plans of Management.

Council representatives also provided details of the Expression of Interest process leading to the acceptance by Council of the EoI from North West Disability Services.

Representatives from North West Disability Services then provided a power-point presentation on their proposal to fund, construct and operate a Disability Services Centre on Pound Paddock.

In response to the information provided by Council representatives and representatives from NWDS, the following issues raised by persons in attendance at the meeting were noted:

- concern as to the percentage of Pound Paddock which would be affected by the proposal and in particular the building footprint of the proposed Disability Services Centre.
- query as to whether Pound Paddock was the most appropriate site for the proposed facility.
- query as to the status of the storage sheds maintained by the Richmond branch of the Lions Club at Pound paddock should the proposal proceed.

8.0 PUBLIC SUBMISSIONS

I have been advised by Council staff, that no public submissions were received at Council regarding the proposal to alter the categorisation of Pound Paddock, during the 42 day period following the public notification of the proposal.

9.0 COMMENT

Regarding the proposal to alter the categorisation of Pound Paddock I have carefully considered the following factors;

1. The proposed re-categorisation will not substantially alter the permitted and existing uses that apply to Pound Paddock.
2. The proposal is intended to facilitate the construction of a community building. In this respect the current 'Sportsground' categorisation provides for the construction of a community building. The proposed new categorisation of 'General Community Use' in practice simply extends the category of community building which can be constructed on Pound Paddock.
3. The proposal does not alter the classification of Pound Paddock. Pound Paddock will remain as community land and will continue be subject to the restrictions applying to the use, sale, management and leasing of community lands.
4. The proposal has been put forward by Council to enable the possible construction of a community building to provide the opportunity to expand and improve the provision of human services to residents and in particular, to residents who may have special needs.
5. Prior to the public hearing, Council has consulted with local residents to determine if the proposal should be progressed. As reported to Council, the outcomes of a neighbourhood survey undertaken by Council suggested that a majority of residents were in favour of Council exploring a partnership arrangement to construct a community facility on Pound Paddock.
6. The reported outcomes of discussions with adjoining owners and the Hawkesbury Sports Council which suggested a broad acceptance of the proposal.

7. Council's decision making in respect of the proposal has taken place in an open and transparent manner and in accordance with the provisions of the *Local Government Act 1993* as noted in this report...

With regard to the issues raised at the public hearing, it was my judgment that the attendees were reasonably comfortable with the proposal to re-categorise Pound Paddock. Where concerns were expressed these were in relation to the possible impacts of a disability services centre being constructed on Pound Paddock following its re-categorisation. While these latter issues could be interpreted as ancillary to the actual proposal for the re-categorisation of Pound Paddock, they are related. Accordingly, in relation to these matters it is my understanding that;

1. The construction of a proposed community facility would be subject to Council's development assessment and public notification process and will provide opportunity for residents and/or adjoining owners to comment on any development application which may be lodged by NWDS.
2. Any development application lodged by NWDS will be assessed in accordance with the provisions of Council's planning instruments and will need to comply with these provisions.
3. The proposal put forward by NWDS anticipates the construction of a disability services centre on a portion of Pound Paddock. A substantial proportion of Pound Paddock will remain as open space and will continue to be available for use by the community.
4. NWDS have indicated that they are willing to work with Council and the local community to improve Pound Paddock by providing landscaping, pathways, seating, the installation of an accessible children's playground and a sensory garden which have the potential to increase the use and enjoyment of Pound Paddock by local residents
5. There will be a further public hearing and public notification process dealing with the intention of Council to grant a lease to NWDS for the use of that portion of Pound Paddock on which the proposed disability service centre is to be located.

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Re-categorisation of Pound Paddock

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Given these additional factors, it is my judgment that there are adequate measures in place to provide for further consultation and discussion with local residents and other stakeholders regarding the proposed construction and future operation of a disability services centre on Pound Paddock (should the current proposal proceed to this stage).

10.0 CONCLUSION

Based on the factors outlined above, it is my assessment that the proposal to alter the categorisation of Pound Paddock from "Sports Ground" to "General Community Use" can be considered, on balance, to be in the public interest.

Yvonne Impiombato 17/6/2012

Yvonne Impiombato

Manager, Hawkesbury Community Outreach Services Inc

Prepared for Hawkesbury City Council

oooO END OF REPORT Oooo

Item: 120 CP - Public Exhibition - Draft Complaints Policy - (95498, 124592)

Previous Item: 60, Ordinary (8 May 2012)
327, Ordinary (1 November 2005)

REPORT:**Executive Summary**

This report has been prepared to advise Council of submissions received following the public exhibition of the Draft (Revised) Complaints Policy. The report proposes that Council adopt the Draft (Revised) Complaints Policy.

Consultation

The Report advises Council of the outcome of the exhibition of a draft policy document which was placed on public exhibition for a period of 50 days in accordance with the requirements of Council's Community Engagement Policy.

Background

Council adopted a Complaints Policy on 1 November 2005. The Policy defined what constituted a complaint, identified different types of complaints, and outlined procedures for recording and dealing with a complaint. The Policy also outlined an internal review mechanism and the possible referral of an unresolved complaint for external review.

Due to a number of factors, including the establishment of the Council's Customer Service Unit, the introduction of revised customer service processes and responsibilities, and the imminent revision of the Model Code of Conduct for Local Councils in NSW, a requirement for Council to review the previously adopted Complaints Policy was identified. The adoption of a revised Model Code of Conduct is likely to render some provisions in the existing Complaints Policy redundant, while changes to Council's customer service structure has necessitated the re-writing of other elements within the current Policy.

As previously reported to Council, the content of the revised Draft Policy reflect 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)*.

Public Exhibition of Draft (Revised) Complaints Policy

The draft Policy was placed on public exhibition between 11 May 2012 and 30 June 2012. No formal submissions, addressed to the General Manager in the prescribed format, were received in response to the public exhibition of the Draft Policy. However, comments on the draft Policy were included in correspondence received at Council relating to another matter. For the purpose of this report, these comments have been treated as a submission.

This submission raised the following matters:

1. *'The General Manager through the draft exhibition of the complaints policy is attempting to remove from the current policy the appeal mechanism which would allow full and proper considerations by parties other than the General Manager'.*
2. *'This is clearly an attempt contrary to the public interest, to remove from Council procedures the ability of a complainant to seek natural justice and truth in Council reports by any alleged corrupt or incompetent planning officer ... ' [note - the*

submission proceeded to provide details of a specific matter which has been the subject of previous investigation and response].

Response

The appeal mechanisms in the publicly exhibited Draft (revised) Policy remain unchanged from the appeal mechanisms contained in Council's previously adopted Complaints Policy. The appeal mechanisms outlined in the Draft (revised) Policy reproduce the recommended internal and external review provisions as outlined in the Practice Note '*Complaints Management in Councils*' issued by the NSW Ombudsman and the Division of Local Government in July 2009.

In addition, Section 4.3 of the Draft (revised) Policy provides contact details of six external agencies that a complainant may contact if they are dissatisfied with the outcome of their complaint. These agencies include The NSW Ombudsman; The NSW Division of Local Government; The Independent Commission Against Corruption; The Anti-Discrimination Board; Australian Competition and Consumer Commission; and The Information and Privacy Commission NSW.

Section 6.07 of the Draft (revised) Policy also refer to the requirement of the General Manager to refer complaints alleging corrupt conduct, in the terms of Section 11 of the *Independent Commission Against Corruption Act 1988*, to the Independent Commission Against Corruption.

Accordingly, the Draft (revised) Complaints Policy incorporates adequate procedures for the investigation of complaints, a clear mechanism for the internal review of complaint outcomes, and provision for external review.

It is therefore proposed that Council adopt the draft (revised) Complaints Policy as appended to this report (under separate cover).

Conformance to Community Strategic Plan

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

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

and is also consistent with the 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 direct financial implications arising out of this report.

RECOMMENDATION:

That Council adopt the Draft (Revised) Complaints Policy.

ATTACHMENTS:

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

oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 121 IS - Naming of a Proposed Road at East Kurrajong associated with DA0036/10 - (95495, 31568)

REPORT:

Executive Summary

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

The report recommends that public consultation be sought on an alternative name to that suggested by the developer, as Portland Ridge Lane does not conform with the guidelines set by the Geographical Names Board of NSW and the requirements of the Roads Act 1993.

The report recommends that public consultation be sought on the name William Hall Place.

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 and involves the following:

- Advertisement in Local Press
- Advertisement on Council's web page under Consulting the Community
- Correspondence addressed to adjoining and surrounding owners
- Correspondence addressed to various service organisations.

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. Part of the subdivision has resulted in the creation of Lot 11, DP 1154540 (120 Royerdale Place, East Kurrajong). The consent for the subdivision was issued on 10 June 2010. The recent creation of Hadden Ridge Road, Wilberforce was also part of this subdivision.

The proposed new road provides access to seven 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 Portland Ridge Lane. The details supplied by the developer relating to the proposed name are listed below:

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- Portland was the original name of the property in the 19th century.
- The proposed road is located on a Ridge.
- The road is a dead end, only a few hundred metres long therefore use of "Lane".

Council's Local Studies and Outreach Librarian has been consulted to confirm that the supplied historic information is valid and that the proposed name is historically appropriate to the area of the subdivision. Council's Local Studies and Outreach Librarian has supplied the following information as follows:

- The area in question was a Crown Grant comprising of 1280 acres to William Hall in 1837 who called the property 'Portland Valley'. It was transferred two years later to Henry Hall, William's son, and the building today known as 'Stannix Park' was built in 1839. William Hall arrived in Sydney in 1809 as an assistant to Rev Samuel Marsden. In 1814 he travelled to New Zealand as a missionary, returning to Sydney in 1825. He was appointed as Superintendent at the Aboriginal school at Blacktown established by Governor Macquarie and purchased property in Sydney and Plumpton. He sought a larger property to house his cattle and received the 1280 acres in the Sackville area which was made official in 1837. Between the years 1843 to 1851 there were several mortgage transfers including that of Thomas Tebbutt (uncle of the astronomer John Tebbutt). In 1851 Matthew James Everingham purchased the property and lived there with his family for a number of years. The property dwindled with Peter De Rome purchasing several hundred acres and he and his descendants lived there until the early 1900's.
- William Hall is not to be confused with the William Hall born in 1797 who was the son of George Hall and who was also one of the Coromandel immigrants who built Ebenezer Church and lived across the Hawkesbury River in the Cattai/Pitt Town district, and a member of the well known Hawkesbury family.
- If the road is to be named Portland it should be called after the original property name 'Portland Valley' and not Portland Ridge.

In accordance with the guidelines set by the Geographical Names Board of New South Wales for the Naming of Roads, Section 1.1 of the Guidelines relates to "Uniqueness" and stipulates, in part, the following:

"Name duplication within a local government area should be avoided. Similarity in road names within these areas is also discouraged."

Whilst the name Portland Ridge Lane does not currently exist within the Hawkesbury LGA, there are other roads in close proximity that have similar names such as; Portland Head Road, Ebenezer and West Portland Road, Lower Portland and Sackville. Having similar road names in close proximity will be an issue for emergency services as well as the general public accessing the area.

The use of the name Portland Ridge Lane may receive an objection from organisations required to be notified under the New South Wales Roads Act 1993 and the Roads (General) Regulation 2008 under the guidelines for naming roads. If this should occur, the use of Portland Ridge Lane cannot proceed without the approval of the Minister of Roads.

To satisfy the requirements of the guidelines set by the Geographical Names Board of New South Wales, the road names of Portland Ridge Lane (suggested by the developer) and Portland Valley (suggested by Council's Local Studies and Outreach Librarian) should not be considered. Similarly, the use of Stannix Park should also be avoided, as the name is already in existence.

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In view of the information outlined above, it is felt that a new name should be considered.

Council's Local Studies and Outreach Librarian also suggested the following two alternatives:

- 'William Hall' after the original grantee.
- 'De Rome' after the family that lived on the original Stannix Park property (possibly adjacent) for nearly 40 years.

The use of either of the two alternatives William Hall or De Rome conforms to the guidelines set by The Geographical Names Board of NSW and the requirements of the Roads Act 1993.

In considering the two alternatives provided by Council's Local Studies and Outreach Librarian, the use of the name William Hall is more appropriate for this location and the use of Place better describes the road type.

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 DA0036/10 and contained within Lot 11, DP 1154540 (120 Royerdale Place, East Kurrajong), as William Hall Place, East Kurrajong.

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 Operational Plan.

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 DA0036/10, and contained within Lot 11, DP 1154540 (120 Royerdale Place, East Kurrajong), as William Hall Place, East Kurrajong.

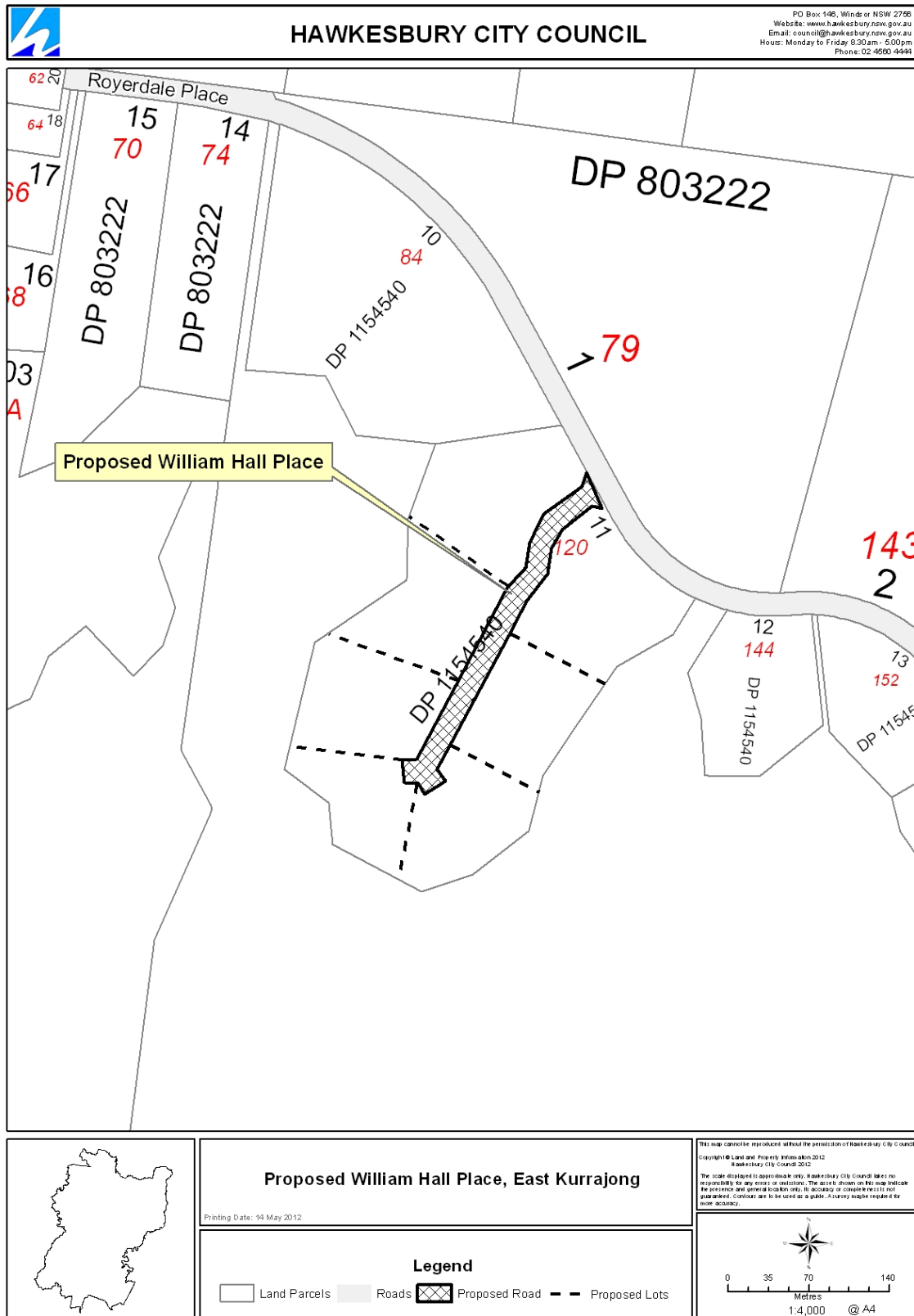
ATTACHMENTS:

AT - 1 Locality Plan - Proposed William Hall Place

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AT 1 - Locality Plan - Proposed William Hall Place



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 10 July 2012

Item: 122 **IS - Naming of a Proposed Road - Hadden Ridge Road, Wilberforce associated with DA0037/10 and DA0052/10 - (95495, 31568)**

Previous Item: Item 62, Ordinary (8 May 2012)

REPORT:

Executive Summary

This report has been prepared following Council's resolution of 8 May 2012 to seek public comment under the New South Wales Roads Act 1993 on the naming of a new public road at Wilberforce associated with DA0037/10 and DA0052/10 as Hadden Ridge Road. The proposed road provides access to eleven new lots

Public comment was sought with one submission from the Geographical Names Board (GNB) being received, raising no objection to the proposed name.

The report recommends that the new public road at Wilberforce associated with DA0037/10 and DA0052/10 be named as Hadden Ridge Road, Wilberforce.

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 (13 letters), various organisations (9 letters), the applicant and the owner. The public comment period expired on 22 June 2012. No further public consultation is required for naming of the road.

Background

Council at its meeting held on the 8 May 2012, resolved the following:

"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."

This was in response to an application from the developer, 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 Hadden Ridge Road.

Details relating to the proposed name Hadden Ridge Road 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.

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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 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 "Hadden Ridge 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 at Wilberforce, associated 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 Operational Plan.

RECOMMENDATION:

That the new public road at Wilberforce associated with DA0037/10 and DA0052/10 be named as Hadden Ridge Road, Wilberforce.

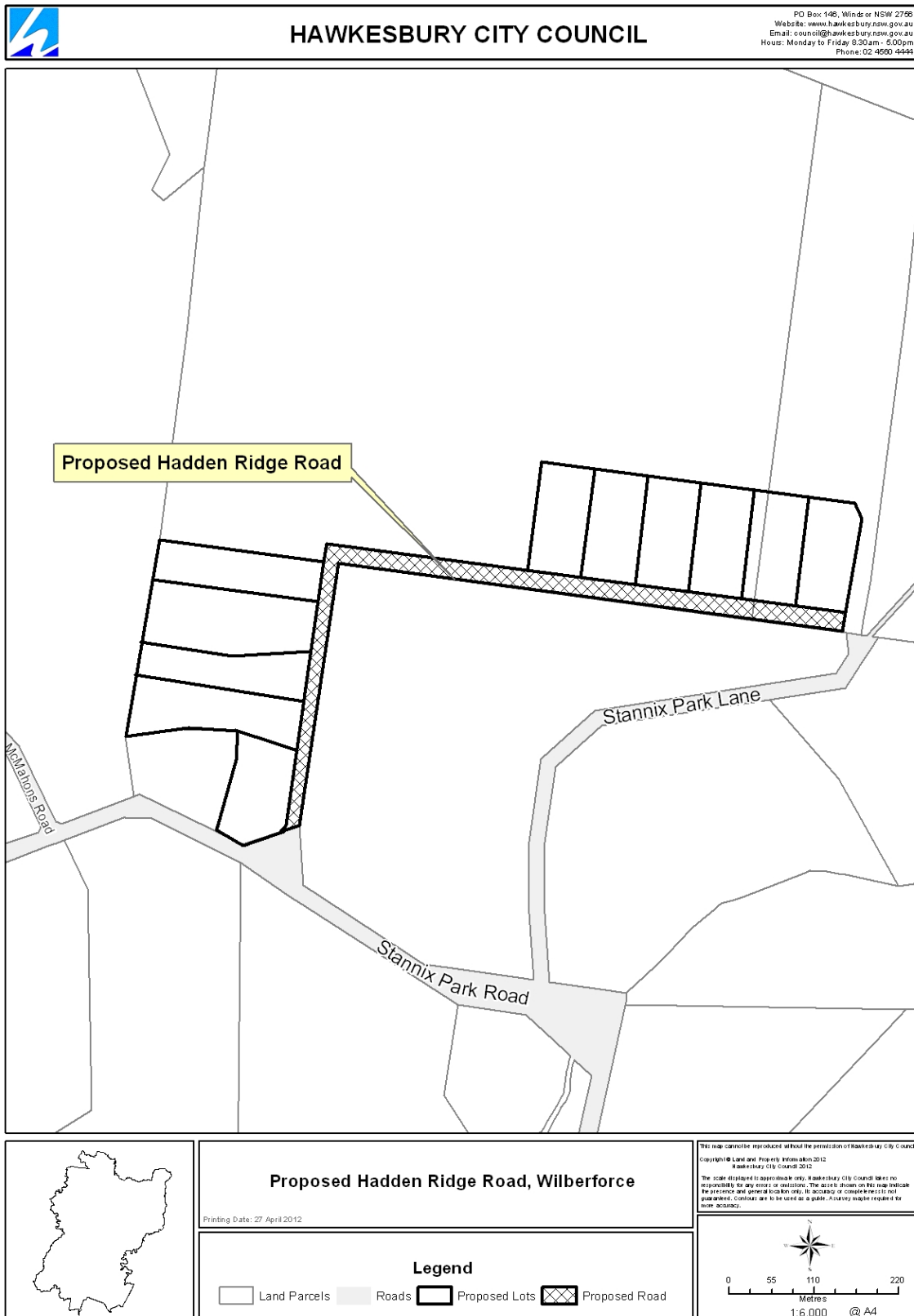
ATTACHMENTS:

AT - 1 Locality Plan - Proposed Hadden Ridge Road

ORDINARY MEETING

Meeting Date: 10 July 2012

AT 1 - Locality Plan - Proposed Hadden Ridge Road



oooO END OF REPORT Oooo

Item: 123 IS - John Morony Correctional Complex - Waste Water Discharges - (112179)

REPORT:

Executive Summary

This report responds to issues raised at a recent Council meeting in relation to the payment for sewer services provided to the John Morony Correctional Complex (JMCC).

The JMCC was connected to the South Windsor Sewage Treatment Plant (SWSTP) in 1991.

The JMCC discharges untreated sewage to the SWSTP via a pump station and rising main, built, owned and maintained by the JMCC.

Council charges an additional headworks contribution fee (HWC) to the JMCC when there is any increase in the average maximum volume of untreated sewage discharged at the SWSTP. Headworks charges are billed on an annual basis reflecting the actual maximum daily volume discharged over the previous year. A charge is also applied for treatment of all sewage received. All charges are as per Council's Trade Waste Policy and adopted Fees and Charges.

All volumes are determined through the use of a flow meter at the Treatment Plant.

Consultation

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

Background

At the Council meeting of 19 June 2012 to consider the 2012/2013 Budget, issues were raised regarding the fees and charges applied to the JMCC.

The JMCC is located along The Northern Road, Berkshire Park. The Complex houses the John Morony Correctional Centre, a medium security correctional centre for men; the Outer Metropolitan Multi Purpose Correctional Centre, a minimum security correctional centre for men, and Dillwynia Correctional Centre a medium security correctional centre for women.

The JMCC was connected to the South Windsor Sewage Treatment Plant (SWSTP) in 1991.

Prior to this, an extensive consultative period was held between Council and the Department of Public Works & Services (DPW&S), owners of the JMCC, and agreement reached that the JMCC would discharge untreated sewage to the SWSTP via a pump station and rising main, which was to be owned, maintained and built by the JMCC. A payment of \$450,000 which was made for headworks charges was based on an initial volume discharge of 106kl/day.

Since the time of that initial agreement Council has continued to charge a HWC on the JMCC for any increase in the annual maximum daily volume of untreated sewage discharged at the SWSTP. The reason for this is that the JMCC have provided their own pump stations and rising main to deliver the sewage to the SWSTP, therefore a HWC for the treatment component only is payable. The JMCC rising main is located wholly within easements within the National Parks and Wildlife Reserve, or within the utility allocation within road reserves.

As the HWC fee is based on a per kilolitre rate, the volume received at the SWSTP is monitored through an inline flowmeter installed at the SWSTP to continuously monitor the discharge for billing purposes. All flowmeters are calibrated by accredited third parties on an annual basis. In addition to the HWC paid by

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the JMCC, a charge is applied on a quarterly basis per kilolitre for treatment of sewage received, again measured through the meter. All charges are as per Council's Trade Waste Policy and adopted Fees and Charges.

This charging arrangement ensures that the JMCC makes appropriate payment for both the treatment of all sewage as well as the payment of headworks charges reflecting peak discharge.

Conformance to Community Strategic Plan

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

- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment.

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

- Work in partnership with relevant stakeholders to protect designated waters.

Financial Implications

There are no financial implications applicable to this report.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 10 July 2012

Item: 124 **IS - Minor Suburb Boundary Amendments - The Slopes, Kurmond, Bowen Mountain, Grose Vale, Mulgrave and Vineyard - (95495, 81095)**

REPORT:

Executive Summary

The Geographical Names Board (GNB) has requested Council to review and amend the suburb boundary between The Slopes and Kurmond in the vicinity of Tierney Road. In order for this amendment to occur the GNB requires written approval from Council following consultation with the affected property owners.

Upon investigating the request from the GNB two additional anomalies to the gazetted suburb boundaries were also identified. These are the suburb boundary between Mulgrave and Vineyard in the vicinity of Curtis Road and Wingate Road, and the suburb boundary between Bowen Mountain and Grose Vale in the vicinity of Weem Farm Road.

The report recommends that the proposed amendments to the three suburb boundaries be supported.

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 correspondence addressed to the property owners that are located adjacent to the proposed suburb boundary amendment areas. The correspondence included a plan highlighting the existing and proposed boundary amendments, with a questionnaire for the property owners to express their views on the proposed boundary adjustment. Twenty two property owners were consulted covering the three proposed suburb boundary amendment areas.

Background

Following an extensive process in defining boundaries of localities in the Hawkesbury City Area, Council adopted 65 suburb boundaries for the Hawkesbury LGA and these boundaries were subsequently gazetted by the GNB on 10 September 2004.

A number of changes were subsequently made in response to community requests and these were gazetted by the GNB on 23 February 2006.

The GNB has recently undertaken a review of suburb boundaries in the Hawkesbury LGA. This review has identified a minor anomaly concerning the suburb boundary between The Slopes and Kurmond in the vicinity of Tierney Road. Following the GNB notification, the suburb boundaries within the Hawkesbury LGA have been further reviewed, with two additional anomalies to the gazetted suburb boundaries being identified.

In order to rectify these anomalies, it is proposed that the following three suburb locations be amended as listed below:

1. Suburb boundary of Kurmond/The Slopes:
 - Lots 1 to 5 DP 285752 are located in the suburb of The Slopes (Lot 1 being the community title road). The suburb boundary of The Slopes and Kurmond currently follows the access road to these lots, affectively meaning that the suburb boundary goes through these lots. Other properties along Tierney Road, including Tierney Road are located in the suburb of

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Kurmond. It is proposed that these properties be located within the suburb of Kurmond and not The Slopes.

2. Suburb boundary of Grose Vale and Bowen Mountain;

- Lots 218 to 219 DP 1043626 are currently located in the suburb of Bowen Mountain. Access for these two properties is gained from Weem Farm Road. Weem Farm Road is located in the suburb of Grose Vale. It is proposed that these properties be located in the suburb of Grose Vale and not Bowen Mountain.

3. Suburb boundary of Mulgrave and Vineyard:

- Lots 1810 to 1811 DP 1027876, Lot 182 DP 825476, Lots 16 to 17 DP 792127, SP 73049 and Lot 141 DP 805892 are currently located in the suburb of Vineyard. Access to these properties is gained from either Curtis Road or Wingate Road. Curtis Road and Wingate Road are located in the suburb of Mulgrave. It is proposed that these properties be located within the suburb of Mulgrave and not Vineyard.

The GNB has outlined that for amendments to occur, they require written approval from Council, once it has consulted with the affected property owners.

The three proposed suburb boundary amendments are of importance for matters such as property addressing and the ease of locating properties by emergency services and others.

Locality plans have been included with this report, which highlight the existing suburb boundaries and the proposed boundary amendments.

Public consultation was sought by way of correspondence addressed to the property owners that are located adjacent to the proposed suburb boundary amendment areas. The correspondence included a plan highlighting the existing and proposed boundary amendments, with a questionnaire for the property owners to express their views on the proposed boundary adjustment.

Twenty two property owners were consulted covering the three proposed suburb boundary amendment areas, with nine responses received, all supporting their respective proposed amendments. A breakdown of the number of properties consulted and responses received is listed below:

- Suburb boundary Kurmond/The Slopes: Consulted 4 (as lot 1 is the community title road), received 2 responses.
- Suburb boundary Grose Vale/Bowen Mountain: Consulted 2, received 2 responses.
- Suburb boundary Mulgrave/Vineyard: Consulted 16, received 5 responses.

It is noted that from the property owners consulted, no objections were received relating to the proposed amendments. Generally with public consultation of this nature, a high proportion of recipients do not respond if they agree with a proposal.

Based on the information outlined in the report and the nine responses received, it is recommended that the proposed changes to suburb boundaries, as listed below, be supported:

- The suburb boundary of Kurmond be amended to include Lots 1 to 5 DP 285752.
- The suburb boundary of Grose Vale be amended to include Lots 218 to 219 DP 1043626.
- The suburb boundary of Mulgrave be amended to include Lots 1810 to 1811 DP 1027876, Lot 182 DP 825476, Lots 16 to 17 DP 792127, SP 73049 and Lot 141 DP 805892.

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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

No financial implications applicable to this report.

RECOMMENDATION:

That correspondence be forwarded to the Geographical Names Board, supporting amendments to suburb boundaries within the Hawkesbury Local Government Area, as listed below:

1. The suburb boundary of Kurmond be amended to include Lots 1 to 5 DP 285752.
2. The suburb boundary of Grose Vale be amended to include Lots 218 to 219 DP 1043626.
3. The suburb boundary of Mulgrave be amended to include Lots 1810 to 1811 DP 1027876, Lot 182 DP 825476, Lots 16 to 17 DP 792127, SP 73049 and Lot 141 DP 805892.

ATTACHMENTS:

AT - 1 Locality Plan - Proposed Suburb Boundary Change - Kurmond & The Slopes

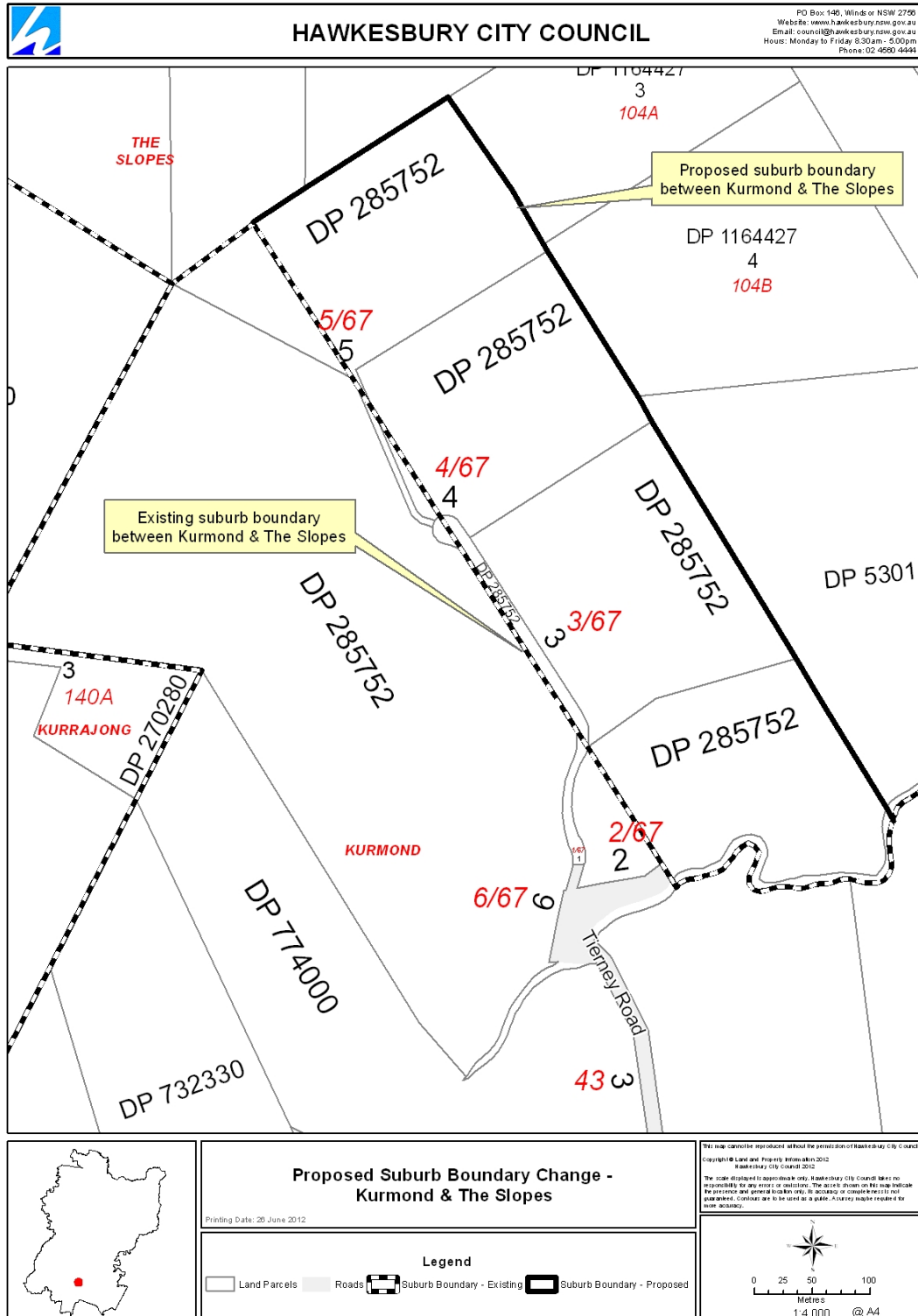
AT - 2 Locality Plan - Proposed Suburb Boundary Change - Grose Vale & Bowen Mountain

AT - 3 Locality Plan - Proposed Suburb Boundary Change - Mulgrave & Vineyard

ORDINARY MEETING

Meeting Date: 10 July 2012

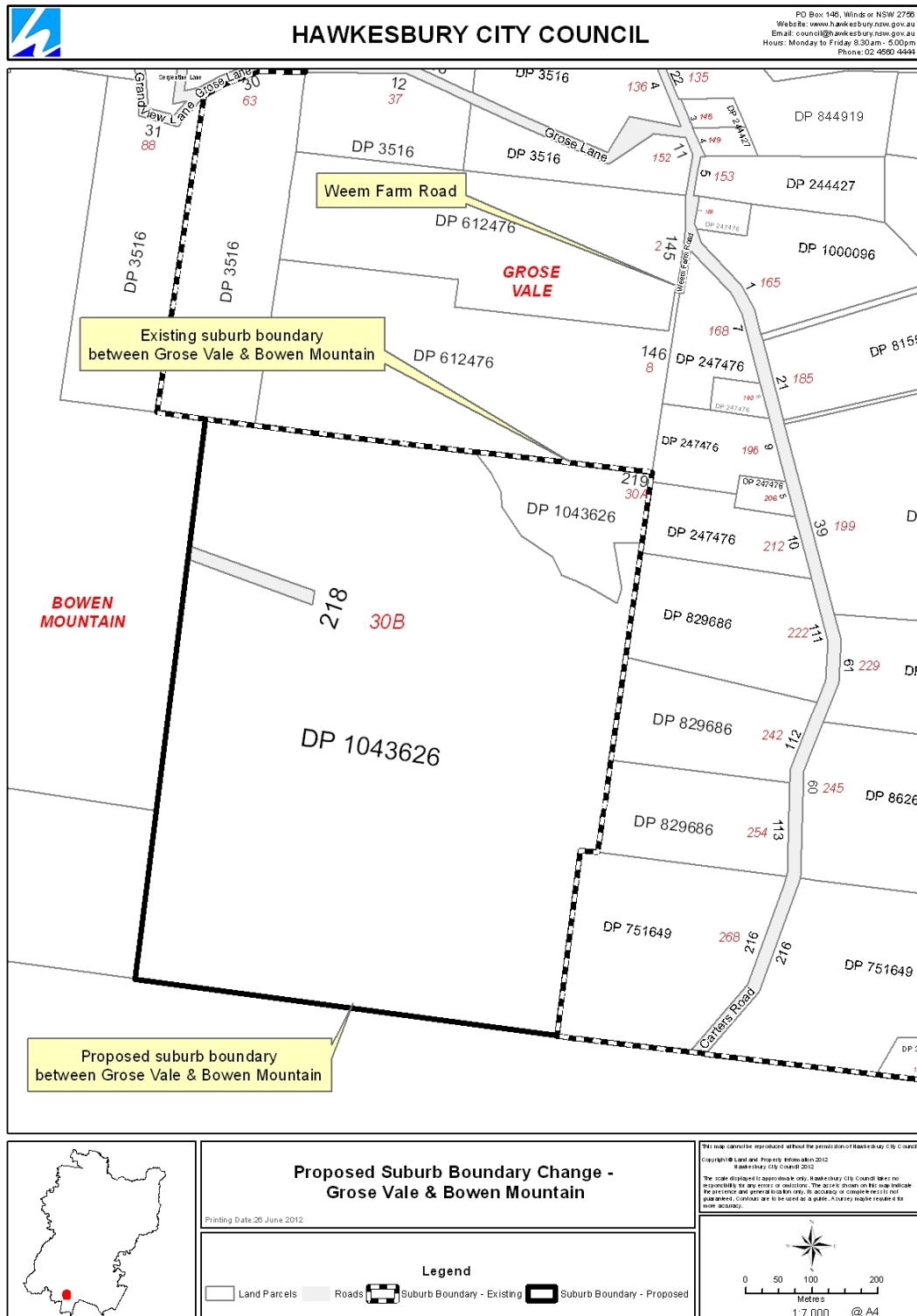
AT 1 - Locality Plan - Proposed Suburb Boundary Change - Kurmond & The Slopes



ORDINARY MEETING

Meeting Date: 10 July 2012

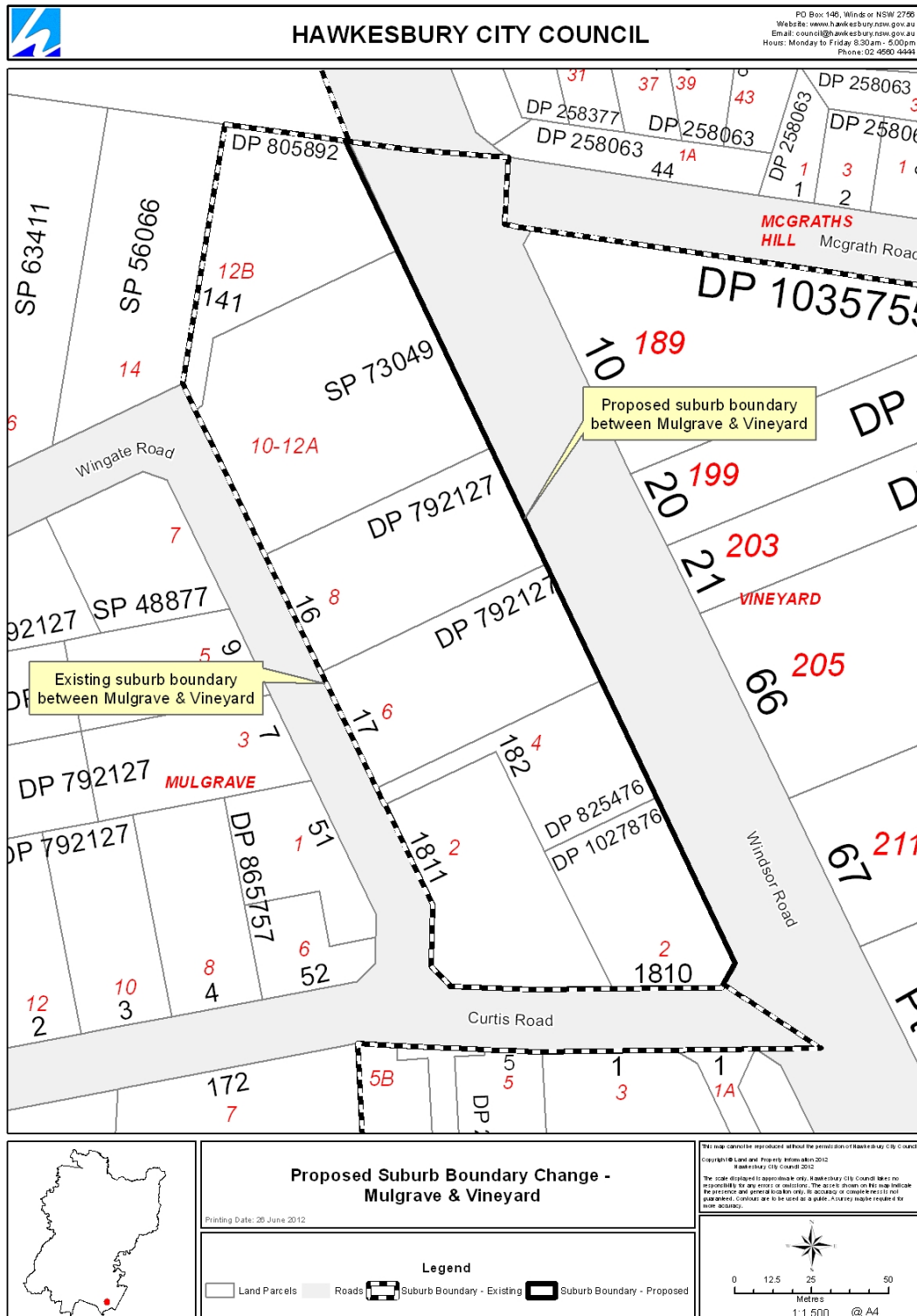
AT 2 - Locality Plan - Proposed Suburb Boundary Change - Grose Vale & Bowen Mountain



ORDINARY MEETING

Meeting Date: 10 July 2012

AT 3 - Locality Plan - Proposed Suburb Boundary Change - Mulgrave & Vineyard



oooO END OF REPORT Oooo

Item: 125 IS - Reduction in the Price of Mulch from the Hawkesbury City Waste Management Facility - (112179)

REPORT:

Executive Summary

Due to the ongoing receipt of green waste into Council's Waste Facility and the availability of various types available through commercial operators, substantial amounts of greenwaste mulch are stockpiled at the Hawkesbury City Waste Management Facility (HCWMF).

The limited stockpiling area combined with the benefits to the community of using mulch to conserve water and the financial benefits of removing mulch from the landfill make it desirable to increase the wider use of mulch.

In seeking to increase the output of mulch from the HCWMF, it is considered appropriate to make the mulch free of charge for a trial period of six months to provide an even greater incentive for residents to collect greater quantities of mulch and thus reduce the amount of mulch stockpiled onsite. Reuse of mulch on Council owned properties including the HCWMF will also be explored.

It is recommended that:

1. Mulch from the Hawkesbury City Waste Management Facility be made free of charge for a trial period of up to six months, subject to availability.
2. Limited advertising in local papers including Council's Public Notices and Website be used to promote the availability of mulch at the Waste Management Facility, along with exploring options for reuse of mulch on Council owned properties including the Waste Management Facility.

Consultation

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

Background

Due to the ongoing receipt of green waste into Council's waste facility and a large quantity of mulch available to the public on the open market, substantial amounts of greenwaste mulch are stockpiled at the HCWMF.

The limited stockpiling area combined with the opportunity for the community to conserve the use of water on their gardens means that it is considered appropriate to reduce the price of the mulch in an effort to encourage residents to increase the use of mulch.

The price of mulch at the HCWMF was previously reduced from \$35.00 per tonne in 2007/2008 to \$15.00 per tonne in 2008/2009 in an effort to reduce the amount of material stockpiled onsite. The price was further reduced to \$5.00 per tonne on the 11 November 2011 to further increase the incentive for customers to take mulch from the site and in an effort to increase the amount of the waste levy that can be claimed back from the EPA.

Since the reduction in the price of the mulch to \$5.00 per tonne on 11 November 2011, 375 tonnes of mulch has been sold, as of the 30 June 2012. This is an increase of 199 tonnes from the 177 tonnes that was sold in the same period the year prior. Even though an increase has been observed in the sales of mulch from the site, it is estimated that at the rate of sales observed it would take approximately two years

ORDINARY MEETING

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to sell the current stockpile of saleable mulch of approximately 900 tonnes, not allowing for any further greenwaste received and processed.

In an effort to increase the output of mulch from the Facility, it is considered appropriate to make the mulch free of charge for a trial period of six months to provide an even greater incentive for residents to collect greater quantities of mulch and thus reduce the amount of mulch stockpiled onsite.

Council is able to receive a rebate of the waste levy from the EPA for material removed. The waste levy currently stands at \$78.60/tonne for 2011/2012 and will increase to \$90.10/tonne for 2012/2013. The levy can only be claimed back for the year in which the material was collected, with no levy able to be claimed back for material deposited more than two years prior to the current financial year.

It is expected that with an increase in the volume of material leaving the site, for which some of the waste levy may be claimed back, the reduction in revenue for mulch sales will be cancelled out by the increase in the amount of waste levy that will be able to be claimed back from the EPA.

Limited advertising in local papers including Council's Public Notices and Website will be used to promote the availability of mulch at the Waste Management Facility, along with exploring options for reuse of mulch on Council owned properties including the Waste Management Facility.

Conformance to Community Strategic Plan

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

- Take active steps to encourage lifestyle choices that minimise our ecological footprint.

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

- Develop and implement waste and recycling strategies

Financial Implications

It is expected that with an increase in the sales of material leaving the site, for which some of the waste levy may be claimed back, the loss in revenue will offset by the increase in the amount of waste levy that will be able to be reclaimed from the EPA.

RECOMMENDATION:

That:

1. Mulch from the Hawkesbury City Waste Management Facility be made free of charge for a trial period of up to six months, subject to availability.
2. Limited advertising in local papers including Council's Public Notices and Website be used to promote the availability of mulch at the Waste Management Facility, along with exploring options for reuse of mulch on Council owned properties including the Waste Management Facility.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 126 IS - Current Effects of Carbon Price on the Hawkesbury City Waste Management Facility - (95495, 107)**Previous Item:** Item 225, Ordinary (27 September 2011)

REPORT:**Executive Summary**

This report details the way in which the Hawkesbury City Waste Management Facility (HCWMF) will be affected by the Clean Energy Act 2011 and associated regulations.

Under the carbon price legislation, landfill facilities with direct emissions of 25,000 tonnes carbon dioxide equivalent (CO₂-e) or more per annum, will be liable to pay the carbon price.

It has been estimated (using the calculation method provided by the Department of Climate Change and Energy Efficiency) that if the amount of waste deposited to landfill at Council's Waste Management Facility continued to increase at the average percentage rate per year (2.425 %) that has been experienced in the past, the Facility would not exceed the facility threshold of 25,000 tonnes (CO₂-e) until the year 2016. It has been estimated, using the same calculator, that with the increase in the amount of material diverted from landfill through increased recycling and the proposed green waste collection and diversion, the Facility would not reach the threshold until 2023. With the implementation of a gas collection (use/destruction) system, the breaching of the threshold is anticipated to be delayed indefinitely.

In order to reduce the impact on landfill charges, and the longer term financial risks to Council, it is recommended that:

1. A tender be prepared for the design, supply, installation and potentially the operation and maintenance of a landfill gas collection system at the Hawkesbury City Waste Management Facility to be undertaken in 2012/2013 and;
2. The future budget allocation for the gas collection system be brought forward to 2012/2013 to fund the project.

Consultation

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

Background

Council owns and operates the Hawkesbury City Waste Management Facility (HCWMF) which commenced operation in 1976 and continues to receive waste.

The HCWMF receives waste only from properties within the Hawkesbury Local Government area. Approximately 25,000 tonnes of predominantly municipal solid waste (MSW) is currently received into the landfill each year.

The waste received is deposited and compacted within a landfill cell. Over time the waste begins to breakdown/decompose in the absence of oxygen (a process known as anaerobic decomposition). This anaerobic breakdown of the buried waste creates methane which is 21 times more potent than CO₂ as a greenhouse gas (GHG). Emissions of methane and smaller quantities of Nitrous Oxide (N₂O) continue to be produced for many decades following landfill deposition.

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Over the lifetime of the HCWMF, the anaerobic decomposition of the waste buried since 1976 within the landfill cells has and will continue to generate significant quantities of methane.

The HCWMF was calculated as generating 24,043 tonnes (CO₂-e) in 2011/2012 using the calculation method provided by the Department of Climate Change and Energy Efficiency for calculation of landfill emissions in accordance with the National Greenhouse and Energy Reporting requirements.

Under the carbon price legislation only landfill facilities with direct emissions of 25,000 tonnes (CO₂-e) or more will be liable to pay the carbon price.

The carbon price does not apply to waste deposited prior to 1 July 2012, however the emissions created by this waste (known as 'legacy waste') will count towards the emissions limit used to determine if a facility meets the carbon price liability thresholds.

It has been calculated that if the amount of waste deposited to HCWMF increases at the average percentage rate per year (2.425 %) that has been experienced in the past, the Facility will exceed the facility threshold of 25,000 tonnes (CO₂-e) in 2016.

However, it has also been calculated that through an increase in the amount of material diverted from landfill through the proposed reuse and recycling (including a 17% diversion rate of green waste assumed) the threshold will not be exceeded until 2023.

Because waste deposited in any given year will continue to emit GHGs for many decades, and payment of the carbon price is paid for emissions in years following the initial deposition, it is necessary to recover the cost of emissions for the whole period of emissions, above the threshold, at the time of waste being accepted into the landfill. Calculations of the potential liability, taking into account the time value of money, have been carried out to determine the effect of exceeding the 25,000 CO₂-e threshold limit. The calculation results in a Net Present Value (NPV) of the future liability.

The possible costs based on various discount rates (ie, future interest rates that would apply to invested funds) for various classes of waste have been estimated and these are summarised in the following table below (Municipal Solid Waste (MSW), Commercial and Industrial Waste (C & I), and Construction and Demolition Waste (C & D)).

Table – Cost (NPV) for Emissions Liability per tonne

Net Discount Rate	MSW	C & I	C & D
4%	\$31.27	\$27.65	\$4.24
5%	\$28.49	\$24.76	\$3.69
6%	\$26.14	\$22.37	\$3.24

The above estimates will require external verification as they are subject to ACCC assessment.

If the HCWMF was to breach the threshold at any stage during its operational life then Council would be liable for all future CO₂-e emissions from waste deposited into landfill from 1 July 2012 for the period where emissions exceed the threshold.

To quantify this impact, and the potential risk to Council, the following hypothetical example outlines the total cost if emissions exceeded 25,000 tonnes CO₂-e in 2013/2014 as a result of waste deposited in 2012/2013.

24,280 tonnes (waste deposited into landfill 2012/2013 estimated) of predominantly MSW would generate GHGs over the life of the landfill with a liability (NPV) in 2013/2014 of:

\$759,236 @ 4% discount rate
\$634,679 @ 6% discount rate

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These amounts would need to be recovered from future waste deposition (in addition to the component attributable to that future waste).

There is clearly a significant risk to Council due to the uncertainty of predicting future interest rates and the inability and equity of attempting to recover any future short falls.

Options

In order to avoid the impact of carbon pricing, it is necessary to ensure that emissions do not exceed 25,000 tonnes CO₂-e per annum.

There are a limited number of options available to achieve this. These include:

1. Green Waste Collection

Council is now in the process of tendering for this service which will delay the breaching of the current threshold until 2023, dependent on diversion rates. It should be noted that GHG emissions will remain close to the threshold, however, and that any change to assumptions may cause the threshold to be breached earlier.

2. Development of an alternate waste treatment (AWT) process.

Investigations have commenced into the potential for different treatment systems, however approval and development of an AWT is likely to take a number of years and is dependant on current negotiations over the current landfill site lease, relating to extension of the lease and site future tenure.

3. Landfill Gas Collection (LGC)

A LGC system is a process which collects the methane via a system of pipes which captures the gas beneath a landfill cell capping and conveys it to a collection tank for destruction or use in a turbine to generate power.

The implementation of a gas collection system at the HCWMF and a kerbside green waste collection and diversion from landfill could maintain the CO₂-e emissions to well below the 25,000 tonne threshold and therefore eliminate potential liabilities.

The estimated cost of providing an approved gas collection system is \$1 million. This cost has been built into the financial plan for the landfill and will be recovered over the active life of the Facility.

Council can provide this gas collection infrastructure through various contractual arrangements including sale of carbon credits. Detailed assessment of alternatives would be carried out during tender preparation.

Conformance to Community Strategic Plan

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

- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment.

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

- Develop and implement waste and recycling strategies

ORDINARY MEETING

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Financial Implications

If appropriate action is not taken to reduce CO₂-e emissions, and if the HCWMF was to breach the threshold at any stage during its operational life, then Council would be liable for all future CO₂-e emissions from waste deposited into landfill from 1 July 2012.

In the absence of immediate action to limit the emission of GHGs to below the threshold, the threshold will be exceeded in 2015/2016. The carbon price would then impact upon the budget of the Waste Facility from 2015/2016. A carbon fee for waste received at the gate of the HCWMF would need to be recovered from future waste deposition to collect money to pay for the CO₂-e liability of waste deposited in 2012/2013. This fee would also need to be applied to the Domestic Waste Charge (Component 81).

RECOMMENDATION:

That:

1. A tender be prepared for the design, supply, installation and potentially the operation and maintenance of a landfill gas collection system at the Hawkesbury Council Waste Management Facility to be undertaken in 2012/2013.
2. The future budget allocation for the gas collection system be brought forward to 2012/2013 to fund the project.

ATTACHMENTS:

AT - 1 Emissions from landfill facilities fact sheet – Australian Government, Clean Energy Future

AT - 1 Emissions from landfill facilities fact sheet – Australian Government, Clean Energy Future

Australian Government



FACT SHEET

Emissions from landfill facilities

Local governments and other operators may be liable to pay a carbon price for their methane emissions from landfill.

Landfill operators will have incentives to reduce their emissions by capturing methane, which can be used to generate electricity. Emissions can also be reduced by diverting waste or other treatments.

Landfill emissions

Many local governments and other operators are already taking action to reduce methane emissions from landfill facilities. Even so, the waste sector produces around 15 million tonnes of carbon pollution each year, equivalent to 3 percent of Australia's emissions.

Waste deposited in landfill today will create carbon pollution for decades as the material decomposes. Without action to reduce emissions, a tonne of standard municipal solid waste will release about 1.2 tonnes of carbon pollution.

The Clean Energy Future plan has the potential to significantly reduce our landfill waste emissions, potentially halving annual waste sector emissions by 2020.

Liability for landfill emissions

What landfill sites will be liable under the carbon price?

Landfill facilities with direct emissions of 25,000 tonnes carbon dioxide equivalent (CO₂-e) a year or more will be liable under the carbon price. As a broad rule of thumb, towns with 20,000 people or more should examine whether their landfill sites exceed the threshold.

The carbon price will not apply to emissions from waste deposited prior to 1 July 2012 (this is known as legacy waste emissions). This is because landfill operators cannot recover the cost of emissions from waste deposited in the past. Those emissions will count towards determining facility thresholds for liability for the carbon price.

There will be no carbon price liability for landfill facilities with emissions of less than 25,000 tonnes (CO₂-e) of carbon pollution a year for at least the first three years of the carbon price. The Climate Change Authority will review arrangements for these smaller landfills (between 10,000 and 25,000 tonnes) no later than 2015-2016. However, the Government's preference is to maintain the current arrangements unless there is clear evidence that the current thresholds have led to waste diversion in the industry.

If the threshold is changed (through changes to regulations) and affected, smaller landfills become covered by the carbon price mechanism sometime after 2015, the Government will ensure that these landfills are liable only for emissions from waste deposited after the change is made.

Measuring and reporting landfill emissions

Landfill operators liable under the carbon price will now be required to report their greenhouse gas emissions to the Clean Energy Regulator from 1 July 2012.

The National Greenhouse and Energy Reporting Act 2007 (the NGER Act) provides a framework for methodologies for estimating these emissions. Methods for estimating methane from landfills have been developed in consultation with stakeholders and are outlined in Part 5.2 of the *National Greenhouse and Energy Reporting (Measurement) Determination 2008*.

The Government will conduct information and training sessions for affected landfill operators to meet their requirements under the NGER reporting framework in early 2012.

More information about the National Greenhouse and Energy Reporting Framework is available at: www.climatechange.gov.au/government/initiatives/national-greenhouse-energy-reporting.aspx

Opportunities to reduce landfill waste emissions

Landfill operators can reduce their carbon price liabilities or in some cases avoid liability by reducing their emissions below the liability threshold.

Activities that reduce emission including capturing landfill gas to generate electricity, flaring methane, waste diversion, recycling, and composting. Many of these activities can generate revenue and may be eligible for Government incentives through schemes such as the Renewable Energy Target and the Carbon Farming Initiative.

Carbon Farming Initiative

The Carbon Farming Initiative (CFI) will provide incentives to reduce emissions from legacy waste by creating carbon credits. This opportunity is open to any landfill with legacy waste irrespective of size. CFI credits can be used to meet obligations under the carbon price and can also be sold into voluntary and international carbon markets.

The waste sector is likely to generate enough CFI credits to meet the sector's liabilities under the carbon price in the period to 2020. In particular, landfill operators will be able to meet up to 100 per cent of their carbon price liability using credits issued under the Carbon Farming Initiative (CFI) during the fixed price years of the carbon pricing mechanism.

Landfill operators wishing to participate in the CFI will need to use methodologies approved by the Government. An independent expert committee, the Domestic Offsets Integrity Committee (DOIC), will assess methodologies and provide recommendations to the Minister for Climate Change and Energy Efficiency on their approval. A CFI methodology for the capture and combustion of landfill gas is currently under consideration by the DOIC.

Waste projects can be backdated to the commencement of the CFI. This will allow existing waste projects, such as those approved under the Australia Government's Greenhouse Friendly program and the Greenhouse Gas Reduction Scheme (GGAS), to receive CFI credits for abatement from 1 July 2010. More information on the CFI is available at www.climatechange.gov.au/cfi.

Renewable Energy Target

The Renewable Energy Target (RET) will help ensure that at least 20 per cent of Australia's electricity comes from renewable sources by 2020.

Landfill operators could also be eligible for support under the RET scheme. Power stations using landfill gas to generate electricity can apply to become accredited renewable energy power stations. This will allow them to create a tradable certificate for each megawatt-hour of electricity generated using landfill gas. More information on the RET, including on becoming an accredited renewable energy power station, is available at www.orer.gov.au.

Further Information

For further information call 1800 057 590.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 10 July 2012

CONFIDENTIAL REPORTS

Item: 127 GM - Property Matter - Acquisition of Land at Pitt Town - (79351) CONFIDENTIAL

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning 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: 10 July 2012

Item: 128 **IS - Tender No. 00212 - Sewer Main Rehabilitation - (95495, 112179)**
CONFIDENTIAL

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 10 July 2012

**Item: 129 IS - Tender No.00712 - Provision of a Septic Tank & Collection Well Effluent
Removal Service - (95495) CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 10 July 2012

Item: 130 **SS - Property Matter - Lease to KoLink Pty Ltd - 20 Bosworth Street, Richmond - (122565, 118792, 112106, 95496) CONFIDENTIAL**

Previous Item: Item 198, Ordinary (30 August 2011)
 Item 276, Ordinary (29 November 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 leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING

Meeting Date: 10 July 2012

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Access and Inclusion Advisory Committee Minutes, 26 April 2012 - (124569)

The meeting commenced at 4:06pm.

Present:	Councillor Christine Paine Mr Robert Bosshard Ms Wendy Sledge Mr Des Crane Ms Carolyn Lucas Ms Mary-Jo McDonnell Mr Rahim Lalani Ms Debbie Court	Council representative Community Representative Community Representative Community Representative Community Representative Community Representative YMCA YMCA
Apologies:	Ms Kate Murdoch Mr Alan Aldrich Mr Ken Ferris	Nepean Blue Mountains Local Health District Representative Community Representative Community Representative
In Attendance:	Mr Joseph Litwin Ms Meagan Ang Mr Peter Jenkins	Hawkesbury City Council Hawkesbury City Council Hawkesbury Local Area Command

REPORT:

RESOLVED on the motion of Councillor Paine and seconded by Mr Crane that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms McDonnell and seconded by Mr Crane that the Minutes of the Access and Inclusion Advisory Committee held on the 23 February 2012, be confirmed.

PRESENTATION - NEXT OF KIN REGISTER HAWKESBURY LOCAL AREA COMMAND

- Hawkesbury Local Area Command do not maintain a Next of Kin register. Springwood Local Area Command has a vulnerable person register primarily for people with dementia; this is a hard copy register.
- Police would hope that they could tap into registers maintained by community services organisations if disaster situation.

DISCUSSION

- The Committee asked about any issues in regards information distribution during recent flooding. Inspector Jenkins noted that there was substantial time to notify residents in this instance but a bushfire may present a challenge.
- Emergency services draw on local knowledge to assist in instance of evacuation.
- The only occasion police would coordinate evacuation would be in instance of chemical spill otherwise the appropriate emergency agency coordinate a response.
- All persons evacuated to a designated centre are registered and relatives can locate them. Relevant services are there to then assist relocation to appropriate respite centres. Evacuation centres will change with the circumstances.
- Local initiatives to support Community Education for safety in instance of natural disaster include REdiPlan Community Information sessions (booked for July) and REdiPlan information to be included in Council newsletter.
- Committee to consider further development of resources to promote evacuation eg magnets,

SECTION 2 - REPORTS FOR DETERMINATION

There were no reports for determination.

SECTION 3 - GENERAL BUSINESS

3.1 ADOPTION OF ACCESS AND INCLUSION POLICY

DISCUSSION

- Policy has been adopted. The Policy identifies eight (9) principles and Mr Litwin suggested that this should provide the framework for the first draft of the Access and Inclusion Plan. He proposed that the 9 principles provide the starting point for developing a framework for the Plan for the committee's consideration and to report this to the next Committee meeting. The Committee agreed with this proposal.

3.2 ACCESSIBLE CHANGEROOM - HAWKESBURY OASIS

DISCUSSION

- Onsite meetings have been held and two options for change-room upgrade being explored.
- Discussion around the availability of money to undertake upgrade. Further consultation as to access requirements and barriers to participation will be undertaken through online survey and at community forums.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received
2. Hawkesbury Oasis indicate size of men's change-room which may be used for accessible change-room upgrade
3. Ms Ang and Mr Lalani obtain quotes on equipment suitable for use by wheelchair users.
4. Ms Ang to commission Northcott Disability Services for advice on upgrading change room and appropriate equipment to be installed.

3.3 ACCESS AND INCLUSION AUDITS

- Two sites have been audited - Council foyer and Deerubbin Centre.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. Mr Litwin will table adopted policy and present audit tool to Council managers meeting (MANEX).
3. Committee to identify further services to be audited and set schedule in conjunction with council managers.
4. Councillor Paine to arrange meeting with Ms Lucas and press to promote access and inclusion audit tool.

3.3 UPDATE TO LOCAL EMERGENCY RESPONSE PROTOCOL

- Ms Ang to follow up attendance from Committee representative
- Red Cross REDiPlan Community Information sessions have been requested for July 2012.

ORDINARY MEETING
Reports of Committees

GENERAL BUSINESS CONTINUED

COUNCIL

- Access and Inclusion survey online.
- Pound Paddock update - parcel of land needs to be re-categorised. Once that's been reported then there will be a process about arranging a long term lease on the land to North West Disability Services (NWDS). Mr Litwin will provide updated report on progress on the proposal.
- Name of committee has been changed. Constitution will be reviewed and in line with Council elections, September 2012.
- Council have approved drop off zone near Windsor post office. Area now zoned no parking allowing vehicle to stop there for three minutes enabling passengers to disembark

YMCA

- Received \$5000 grant to run programs down at Indoor Sports stadium. YMCA has just appointed a regional community services officer with sole responsibility of engaging people who are less fortunate to participate in sports.
- Seniors Week - 180 people and 20 people with disability participated in Move for Life program. Has been publicised in paper and online.

Next Meeting will be held at 4:00pm on Thursday 28 June at the Meeting Room Peppercorn Place, 320 George St. WINDSOR.

Meeting closed at 5:35pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Audit Committee Minutes - 30 May 2012 - (95496, 91369)

The meeting commenced at 4:10pm.

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

REPORT:

RESOLVED on the motion of Councillor Paul Rasmussen and seconded by Mr David Gregory that the apologies be accepted.

Attendance Register of Audit Committee

Member	30.11.2011	14.3.2012	30.5.2012	
Councillor Bob Porter	A	A	A	
Councillor Paul Rasmussen	✓	✓	✓	
Councillor Kevin Conolly (Alternate)	✓	N/A	N/A	
Councillor Jill Reardon (Alternate)	N/A	✓	✓	
Mr David Gregory	✓	✓	✓	
Mr Harry Khouri	A	✓	A	
Ms Nisha Maheshwari (Chair)	✓	✓	✓	

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

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Paul Rasmussen and seconded by Mr David Gregory that the Minutes of the Audit Committee held on the 14 March 2012, be confirmed.

SECTION 3 - Reports for Determination

Item: 1 AC - Status Report - Management Responses to Audit Recommendations - May 2012 - (91369, 79351, 121470)

DISCUSSION:

- Ms Maheshwari enquired if any of the outstanding planning items would impact on accounts payable, and if so, were likely to be completed by end June 2012. Mr Kelly advised that Mr Owens and Ms Hussein will provide a status update on the first Monday of each month. The first status report was provided in May 2012. Ms Hussein is confident they will keep to the program for the organisation.
- Mr Kelly advised that system changes requiring adjustments to computer software involved external contractors, and that Council's Information Services staff were working with the contractors to resolve these matters. Mr Kelly is confident of a resolution and the implementation of the process, including any required procedures.
- Mr Kelly enquired if completed items can be removed from the ongoing list of recommendations to be completed. Mr Jackson advised that once the completed items have been reported to the Audit Committee, and are noted in the minutes, they can be dropped off the list. The minutes reported to the next meeting of the Audit Committee, will include only the items reported as being completed at the last meeting and the status of other ongoing the matters.
- Ms Maheshwari enquired if any of the ongoing items will have implications for Council's audit for 2011/2012. Mr Banicevic advised that the Auditor from PricewaterhouseCoopers will review the work of the Internal Auditor, including the Audit Recommendations, and any control matters in terms of any risks and likely impact.

RECOMMENDATION TO COMMITTEE:

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

COMMITTEE RECOMMENDATION:

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

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

Item: 2 AC - Governance Health Check - (91369, 79351, 121470)

DISCUSSION:

- Mr Kelly advised that the Department of Local Government (DLG) has been conducting a review of Councils across the State, with some 110 reviews conducted so far. Hawkesbury Council is yet to be targeted, along with approximately 50 other councils.
- Mr Kelly, in preparation for a review by the DLG, has conducted a review of all governance areas across Council by using the Governance Health Check developed by ICAC, along with the Local Government Managers Association and the Division of Local Government's Promoting Better Practice Toolkit, to conduct the review, which took approximately three weeks to complete.

ORDINARY MEETING

Reports of Committees

- Mr Kelly advised whilst Council has already for some years reviewed its governance risks, a couple of gaps have been identified relating to internal fraud. Council has requested IAB Services to conduct an audit so that these gaps can be rectified. The audit will commence on 12 June 2012 and take approximately six weeks.
- Mr Gregory enquired if Council has a Statement of Values. Mr Jackson advised that Council does have a draft Statement of Values.
- Ms Maheshwari referred to the additional policies that are to be included in the Code of Conduct and enquired if Council will introduce a Social Media Policy. Mr Jackson advised that Council has a draft Social Media Policy; however a decision to include it in the Code of Conduct has not been made at this time. Mr Jackson indicated that a number of implications would need to be considered including stipulations for staff usage. Councillors will be a different matter.
- Cllr Rasmussen indicated that once an organisation commences using Facebook, it becomes a publisher, and this would potentially result in legal issues arising from published comments.
- In response to Cllr Reardon, Mr Jackson advised that it is advisable for Council to have a Facebook presence, however in order to do so, Council would need to establish the resources necessary to monitor and keep it up to date, which will take considerable effort.
- Mr Kelly advised that some council's already use Facebook, however Mr Jackson believes that not all councils monitor it sufficiently.
- Mr Jackson advised that one of the advantages of social media is to receive comments/ feedback, and that Council is considering its options.
- Mr Gregory enquired what Council's corporate documents consist of. Mr Kelly indicated this includes Council's policies, available on Council's website, and Council's internal Operational Management Standards (OMS) and documentation including procedures, guidelines, forms, the day to day documents that assist Council staff in the running of the organisation. Mr Jackson advised that these documents are regularly reviewed.
- Ms Maheshwari enquired if the Gifts and Benefits Register is actively used, and Mr Kelly advised that the Register is used, that additionally that Council's Gifts and Benefits Policy specifies the limits placed on gifts, and provides instructions to be undertaken depending on the value of the gift, which is in accordance with ICAC Guidelines. The Register records all gifts valued between the value of \$10-\$50 including the instructions given by the General Manager for their retention/ dispersal. Gifts over \$50 are returned. Mr Jackson advised that any gift that resembles cash i.e. gift cards; lottery tickets etc, are returned.
- Mr Gregory expressed concern regarding potential frequency of gifts by any individuals. Mr Jackson advised if this were to occur, Council would decline any further gifts from the individual.
- Mr Kelly advised, following an enquiry from Cllr Rasmussen, that all Directors are aware of the applicable legislation relating to their areas of the organisation. Mr Jackson advised that Council has decided to establish a register for all legislation where it will be kept up to date and reported to the appropriate staff.
- Mr Jackson advised that Council is aware of its statutory requirements and complies with its obligations including reporting.
- Mr Jackson advised that the Division of Local Government is currently reviewing the Code of Conduct and has called for submissions. Council will need to adopt the revised Code of Conduct once this has been finalised, and before September 2013.

RECOMMENDATION TO COMMITTEE:

That the Internal Audit Report – Governance Health Check be received and noted.

COMMITTEE RECOMMENDATION:

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

That the Internal Audit Report – Governance Health Check be received and noted.

Item: 3 AC - Audit Committee Matters - (91369, 79351, 121470)

DISCUSSION:

- Mr Kelly noted that the publication 'Audit Committee Matters' is provided to the Audit Committee by PricewaterhouseCoopers and has been included in the business paper at the request of the Audit Committee. The publication is not provided directly by Mr Banicevic.
- Mr Kelly advised that any ICAC reports received by Council will also be provided to the Audit Committee in the business paper.

RECOMMENDATION TO COMMITTEE:

That the information be noted and received.

COMMITTEE RECOMMENDATION:

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

That the information be noted and received.

SECTION 4 - General Business

1. Update by PricewaterhouseCoopers

- Mr Banicevic advised that PricewaterhouseCoopers will conduct an external audit of Council's processes commencing in June 2012. A report will be provided to Council's management which can then be provided to the Audit Committee.
- Mr Banicevic is involved with the writing of the Code of Accounting Practice and offered to provide an update to the Audit Committee on what needs to be done. Mr Jackson agreed this could go out with the next business paper.
- Mr Banicevic advised that PricewaterhouseCoopers compares information gained during council audits to benchmark a number of councils, including Hawkesbury Council, across a number of criteria during 2011/2012. Statistics include details on fleet management; investment returns; workplace gender diversity; untaken annual leave; internal audits; including the carbon impact. Mr Banicevic will provide a draft report to Council once finalised. The names of the compared councils included in the report will not be disclosed to protect their confidentiality.

ORDINARY MEETING

Reports of Committees

- Clr Rasmussen enquired about the information PricewaterhouseCoopers is compiling regarding carbon. Mr Banicevic referred to the article on carbon pricing included on Page 49 of PricewaterhouseCoopers' 'Audit Committee Matters' publication attached to Item 3, and noted that identified basic impact issues have also been included in the Code of Accounting Practice as they will be relevant in 2013.
 - Mr Jackson advised that Council's efforts to reduce emissions have been reported to Council previously.
 - Clr Rasmussen advised that Council in the past has funded and implemented various eco-services, including its own sewerage system; however more emphasis now needs to be directed at being Green. Clr Rasmussen enquired if Council has earned carbon credits and if they can be claimed. Mr Banicevic suggested that Council obtain more information from the government.
- 2. Mr Jackson advised that a local government election will take place in approximately three months. The Audit Committee will be informed of any change in Councillor Representation.
- 3. Mr Jackson advised that if necessary a Special Audit Committee meeting will be scheduled to consider Council's Unaudited Annual Financial Statements for 2011/2012 at the appropriate time.

The meeting terminated at 5.05pm.

Submitted to and confirmed at the meeting of the Audit Committee held on Wednesday, 22 August 2012.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Local Traffic Committee - 18 June 2012 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Monday, 18 June 2012, commencing at 3:00pm.

ATTENDANCE

Present: Councillor Kim Ford (Chairman)
Mr Richard McHenery, Roads and Maritime Services
Snr Constable Brad Phillips, NSW Police Force
Ms Jodie Edmunds, Westbus

Apologies: Mr Kevin Conolly, MP, (Riverstone)
Mr Ray Williams, MP, (Hawkesbury)
Mr Bart Bassett, MP, (Londonderry)
Mr Peter Ramshaw, NSW Taxi Council
Mr Carlos DeSousa, Hawkesbury Valley Bus Service

In Attendance: Mr C Amit, Manager, Design & Mapping Services

The Chairman tendered an apology on behalf of Mr Kevin Conolly, MP, (Riverstone), Mr Bart Bassett, MP, (Londonderry), and Mr Ray Williams, MP, (Hawkesbury), advising that they all concurred with recommendations as contained in the formal agenda and had granted proxy to himself to cast vote(s) on their behalf.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Mr Richard McHenery, seconded by Snr Constable Brad Phillips, that the minutes from the previous meeting held 14 May 2012 be confirmed.

Item 1.2 Business Arising

Item 1.2.1 LTC - 18 June 2012 - Item 1.2.1 - Kurrajong Heights Lookout - Sight distance issues for vehicles exiting the lookout onto Bells Line of Road, Kurrajong Heights (Riverstone) - (80245, 85005)

Previous Item: Item 4.1, LTC (14 May 2012)

REPORT:

Mr C Amit advised the Committee that the Member for Riverstone raised issues relating to the sight distance to the North for vehicles exiting the lookout at the LTC meeting on 14 May 2012. It is proposed to trim/remove vegetation in the vicinity of the drive access at the lookout to improve the exiting sight distance. Some of the adjustment to the vegetation will need to be undertaken in consultation with the adjoining property owner.

ORDINARY MEETING
Reports of Committees

As part of further investigation of the site, an alternate exit point is currently being investigated to the south of the site. The new point of exit will require the repositioning of guardrail which will require consultation with RMS as well as funding to provide the new exit point.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable Brad Phillips, seconded by Mr Richard McHenery

That the information be received.

Item 1.2.2 LTC - 18 June 2012 - Item 1.2.2 - Investigate the extent of the existing Bus Stop in Colonial Drive, Bligh Park adjacent to Bligh Park Shops (Riverstone) - (80245, 85005)

Previous Item: Item 4.2, LTC (14 May 2012)

REPORT:

Mr C Amit advised the Committee that the Member for Riverstone requested at the LTC meeting on 14 May 2012, that the existing Bus Stop in Colonial Drive, Bligh Park adjacent to the Bligh Park shops, be investigated for the provision of a Bus Zone which will provide a clear definition of where vehicles are able to park.

The distance along the northern section of kerb in Colonial Drive extending west from Sirius Road to the entry access driveway into the Bligh Park Shops is approximately 56 metres. Across this section of kerb there is a 'No Stopping' zone which extends for 18.0 metres from Sirius Road followed by the Bus Stop section for a distance of 38.0 metres. The position of the Bus Stop sign is adjacent to the Street Light and Bus Shelter which is approximately 18.0 metres from the No Stopping sign (in a westerly direction) or 20.0 metres to the Driveway. In accordance with the Australian Road Rules, a vehicle cannot park either side of a Bus Stop sign (20 metres on the approach and 10 metres on the departure).

Currently the required 30.0 metres Bus Stop is functioning within a section of kerb line of 38.0 metres. Based on the position of the Street Light and Bus Shelter, the only viable position to provide street parking would be on the departure end of the Bus Stop allocation which would yield 1 parking space. The preference from Westbus is that the parking space not be provided and that the existing 38.0 metre section of kerb line be allocated a Bus Zone. This is mainly due to the existing topography of the road whereby the buses when leaving the Bus Stop area are on a rise and the additional space provides for a save length of road to manoeuvre from the kerb line into the traffic lane. Furthermore, not providing the parking space will enhance the sight distance for vehicles exiting Sirius Road onto Colonial Drive.

The committee members supported the provision of the 38.0 metre Bus Zone and in particular, not providing a parking space between the proposed Bus Zone and the existing No Stopping zone. It was considered that there was sufficient street parking in this vicinity in conjunction with the off street parking for the shops.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable Brad Phillips, seconded by Mr Richard McHenery.

That a Bus Zone be provided to replace the existing Bus Stop on the northern side of Colonial Drive, Bligh Park, between Sirius Road and the access driveway into the Bligh Park Shops, for a distance of 38.0 metres extending in a westerly direction from the No Stopping sign located 18.0 metres from Sirius Road.

SECTION 2 - Reports for Determination

**Item 2.1 LTC - 18 June 2012 - Item 2.1 - All Holden Day - Holden Display Day 2012 -
Hawkesbury Showground, Clarendon - (Londonderry) - (80245, 114515)**

REPORT:

Introduction

An application has been received from All Holden Day Inc. seeking approval (in traffic management terms) to conduct the All Holden Day – Holden Display Day 2012 within the Hawkesbury Showground, Clarendon, on Sunday, 05 August 2012, which includes a 2 day Swap Meet to be held on Saturday, 04 August 2012 and Sunday, 05 August 2012.

The event organiser has advised:

- This is the 27th running of the event.
- The times for operation are proposed from 6.00am to 5.00pm for both days.
- The showground is located on Racecourse Road, with the Hawkesbury Racecourse and the Clarendon Railway Station located opposite.
- The event is a display day for all original and modified Holden vehicles.
- The event is expected to attract approximately 800 entrant's vehicles and 12,000 visitors.
- It is anticipated that most visitors will travel by car. They will park within the Hawkesbury Showground car parking area, and will be directed into the site via Gate 4, by accredited traffic controllers. Exit from the showground will be via Gate 1.
- There may be an increase to traffic flow on Hawkesbury Valley Way and Racecourse Road on the Sunday morning with the majority of vehicles arriving between 6.00am and 8.00am.

Discussion

Racecourse Road intersects with Hawkesbury Valley Way near the northern boundary of the showground site, and intersects with Blacktown Road approximately 3.5 kilometres to the south. Racecourse Road is a minor rural road of approximately 3.5 kilometres in length with the full length being sealed. The event organiser is anticipating that a high proportion of traffic is expected from the Hawkesbury Valley Way intersection. Both Hawkesbury Valley Way and Blacktown Road are main arterial roads.

ORDINARY MEETING
Reports of Committees

Traffic congestion is likely to be concentrated in Hawkesbury Valley Way, from where the majority of vehicles will queue to enter Racecourse Road, and in Racecourse Road, as vehicles queue to enter parking areas. It is likely that some vehicles, to avoid the congestion at Hawkesbury Valley Way, will travel towards the intersection of Blacktown Road.

It would be appropriate to classify the event as a “Class 2” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may impact on major traffic and transport systems and there may be low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document No: 4056652):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Traffic Control Plans (TCP),
5. Event and Parking Layout for the showground,
6. Public Liability Insurance to the value of \$20,000,000, which does not list Council or RMS as interested parties on the Policy,
7. Copy of the application to the NSW Police Force
8. Copies of correspondence forwarded to the NSW Police Force, NSW Ambulance Service, Richmond and Windsor Fire Brigade (Fire and Rescue NSW) and SES.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable Brad Phillips, seconded by Councillor Kim Ford.

That:

1. The All Holden Day – Holden Display Day 2012 event within the Hawkesbury Showground, Clarendon, on Sunday, 05 August 2012, which includes a 2 day Swap Meet to be held on Saturday, 04 August 2012 and Sunday, 05 August 2012 be classified as a “**Class 2**” special event, in terms of traffic management, under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the Roads and Maritime Services - RMS (formerly RTA) publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package that explains the responsibilities of the event organiser in detail.
4. It is strongly recommended that the event organiser visits Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refers to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they are familiar with the contents and requirements of this information. The approval conditions listed below relate only to matters relating to the traffic management of the event.
5. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 5a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 5b. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 5c. the event organiser **is to submit a Transport Management Plan (TMP) for the entire event to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement.
- 5d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 5e. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council;**
- 5f. the event organiser is to advertise the event in the local press stating the entire extent of the event - including the proposed traffic control measures - and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 5g. the event organiser is to notify the details of the event to the NSW Rural Fire Service at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 5h. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event - including the proposed traffic control measures - and the traffic impact/delays expected, due to the event for at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 5i. the event organiser is to directly notify all the residences and businesses which may be affected by the event - including the proposed traffic control measures - and the traffic impact/delays expected, due to the event for at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 5j. the event organiser is to **submit** the completed " Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" **to Council;**

During the event:

- 5k. access is to be maintained for businesses, residents and their visitors;
- 5l. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 5m. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 5n. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 5o. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 5p. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

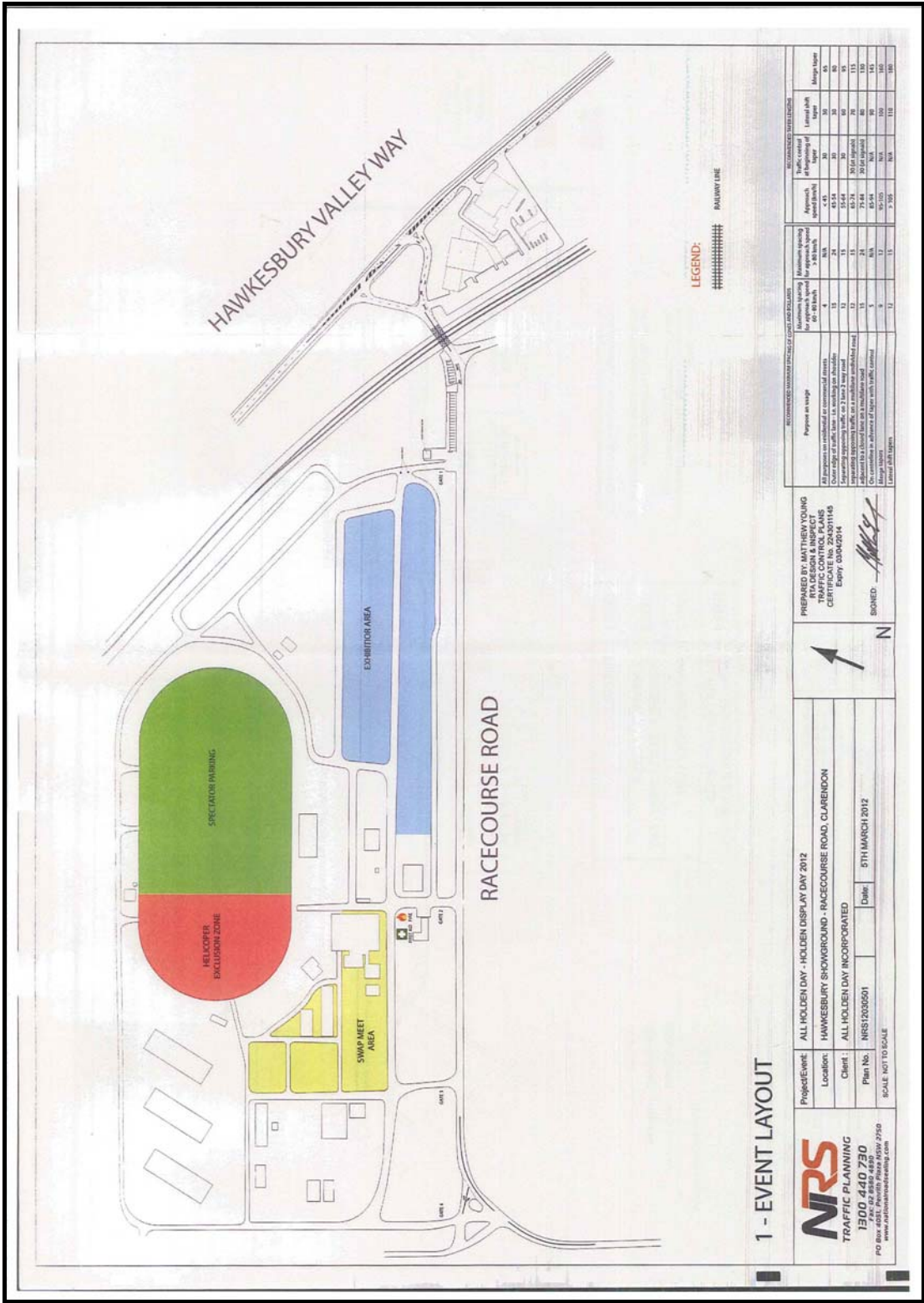
APPENDICES:

AT - 1 All Holden Day – Holden Display Day 2012 - Event Layout Plan.

AT - 2 Special Event Application – (ECM Document No: 4056652) - *see attached*

Reports of Committees

AT - 1 All Holden Day – Holden Display Day 2012 - Event Layout Plan



Item 2.2 LTC - 18 June 2012 - Item 2.2 - Mt Wilson to Bilpin Bush Run 2012 - Mt Irvine Rd & Bells Line of Rd, Bilpin (Hawkesbury) - (80245, 73582)

REPORT:

Introduction

An application has been received from the Bilpin Rural Fire Brigade seeking approval (in traffic management terms) to conduct the Mt Wilson to Bilpin Bush Run on Saturday, 25 August 2012, from 10.00am to 2.30pm.

The event organiser has advised:

- This is an annual event which has been held for over 15 years.
- The event is a fun/fitness run organised by the Bilpin RFS as a fundraising event that also promotes and develops training for personnel.
- The route of the Bush Run involves roads in the Blue Mountains and Hawkesbury Local Government areas.
- The 37 kilometre Bush Run starts at the Silva Plana Reserve – Queens Avenue, Mt Wilson (Blue Mountains Council) and proceeds mainly via fire trails and private property, crossing Bowens Creek (into the Hawkesbury City Council area) to the Closed section of Mt Irvine Road between Bowens Creek and the Road Closure Point (1.0 kilometre from Bells Line of Road), onto the 1.0 kilometre long section of Mt Irvine Road opened to traffic, and then along a 2.0 kilometre long section of Bells Line of Road and terminating at Bilpin Community Hall – Bells Line of Road.
- The Bridge across Bowens Creek will not be used. Runners will cross Bowens Creek approximately 10 metres up-stream of the Bridge. Runners and Vehicles will not be crossing the Bridge.
- Mt Irvine Road within the Hawkesbury LGA is a very low traffic gravel road (ADT < 100).
- The last section of the run is along the northern verge of Bells Line of Road, which is a State Road. Vehicular traffic and participants are separated by a verge of approximately 10 metres wide along this section of Bells Line of Road at all points.
- The shoulder of Bells Line of Road (on the section between Mt Irvine Road and Bilpin Community Hall) will not be used at all and any runners found running on the shoulder of Bells Line of Road or outside the designated course will be disqualified.
- There will be approximately 350 runners participating in the run.
- The set up and pack down times are between 7.00am and 5.00pm.
- Approximately 100 spectators are expected to attend.
- Off street parking will be provided at Bilpin community Hall for approximately 500 cars. It is expected that less than 200 cars will be parked at the Hall.

Details of the Event Course for the Mt Wilson to Bilpin Bush Run –2012 are contained in Attachments 1 and 2.

Discussion

In relation to the use of Mt Irvine Road, in previous years and based on the information provided by the Event Organiser, it was understood and agreed to that the event only traversed along the 1.0 kilometre section of Mt Irvine road opened to traffic (section of Mt Irvine Road between Bells Line of Road and the Road Closure Point). For the 2012 event, the event organiser has indicated that they intend to use the full length of Mt Irvine Road – approximately 6.5 kilometres between Bells Line of Road and Bowens Creek. The event organiser has also indicated verbally that in previous years the closed section of Mt Irvine Road has been used without the Consent of Council.

In 1990, Council in consideration of the condition of Mt Irvine Road, resolved to close the road from a point past the access to the last property from Bells Line of Road to, and including the Bowens Creek Bridge which was for an approximate distance of 5.5 kilometres. This closure was undertaken by the erection of locked gates at either end of Mt Irvine Road. The provision of the locked gates was to enable access for emergency services.

Due to the continual vandalism of the gates, Council further resolved in 2010 to formally close this section of Mt Irvine Road under Part 4 of the Roads Act 1993.

The use of the closed section of Mt Irvine Road by the event organiser can only be undertaken on the proviso that the event organiser indemnifies Council in writing and provides the indemnity to Council a minimum of 30 days prior to the event. Further more the Event organiser will be required to advise Council in writing of all incidents within 1 week after the event.

It would be appropriate to classify the event as a “Class 2” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may impact on minor traffic and transport systems and there may be low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to the event: Attachment 3 (ECM Document Nos: 3991845, 3997440 & 4068644):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Risk Assessment which does not address the use of the closed section of Mt Irvine Road between Bowens Creek and the Road Closure Point 1.0 kilometre from Bells Line of Road.
5. Copy of the application to the NSW Police Force.
6. Event Course Map and Bowens Creek Crossing Point Map.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable Brad Phillips, seconded by Councillor Kim Ford.

That:

1. The Mt Wilson to Bilpin Bush Run - 2012 event planned for Saturday, 25 August 2012, be classified as a “Class 2” special event, in terms of traffic management, under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.

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3. It is strongly recommended that the event organiser becomes familiar with the contents of the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package that explains the responsibilities of the event organiser in detail.
4. It is strongly recommended that the event organiser visits Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refers to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they are familiar with the contents and requirements of this information. The approval conditions listed below relate only to matters relating to the traffic management of the event.
5. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following conditions relating to the use of the Closed section of Mt Irvine Road;
 - The Closed Road Section of Mt Irvine Road between Bowens Creek and the Road Closure Point approximately 1.0 kilometre from Bells Line of Road be utilised for the event, with the event organiser taking FULL responsibility for all participants and spectators that may traverse the closed section of Mt Irvine Road. The event organiser is to indemnify Hawkesbury City Council in writing and provide the indemnity a minimum of 30 days prior to the event date of 25 August 2012.
 - All incidents to be reported to Council within 1 week after the event
 - The event is not to utilise Bowens Creek Bridge.

And the following conditions:

Prior to the event:

- 5a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 5b. the event organiser is to assess the risk and address the suitability of the entire route as part of the risk assessment considering the possible risks for all participants, in particular on the Closed Road Section of Mt Irvine Road between Bowens Creek and the Road Closure Point approximately 1.0 kilometre from Bells Line of Road. This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;
- 5c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 5d. the event organiser **is to submit a Transport Management Plan (TMP) for the entire**

ORDINARY MEETING

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route/event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA) for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;

- 5e. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$20,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
- 5f. the event organiser is to obtain the relevant approval from the Office of Environment and Heritage to cross Bowens Creek; **a copy of this approval to be submitted to Council**;
- 5g. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use of the Wollemi National Park and The Blue Mountains National Park. If the use of a Council Park/Reserve is required, written approval is required from Councils' Parks and Recreation section;; **a copy of this approval to be submitted to Council**;
- 5h. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event; **a copy of this approval to be submitted to Council**;
- 5i. the event organiser is to obtain approval from Blue Mountains Council for the use of their roads; **a copy of this approval to be submitted to Council**;
- 5j. the event organiser is to advertise the event in the local press stating the entire route/extent of the event - including the proposed traffic control measures - and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 5k. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 5l. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event - including the proposed traffic control measures - and the traffic impact/delays expected, due to the event for at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 5m. the event organiser is to directly notify all the residences and businesses which may be affected by the event - including the proposed traffic control measures - and the traffic impact/delays expected, due to the event for at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**;
- 5n. the event organiser is to **submit** the completed " Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" **to Council**;

During the event:

- 5o. access is to be maintained for businesses, residents and their visitors;
- 5p. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 5q. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly

RTA);

- 5r. the runners are to be made aware of and are to follow all the general road user rules whilst running on public roads, and in particular the condition of the Closed Road Section of Mt Irvine Road between Bowens Creek and the Road Closure Point approximately 1.0 kilometre from Bells Line of Road;
- 5s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 5t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 5u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

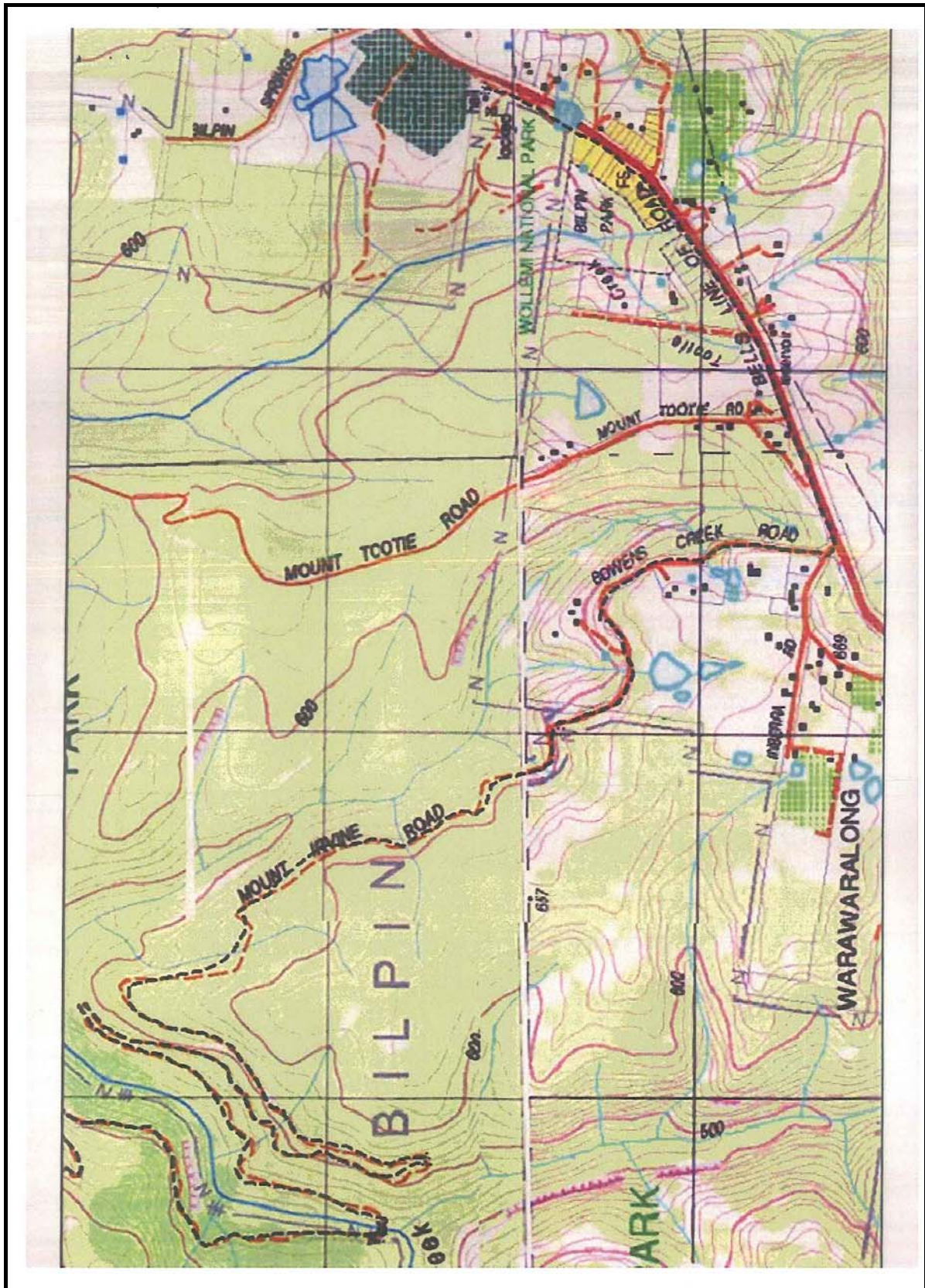
APPENDICES:

AT - 1 Event Course Map for the Mt Wilson to Bilpin Bush Run –2012.

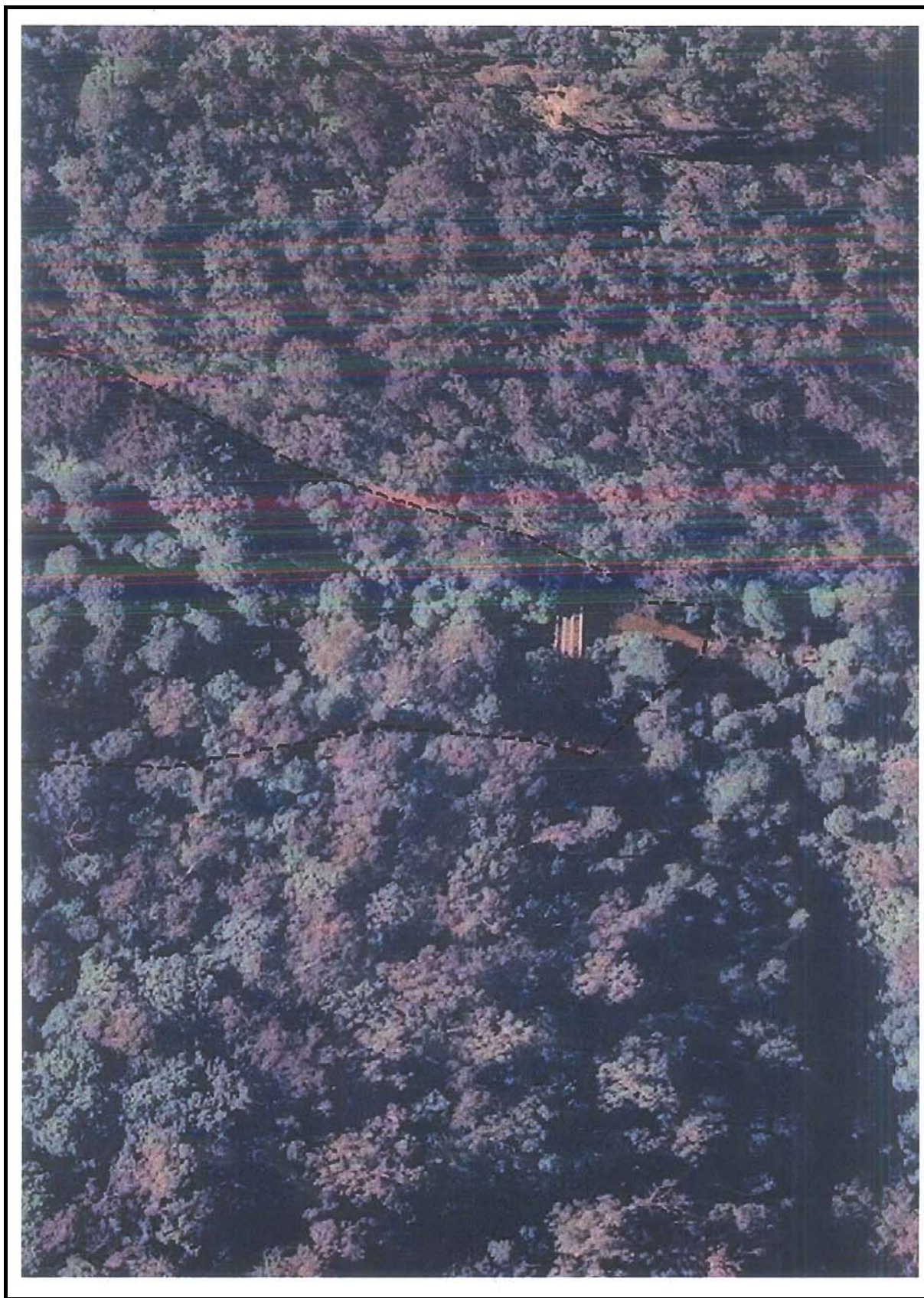
AT - 2 Bowens Creek Crossing Point Map for the Mt Wilson to Bilpin Bush Run –2012.

AT - 3 Special Event Application - (ECM Document Nos: 3991845, 3997440 & 4068644) - *see attached*.

AT - 1 Event Course Map for the Mt Wilson to Bilpin Bush Run – 2012



AT - 2 Bowens Creek Crossing Point Map for the Mt Wilson to Bilpin Bush Run –2012



**Item 2.3 LTC - 18 June 2012 - Item 2.3 - The Hawkesbury 120 Ski Race Classic 2012-
(Hawkesbury, Londonderry & Riverstone) - (80245, 92138)**

REPORT:

Introduction:

An application has been received from Ski Racing NSW Inc, seeking approval (in traffic management terms) to conduct the Hawkesbury 120 Ski Race Classic on Saturday, 25 and Sunday, 26 August 2012.

The event organiser has advised;

- The Hawkesbury 120 Ski Race Classic was initially undertaken in 2006.
- The Hawkesbury 120 Ski Race Classic is an annual water ski race along the Hawkesbury River.
- Event Schedule:

Friday, 24 August 2012:

- Vessel safety scrutineering at Governor Phillip Reserve, Windsor
- Start and Finish times: 12.00noon - 5:00pm.

Saturday, 25 August 2012:

- Ski Race from Governor Philip Reserve, Windsor to Sackville Ski Gardens, Sackville and return.
- Start and Finish times: 9.00am - 4:00pm.
- Set Up and Pack Down Times: 6.00am - 6:00pm.

Sunday, 26 August 2012:

- Ski Race from Governor Philip Reserve, Windsor to NSW Ski Grounds Caravan Park (Known as NSW Ski Gardens) at Wisemans Ferry and return.
- Start and Finish times: 8.00am - 4:00pm.
- Set Up and Pack Down Times 6.00am - 8:00pm.

- Council and Roads and Maritime Services - RMS (formerly RTA) approval is required for the following Ferry Services on Sunday, 26 August 2012:

Lower Portland Ferry (HCC):

- 8.00am – 4.00pm - Total suspension. Requested as there is poor sight distance leading to the ferry due to the bends in the river. The total suspension will enable a free flow of competitors across the ferry crossing.

Sackville Ferry (RMS):

- 8.00am – 4.00pm - Reduced Operation of the ferry, whereby a full load of vehicles are to be aboard prior to the ferry undertaking a crossing. The reduced operation will enable free flow of competitors across the ferry crossing.
- Safety vessels with crews will be placed on the relevant side of the ferry with suitable equipment to indicate to competitors that the ferry may be operating.
- The course vessels will have radio communications with a marshal on both ferries and the respective ferry masters.

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- Use of both ferries by Emergency Vehicle Traffic will not be affected.
- The event organiser acknowledges that either Council or the RMS on the day may have the need to alter the suspension or reduced services of the ferries at their discretion.
- Webbs Creek Ferry and Wisemans Ferry are located downstream to the NSW Ski Gardens, and subsequently these ferry operations are not affected.
- The number of entries (competitors and boat trailers) expected is approximately 200 for the event. Up to 4 participants per boat made up of the Driver, Observer and possibly 2 skiers.
- Approximately 5000 spectators are expected at the start/finish venue at Governor Phillip Reserve, Windsor.
- Parking will be at Governor Phillip Reserve with additional parking available off street utilising vacant land adjacent to Governor Phillip Reserve. Parking is available for approximately 4000 vehicles, which includes parking for boat trailers and tow vehicles.
- The effect on traffic is not expected to be significant.
- Emergency vehicles will be allowed access at all times.
- Affected Streets are;
 - George Street, Windsor: between Bridge Street and Palmer Street
 - Arndell Street, Windsor: the full length
 - Palmer Street, Windsor: the full length
 - North Street/Court Street, Windsor: the full length
- It is expected that the event will impact only marginally on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road compared to the normal traffic during weekends.
- As no road closures will be in place, there will be little effect on traditional afternoon peak hour southeast bound traffic on Windsor Road.
- A letter drop will be undertaken to all residents and businesses within proximity of the event location.

Discussion:

Even though the event will be held along the Hawkesbury River and within the Governor Phillip Reserve, the event and the spectators travelling to the event may impact heavily on the state road network on Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street and in particular the local roads such as George Street and Court Street as well as the ferry services. It would be appropriate to classify the event as a “**Class 1**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) given that perceived impact.

Ferry operations are not affected on Saturday, 25 August 2012, as Wisemans Ferry, Webbs Creek Ferry, Sackville Ferry and Lower Portland Ferry are all located downstream of the Sackville Ski Gardens. Webbs Creek Ferry and Wisemans Ferry are located downstream to the NSW Ski Gardens, and subsequently these ferry operations are not affected on Sunday, 26 August 2012.

The event organiser is seeking Council and RMS approval for the suspension and reduced operation of the following Ferry Services on Sunday, 26 August 2012:

- Lower Portland Ferry (HCC): - 8.00am – 4.00pm
- Sackville Ferry (RMS): - 8.00am – 4.00pm

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The Lower Portland Ferry Service is under the care and control of Hawkesbury City Council. Total suspension of the Lower Portland Ferry is required due to poor sight distance leading to the ferry and the bends in the river. The total suspension of the ferry will enable a free flow of competitors across the ferry crossing.

The Sackville Ferry Services is under the care and control of the RMS and hence, RMS approval is to be sought directly by the event organiser. Reduced Operation of the Sackville Ferry will apply, whereby a full load of vehicles are to be aboard prior to the ferry undertaking a crossing. The reduced operation of the ferry will enable free flow of competitors across the ferry crossing.

Emergency vehicles will be allowed access onto the ferries. Safety vessels with crew will be placed downstream from each ferry with suitable equipment to indicate to competitors that a ferry may be operating and with communication between the boat and the ferry vessel.

The event organiser has submitted the following items in relation to the event: Attachment 1 (ECM Document Nos: 4072554 & 4088832):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Transport Management Plan – referred to in the application as Event Traffic Management Plan (TMP) - without the associated Traffic Control Plan (TCP);
5. Public Liability Insurance to the value of \$20,000,000, which expired on 31 May 2012,
6. Copy of the application to the NSW Police Force
7. Copy of the Advertisement for the Event, which includes ferry operating times amended to 8.00am to 4.00pm as per ECM Document No. 4088832),
8. Copy of the correspondence to be forwarded to the Residents and Businesses,
9. Copies of correspondence forwarded to the NSW Police Force, NSW Ambulance Service, Windsor Fire Brigade, Richmond Fire Brigade (Fire & Rescue NSW), SES, Waterway Authority (NSW Maritime) and Roads and Maritime Services - RMS (formerly RTA).

The event organiser has made application under separate cover to Councils' Parks and Recreation section for exclusive use of Governor Philip Reserve.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable Brad Phillips, seconded by Mr Richard McHenry.

That:

1. The Hawkesbury 120 Ski Race Classic 2012 event planned for 24, 25 and 26 August 2012 be classified as a “**Class 1**” special event, in terms of traffic management, under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the Roads and Maritime Services - RMS (formerly RTA) publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package that explains the responsibilities of the event organiser in detail.

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4. It is strongly recommended that the event organiser visits Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refers to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they are familiar with the contents and requirements of this information. The approval conditions listed below relate only to matters relating to the traffic management of the event.
5. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 5a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 5b. the event organiser is to assess the risk and address the suitability of the entire route as part of the risk assessment considering the possible risks for all. This assessment should be carried out by visual inspection of the route / site by the event organiser prior to the event;
- 5c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 5d. the event organiser is to obtain approval from the Roads and Maritime Services - RMS (formerly RTA) as this is a "Class 1" event; **a copy of the Roads and Maritime Services - RMS (formerly RTA) approval to be submitted to Council;**
- 5e. the event organiser **is to submit a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 5f. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$20,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 5g. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council;**
- 5h. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of Governor Philip Reserve;
- 5i. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council;**

- 5j. the event organiser is to advise all adjoining Councils such as Gosford, The Hills and Hornsby of the event and in particular the suspension/reduced operation of the ferries and obtain any necessary approvals from these Councils; **a copy of this approval to be submitted to Council;**
- 5k. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, - including the proposed road/ferry closures - and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement has been submitted to Council** (advertising medium to be advised);
- 5l. the event organiser is to notify the details of the event to the NSW Rural Fire Service at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 5m. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, - including the proposed road/ferry closures - and the traffic impact/delays expected, due to the event for at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 5n. the event organiser is to directly notify all the residences and businesses which may be affected by the event, - including the proposed road/ferry closures - and the traffic impact/delays expected, due to the event for at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence has been submitted to Council;**
- 5o. the event organiser is to **submit** the completed " Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

- 5p. access is to be maintained for businesses, residents and their visitors;
- 5q. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 5r. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 5s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 5t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 5u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

Ferry Services

- 6. The applicant is to seek Roads and Maritime Services - RMS (formerly RTA) approval for the reduced operation of the Sackville Ferry Service on Sunday, 26 August 2012 between 8.00am and 4.00pm. There is no objection to the suspension of the Lower Portland Ferry Service on Sunday, 26 August 2012 between 8.00am and 4.00pm. Suspension/reduced operation of the ferry services on Sunday 26 August 2012 as listed below:

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- Lower Portland Ferry (HCC): - 8.00am – 4.00pm
- Sackville Ferry (RMS): - 8.00am – 4.00pm

is subject to the applicant complying with the following conditions, as well as any conditions imposed by the Roads and Maritime Services - RMS (formerly RTA):

- 6a. the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council
- 6b. Advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to :
- traffic impact and delays,
 - exclusive use of Governor Phillip Reserve,
 - timings of suspension/reduced operation of ferry services,

such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;

- 6c. signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 6d. safety precautions outlined in the TMP are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of the Roads and Maritime Services - RMS (formerly RTA and NSW Maritime) and Hawkesbury City Council; and,
- 6e. the Roads and Maritime Services - RMS (formerly RTA) and Council be authorised to alter ferry suspension/reduced operation times if necessary.

APPENDICES:

AT - 1 Special Event Application - (ECM Document Nos. 4072554 & 4088832) - *see attached*

SECTION 3 - Reports for Information

There were no Reports for Information.

SECTION 4 - General Business

Item 4.1 LTC - 18 June 2012 - Item 4.1 - Proposed adjustment to the School Bus Zone in Valder Avenue, Hobartville adjacent to Hobartville Public School (Londonderry) - (80245, 1925, 104540)

REPORT:

Ms J Edmunds advised the Committee that a request had been received from the Relieving Principal of Hobartville School requesting that the existing School Bus Zone in Valder Avenue, Hobartville, adjacent to the School (on the southern side of Valder Avenue), be relocated in a westerly direction, to facilitate access into the School.

Ms Edmunds advised that Wesbus conducted an on-site inspection of the Valder Avenue School Bus Zone which services Hobartville Public School after recent issues with afternoon pick ups and Special Needs transport. The School have a designated driveway to access the Special Needs Learning Centre of the School and this driveway is in the middle of the Bus Zone.

Currently the School Bus Zone, which commences 4.0 metres to the east of the driveway, extends in a westerly direction across the driveway (7.5 metres wide) for a distance of 34 metres. The driveway is used by the Special Needs transport vehicles that access the School. When buses are in the School Bus Zone, access to the driveway is not possible. The School Bus Zone at its eastern point abuts a No Stopping zone which extends further east across the School frontage.

Westbus has consulted with the School and have received support for the proposed extension and repositioning of the School Bus Zone past the School boundary towards the vacant Council reserve (westerly direction). Relocation and extension of the School Bus Zone area will provide sufficient room for all afternoon School transport to access and service the School.

The Committee discussed and supported the relocation and extension of the existing School Bus Zone operating (8.00am - 9.00am and 2.30pm - 3.30pm school days), on the southern side of Valder Avenue, adjacent to Hobartville Public School, to commence at the western side of the driveway to the School and extend in a westerly direction for 45.0 metres. The existing No Stopping Zone abutting the School Bus Zone on the eastern side of the School Bus Zone to be extended across the driveway by 11.5 metres in a westerly direction.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Kim Ford, seconded by Mr Richard McHenry

That the existing School Bus Zone operating (8.00am - 9.00am and 2.30pm - 3.30pm school days) on the southern side of Valder Avenue adjacent to Hobartville Public School, be repositioned and extended and to commence at the western side of the driveway to the School and extend in a westerly direction for 45.0 metres. The existing No Stopping zone abutting the existing School Bus Zone on the eastern side of the School Bus Zone to be extended across the driveway by 11.5 metres in a westerly direction.

ORDINARY MEETING
Reports of Committees

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting is proposed to be held on Monday, 9 July 2012 at 3:00pm in the Large Committee Room.

The meeting terminated at 4.50pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillors Questions from Previous Meetings and Responses - (105109)

REPORT:

Questions – 26 June 2012

#	Councillor	Question	Response
1	Rasmussen	Requested an update on the progress of the Rural Land Study.	The Director City Planning advised that the 2012/2013 Operational Plan, Action 7.1 states <i>“Develop a framework and investigate funding opportunities for the preparation of a Rural Lands Strategy”</i> . This work will be undertaken in the current financial year and the framework, once finalised, will be developed within the current budget provisions.
2	Rasmussen	Asked if an E-waste facility at the Waste Management Depot had been introduced at the facility.	The Director Infrastructure Services advised that consideration of an E-waste facility will be subject to the outcomes of the progressive roll out of the National Television and Computer Product Stewardship Scheme. Council will seek advice on the establishment of a facility under this program.
3	Rasmussen	Advised that ‘shooters’ were recently given access to National Parks in other LGA’s and asked if that access carried through to Hawkesbury’s LGA.	The Director Infrastructure Services advised that correspondence has been sent to the State Government seeking this information.
4	Rasmussen	Advised that the Office of Hawkesbury Nepean is being made redundant and asked if Council staff could write to the State Government seeking clarification of this advice and if so, how many local jobs would be lost as a result of its closure.	The Director City Planning advised that staff will be making enquiries and representations to the State Government to clarify the intentions and to argue that the Office remain open. Any advice received on this matter will be forwarded to Councillors. This matter has also been raised at recent meetings between staff and representatives from the Department of Premier and Cabinet.
5	Porter	Asked Council staff to ascertain how many inmates reside at the John Marony Correctional Centre, how many staff work at the Centre and how many visitors visit the Centre.	The Director Infrastructure Services advised that correspondence has been sent to the State Government seeking this information.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
6	Calvert	Requested clarification on the status of the petition from the North Richmond Group. Councillor Calvert asked that he be advised if the petition has been tabled/ acknowledged and if it has not been tabled when can it be.	<p>The General Manager advised that the petition referred to was handed, in person, to the Mayor and General Manager at a meeting on 27 March, 2012. The petition was also acknowledged by the Mayor at the Council meeting on 27 March, 2012 when Council was also advised of details of the petition, such as number of pages and signatures, with reference also being made to an on-line petition.</p> <p>Council's Code of Meeting Practice does not contain provisions for a petition being tabled as being suggested by the North Richmond District & Community Action Association (NRDCAA). It has been referred to the Director of City Planning who has indicated that it would be considered as a submission during any consultation process that may result from "Gateway" proposals recently submitted to the Minister in respect of Glossodia and North Richmond.</p> <p>The NRDCAA has previously been advised of the above.</p>
7	Paine	Requested the speed limit through the village at St Albans be sign posted.	The Director Infrastructure Services advised that this matter has been previously taken up with RMS as the responsible agency. RMS has advised that the extension to the 50km/h zone is in the approval stages.
8	Paine	Requested that the Ferry closure signs at St Albans be posted at an earlier stage.	The Director Infrastructure Services advised that this matter will be taken up with the RMS who are responsible for the operation of the Wisemans Creek Ferry.

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
9	Tree	<p>Advised that the State Government are undertaking changes to Companion Animals Act and asked what measures Council are taking to obtain the communities input in relation to these changes and asked for the feedback from the Animal Shelter in relation to these proposed changes.</p> <p>Councillor Tree also asked what kind of education programs the Council's Shelter runs, to help improve the number of deaths in custody.</p>	<p>The Director City Planning advised that it is assumed that the question refers to the "NSW Animals Taskforce Discussion Paper May 2012" that is produced by "The Taskforce". Hawkesbury City Council staff were invited to a special meeting at the offices of the Animal Welfare League (AWL) along with Penrith City Council and the Division of Local Government Companion Animals Registry Office. Council staff have submitted a response to this consultation both separately and jointly with the Local Government group "Councils Unite for Pets" (CUPS).</p> <p>It is understood that the Taskforce will prepare a report providing recommendations for consideration by the relevant Ministers.</p> <p>The Hawkesbury Companion Animal Shelter has a strong volunteer program that assists with operations and education and also utilises the website to advertise animals for rehoming. Special events are also run during the year, e.g., free micro chipping days, and reunion days for animals that have been rehomed, to assist in the high dog rehoming rates of approximately 85%.</p>
10	Bassett	Advised that the State Government has allocated \$100,000 per year for the next four years, to go towards the operation of the weed harvester operated by the Hawkesbury River County Council.	The General Manager advised that the information has been noted.
11	Bassett	Advised that Hawkesbury Radio are yet to provide proof of receipt for membership and asked if Council has received proof of membership in the past and has Council been asked to renew their membership recently.	The General Manager advised that the last invoice for membership was received and paid for in September, 2010. Membership was followed-up in October, 2011 and twice since this date, but has yet; no invoice for membership has been received.
12	Conolly	Asked for an update on the Floodplain Committee Meeting schedule.	The Director City Planning advised that it is intended to hold a meeting of the Floodplain Risk Management Advisory Committee prior to the 31 July Council meeting. The Committee members will be separately advised of the date.

ORDINARY MEETING
Questions for Next Meeting

#	Councillor	Question	Response
13	Conolly	Requested advice regarding the adequacy of leave entitlements for staff and what the Industry Standards recommend should be in that reserve and if we are meeting that.	The Director Support Services advised the Employee Leave Entitlements (ELE) Reserve as at 31 May 2012 has a balance of approximately \$1.7million. Taking into consideration necessary end of financial year adjustments, it is estimated that this Reserve balance represents approximately 24% of the estimated total employee leave entitlements as at 30 June 2012. The industry standard is for the ELE Reserve to be maintained at approximately 20% of the total employee leave entitlements.
14	Reardon -	Asked if seats and trees will be provided in the Dog-off-leash park at Peel Park, North Richmond.	The Director Infrastructure Services advised that two seats have been provided. Assessment of need for additional trees will be undertaken.
15	Reardon	Asked in the vegetation along Kurrajong Road between Richmond and North Richmond could be cut back and tidied up.	The Director Infrastructure Services advised that the RMS has been requested to carry out vegetation management.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Questions for Next Meeting



ordinary
meeting

end of
business
paper

This business paper has
been produced
electronically to reduce
costs, improve efficiency
and reduce the use of
paper. Internal control
systems ensure it is an
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