



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 25 October 2016

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 11pm. 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 3pm 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 register to speak on any items in the business paper other than the Confirmation of Minutes; Mayoral Minutes; Responses to Questions from Previous Meeting; Notices of Motion (including Rescission Motions); Mayoral Elections; Deputy Mayoral Elections; Committee Elections and Annual Committee Reports. To register, you must lodge an application form with Council prior to 3pm on the day of the meeting. The application form is available on Council's website, from the Customer Service Unit or by contacting the Manager - Corporate Services and Governance on (02) 4560 4444 or by email at [council@hawkesbury.nsw.gov.au](mailto:council@hawkesbury.nsw.gov.au)

The Mayor will invite registered persons to address the Council when the relevant item is being considered. Speakers have a maximum of three minutes to present their views. The Code of Meeting Practice allows for three speakers 'For' a recommendation (i.e. in support), and three speakers 'Against' a recommendation (i.e. in opposition).

Speakers representing an organisation or group must provide written consent from the identified organisation or group (to speak on its behalf) when registering to speak, specifically by way of letter to the General Manager within the registration timeframe.

All speakers must state their name, organisation if applicable (after producing written authorisation from that organisation) and their interest in the matter before speaking.

## **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**

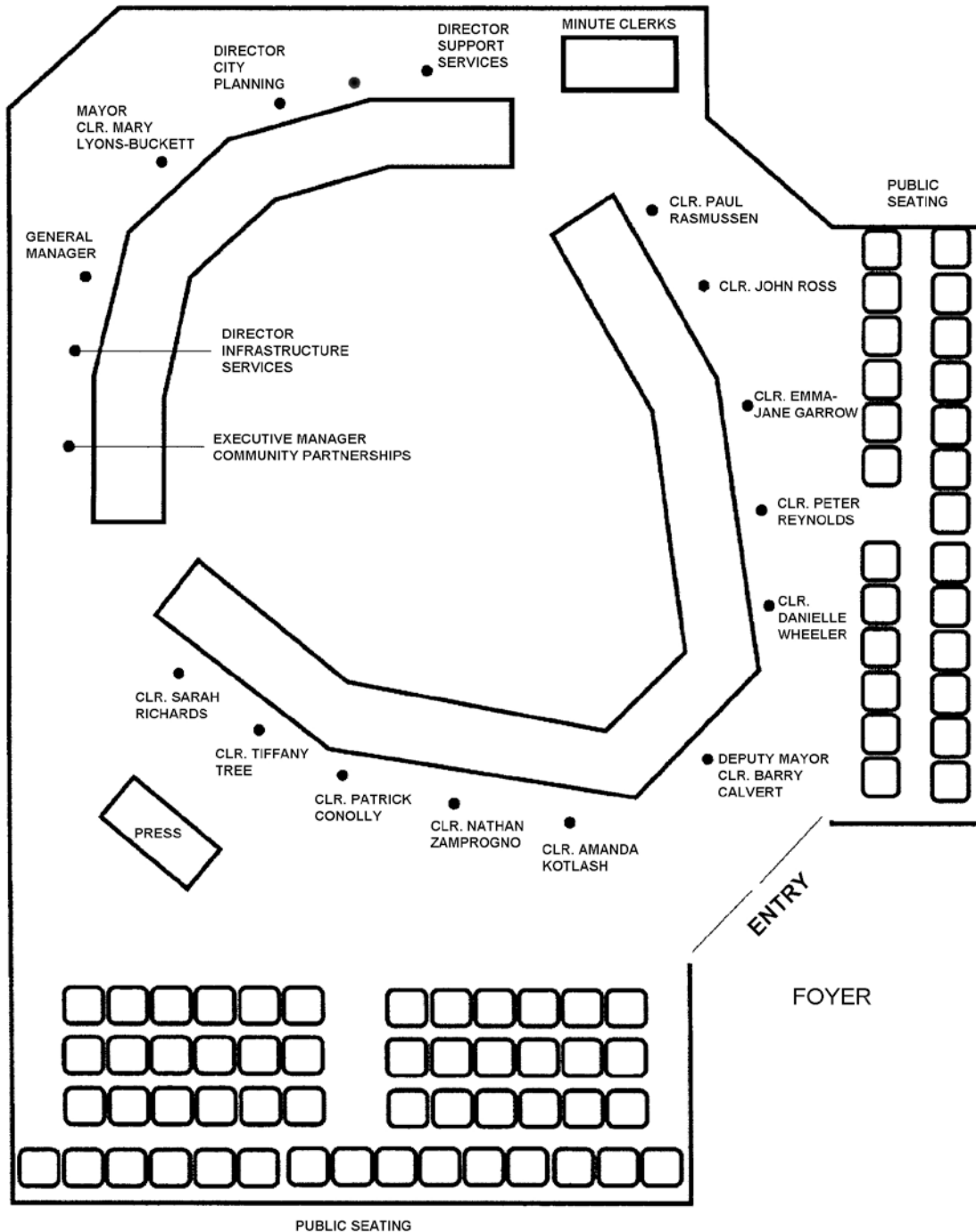
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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 4444.

# Hawkesbury City Council





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#### SECTION 2 - Mayoral Minutes

**MM**                      **DA0095/16 to DA0104/16 - 86 Arthur Phillip Drive, North Richmond - Lot 342  
DP 1199663 - (79351, 79353, 125612)**

Previous Items:            198 to 207, Ordinary (11 October 2016)

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#### REPORT:

At the meeting of 11 October 2016, Council considered ten development applications (DA0095/16 to DA0104/16, inclusive) for dwellings at 86 Arthur Phillip Drive, North Richmond. At that meeting, Council resolved to defer each of the ten development applications for three months.

At the time of consideration of these matters it was outlined in the reports that all of the applications were subject to a Class 1 appeal in the Land and Environment Court. The resolution to defer the items has prevented Council staff and Council's solicitors from dealing with the matters with the Court due to the lack of clear direction from Council.

With regard to the Court proceedings, Council's solicitors have advised that at the Directions Hearing on Monday, 17 October 2016, the Court made the following directions:

1. Any Statement of Facts and Contentions to be relied on by the Council is to be filed and served by 28 October 2016.
2. The ten Appeals are listed for a combined conciliation conference/hearing, pursuant to Section 34AA of the Land and Environment Court Act 1979 on 30-31 January 2017 and 1 February 2017.

After recent discussions with Council's solicitors it was decided that the best course of action was to revisit the matter to make a definitive decision on the ten development applications. That is, either refuse them or approve them to enable a clear course of action to be taken in the upcoming Court case. A three month deferral is not conducive to this. The rationale behind deferral of these matters was to allow time for possible solutions to be arrived at by strengthening conditions and looking at alternatives. It was apparent during debate and from some speakers that there were outstanding concerns regarding planning aspects of the development applications - primarily privacy and drainage issues. Councillors supporting a deferral were hopeful that these concerns could be addressed by strengthening conditions and investigating alternatives with regard to drainage and privacy provisions.

From the debate it was clear that there was a general reluctance from Council to refuse these applications as much of the discussion related to the concerns raised by the adjoining residents that could be addressed through strengthening proposed conditions related to privacy, noise and drainage. Should Councillors wish to refuse the applications, they would need to clearly articulate valid planning reasons for refusal for the Court's consideration. In this respect, the concerns raised by the objectors would not constitute valid planning grounds for refusal, but these concerns can be mitigated through additional conditions of consent.

This Mayoral Minute is proposing to take the resident concerns into account and propose amendments to the original recommended conditions to address the concerns raised and recommend approving the applications. This clear action would enable these matters to be dealt with decisively and prevent further delay and expense to the purchasers of the land, the community and Council.

The recommended conditions for the ten development applications are attached to this Mayoral Minute and incorporate the following amendments:

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#### 1. Noise

Additional condition proposed:

- No air-conditioning units or other noise generating plant are to be located on the northern elevation of the proposed structure.

#### 2. Drainage

Additional conditions proposed:

- The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:
  - a) water flowing from the property must not be redirected or concentrated to adjoining properties
  - b) water flowing into the property from adjoining lots shall not be impeded or diverted
  - c) water flow shall follow the natural flow directions without increasing velocity
  - d) all stormwater run-off from any roof structure or tank overflow is to be directed to the approved stormwater drainage system or to the road.
- The dwelling must have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tank(s) are to have a minimum capacity of 3,000 litres.

#### 3. Privacy

The privacy conditions contained in the previously recommended conditions be retained and renumbered as required as follows:

Pool style safety fencing condition:

26. A 1.2m high pool style fence shall be constructed on the internal rear retaining wall to address safety impacts.

Landscaping at the rear of the high properties between the timber fence and high side retaining wall (advice from Council's Parks staff indicates that the area is suitable for the growing of hedging plants).

27. The landscaping to the rear of the property (between the internal retaining wall and rear boundary fence) shall be selected to address privacy impacts to the senior's housing development. In this regard, landscaping is to consist of an evergreen species with a dense growth habit to a mature height that will be approximately 500mm above the top of the existing rear boundary fence. These plants are to consist of advanced specimens with a minimum pot size of 45L.

Condition for a Restriction as to User on the high side properties that requires the landowners to maintain those measures in perpetuity as follows:

- A Restriction as to User is to be created on the Title which states that the fence and landscaping required in conditions 26 and 27 of this consent are to be maintained in accordance with those conditions by the property owner at their expense.

#### 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 rescind Resolution Numbers 308 to 317 from the Ordinary Council Meeting of 11 October 2016, regarding DA0095/16 to DA0104/16, inclusive, 86 Arthur Phillip Drive, North Richmond.
2. Council grant consent to DA0095/16 for a dwelling house on proposed Lot 104 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 1 of this Mayoral Minute.
3. Council grant consent to DA0096/16 for a dwelling house on proposed Lot 105 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 2 of this Mayoral Minute.
4. Council grant consent to DA0097/16 for a dwelling house on proposed Lot 106 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 3 of this Mayoral Minute.
5. Council grant consent to DA0098/16 for a dwelling house on proposed Lot 107 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 4 of this Mayoral Minute.
6. Council grant consent to DA0099/16 for a dwelling house on proposed Lot 108 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 5 of this Mayoral Minute.
7. Council grant consent to DA0100/16 for a dwelling house on proposed Lot 109 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 6 of this Mayoral Minute.
8. Council grant consent to DA0101/16 for a dwelling house on proposed Lot 110 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 7 of this Mayoral Minute.
9. Council grant consent to DA0102/16 for a dwelling house on proposed Lot 111 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 8 of this Mayoral Minute.
10. Council grant consent to DA0103/16 for a dwelling house on proposed Lot 112 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 9 of this Mayoral Minute.
11. Council grant consent to DA0104/16 for a dwelling house on proposed Lot 113 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 10 of this Mayoral Minute.
12. Council's solicitors be advised of Council's position on these matters in order to provide them direction for the Court dealings.
13. Existing staff delegations be permitted to deal with these Court matters as the case proceeds and generally in accordance with Council's position as resolved.

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#### ATTACHMENTS:

- AT - 1** Recommendation for DA0095/16, Proposed Lot 104 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond
- AT - 2** Recommendation for DA0096/16, Proposed Lot 105 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond
- AT - 3** Recommendation for DA0097/16, Proposed Lot 106 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond
- AT - 4** Recommendation for DA0098/16, Proposed Lot 107 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond
- AT - 5** Recommendation for DA0099/16, Proposed Lot 108 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond
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- AT - 7** Recommendation for DA0101/16, Proposed Lot 110 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond
- AT - 8** Recommendation for DA0102/16, Proposed Lot 111 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond
- AT - 9** Recommendation for DA0103/16, Proposed Lot 112 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond
- AT - 10** Recommendation for DA0104/16, Proposed Lot 113 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond

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#### **AT - 1 Recommendation for DA0096/16, Proposed Lot 104 in Lot 342 DP1199663**

##### **known as 86 Arthur Phillip Drive, North Richmond**

That Council issue a "Deferred Commencement" consent for Development Application No. DA0095/16 for a dwelling house on Proposed Lot 104 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond, subject to the following conditions:

#### **Schedule 1 – Deferred Commencement Consent**

Hawkesbury City Council as the consent authority pursuant to Clause 80(3) of the EPA Act 1979 grants "Deferred Commencement" consent to Development Application No. DA0095/16 subject to following Schedule 1 matter being satisfied:

- A. The proposed allotment shall be registered and created with Land and Property Information (LPI). Written evidence of this registration and creation shall be provided to Council.

The information to satisfy this requirement must be submitted to Hawkesbury City Council within two years of the date of this consent. Upon Council's written approval of satisfactory compliance with the "Deferred Commencement" matter listed above, the development consent will become operative subject to the following operational conditions:

#### **Schedule 2 – Recommended Conditions**

##### **General**

1. The development is to be carried out in compliance with the following plans and documentation endorsed with Council's stamp, except where amended by other conditions of consent:

<b>Architectural Drawing Number</b>	<b>Prepared by</b>	<b>Dated</b>
Drawing No. DA00 Rev 'A' – Cover Sheet	PAA Design	16 February 2016
Drawing No. DA01 Rev 'A' – Ground Floor Plan	PAA Design	16 February 2016
Drawing No. DA02 Rev 'A' – Elevations	PAA Design	16 February 2016
Drawing No. DA03 Rev 'A' – Section	PAA Design	16 February 2016
Drawing No. DA05 Rev 'A' – Stormwater and Erosion and Sediment Control Plan	PAA Design	16 February 2016
BASIX Certificate No. 704721S_03	EcoMode Design	19 February 2016
Drawing No. L – 01 Rev 'C' – Landscape Plan	EcoDesign	22 February 2016
Drawing No. L – 02 Rev 'C' – Landscape Details	EcoDesign	22 February 2016
Drawing No. L – 03 Rev 'C' – Fence Details	EcoDesign	22 February 2016
Drawing No. L – 04 Rev 'C' – Fence Details	EcoDesign	22 February 2016

2. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
5. The commitments listed in the BASIX Certificate for this development must be fulfilled.

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6. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
7. The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:
  - a) Water flowing from the property must not be redirected or concentrated to adjoining properties,
  - b) Water flowing into the property from adjoining lots shall not be impeded or diverted.
  - c) Water flow shall follow the natural flow directions without increasing velocity.
  - d) All stormwater run-off from any roof structure or tank overflow is to be directed to the approved stormwater drainage system or to the road.

#### ***Prior to Issue of the Construction Certificate***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any building works.

8. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
9. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to release of the Construction Certificate.

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

10. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A(2)(b) of the Environmental Planning and Assessment Act 1979.
11. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
12. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
  - a) unauthorised access to the site is prohibited
  - b) the owner of the site
  - c) the person/company carrying out the site works and telephone number (including 24 hour seven day emergency numbers)
  - d) the name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of the works.

13. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to the commencement of works.

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14. The building shall be set out by a Registered Surveyor. A Survey Certificate showing the position of the building's external walls and fencing under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority at an early stage of construction. Any easements must be shown on the Survey Certificate.
15. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
16. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
17. The approved plans must be submitted to Sydney Water for approval. Following this assessment, the approved plans are to be appropriately stamped. The approved stamped plans must be provided to the Principal Certifying Authority prior to the commencement of works.

Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> or telephone 1300 082 746 Monday to Friday 8:30am to 5:30pm.

#### ***During Construction***

18. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am and 4pm.
19. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
20. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
21. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
22. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
  - b) building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
  - c) builders waste must not be burnt or buried on site
  - d) all waste must be contained and removed to a Waste Disposal Depot.
23. Compliance certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 and as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.
24. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value. Roof water (including overflow from water storage vessels) shall be drained to the street gutter or benefitted drainage easement. All drainage lines across the footpath shall be 100mm sewer grade pipe with a suitable kerb adaptor.
25. All necessary works shall be undertaken to ensure that any natural water flow from adjoining properties is not impeded or diverted.

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#### ***Prior to Issue of an Occupation Certificate***

26. A 1.2m high pool style fence shall be constructed on the internal retaining wall to address safety impacts.
27. The landscaping to the rear of the property (between the internal retaining wall and rear boundary fence) shall be selected to address privacy impacts to the senior's housing development. In this regard, landscaping is to consist of an evergreen species with a dense growth habit to a mature height that will be approximately 500mm above the top of the existing rear boundary fence. These plants are to consist of advanced specimens with a minimum pot size of 45L.
28. The front fencing shall be designed to ensure that any gates will not intrude on Council land.
29. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS3660) provided to walls and floors, pipe penetrations and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) A certificate for glazing used in the development:
    - (i) Glazing materials, e.g. windows, doors, footlights, balustrades and shower screens, are installed in the building in accordance with AS1288 'Glass in Buildings – Selection and Installation' and AS2047 'Windows and external glazed doors in buildings'.
    - (ii) Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development. The balustrade must be designed and installed in accordance with AS/NZS1170.1.
  - c) A certificate for waterproofing detailing compliance with AS3740.
  - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority certifying that all commitments made on the BASIX Certificate have been implemented and installed as approved.
30. A 900mm wide easement for maintenance and access benefiting the subject allotment shall be obtained and registered over Lot 105. This easement shall be created to allow the dwelling's eastern wall located in close proximity to the boundary to be accessed for maintenance.

Evidence of the obtainment and registration of this easement shall be provided to the Principal Certifying Authority prior to the release of the Occupation Certificate.
31. A Restriction as to User is to be created on the Title which states that the fence and landscaping required in conditions 25 and 26 of this consent are to be maintained in accordance with those conditions by the property owner at their expense.
32. No air-conditioning units or other noise generating plant are to be located on the northern elevation of the proposed structure.
33. The dwelling must have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tank(s) are to have a minimum capacity of 3000 litres.



## ORDINARY MEETING

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#### **AT - 2 Recommendation for DA0096/16, Proposed Lot 105 in Lot 342 DP1199663**

##### **known as 86 Arthur Phillip Drive, North Richmond**

That Council issue a “Deferred Commencement” consent for Development Application No. DA0096/16 for a dwelling house on Proposed Lot 105 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond, subject to the following conditions.

#### **Schedule 1 – Deferred Commencement Consent**

Hawkesbury City Council as the consent authority pursuant to Clause 80(3) of the EPA Act 1979 grants “Deferred Commencement” consent to Development Application No. DA0096/16 subject to following Schedule 1 matter being satisfied:

- A. The proposed allotment shall be registered and created with Land and Property Information (LPI). Written evidence of this registration and creation shall be provided to Council.

The information to satisfy this requirement must be submitted to Hawkesbury City Council within two years of the date of this consent. Upon Council’s written approval of satisfactory compliance with the “Deferred Commencement” matter listed above, the development consent will become operative subject to the following operational conditions:

#### **Schedule 2 – Recommended Conditions**

##### ***General***

1. The development is to be carried out in compliance with the following plans and documentation endorsed with Council’s stamp, except where amended by other conditions of consent:

<b>Architectural Drawing Number</b>	<b>Prepared by</b>	<b>Dated</b>
Drawing No. DA00 Rev ‘A’ – Cover Sheet	PAA Design	16 February 2016
Drawing No. DA01 Rev ‘A’ – Ground Floor Plan	PAA Design	16 February 2016
Drawing No. DA02 Rev ‘A’ – Elevations	PAA Design	16 February 2016
Drawing No. DA03 Rev ‘A’ – Section	PAA Design	16 February 2016
Drawing No. DA05 Rev ‘A’ – Stormwater and Erosion and Sediment Control Plan	PAA Design	16 February 2016
BASIX Certificate No. 704722S	EcoMode Design	18 February 2016
Drawing No. L – 01 Rev ‘A’ – Landscape Plan	EcoDesign	07 October 2015
Drawing No. L – 02 Rev ‘A’ – Landscape Details	EcoDesign	07 October 2015
Drawing No. L – 03 Rev ‘A’ – Fence Details	EcoDesign	07 October 2015

2. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
5. The commitments listed in the BASIX Certificate for this development must be fulfilled.
6. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.

## ORDINARY MEETING

### Mayoral Minutes

7. The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:
  - a) Water flowing from the property must not be redirected or concentrated to adjoining properties,
  - b) Water flowing into the property from adjoining lots shall not be impeded or diverted.
  - c) Water flow shall follow the natural flow directions without increasing velocity.
  - d) All stormwater run-off from any roof structure or tank overflow is to be directed to the approved stormwater drainage system or to the road.

#### ***Prior to Issue of the Construction Certificate***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any building works.

8. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
9. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to release of the Construction Certificate.

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

10. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A(2)(b) of the Environmental Planning and Assessment Act 1979.
11. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
12. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
  - a) unauthorised access to the site is prohibited
  - b) the owner of the site
  - c) the person/company carrying out the site works and telephone number (including 24 hour seven day emergency numbers)
  - d) the name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of the works.

13. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to the commencement of works.
14. The building shall be set out by a Registered Surveyor. A Survey Certificate showing the position of the building's external walls and fencing under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority at an early stage of construction. Any easements must be shown on the Survey Certificate.
15. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.

## ORDINARY MEETING

### Mayoral Minutes

16. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
17. The approved plans must be submitted to Sydney Water for approval. Following this assessment, the approved plans are to be appropriately stamped. The approved stamped plans must be provided to the Principal Certifying Authority prior to the commencement of works.

Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> or telephone 1300 082 746 Monday to Friday 8:30am to 5:30pm.

#### ***During Construction***

18. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am and 4pm.
19. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
20. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
21. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
22. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
  - b) building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
  - c) builders waste must not be burnt or buried on site
  - d) all waste must be contained and removed to a Waste Disposal Depot.
23. Compliance certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 and as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.
24. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value. Roof water (including overflow from water storage vessels) shall be drained to the street gutter or benefitted drainage easement. All drainage lines across the footpath shall be 100mm sewer grade pipe with a suitable kerb adaptor.
25. All necessary works shall be undertaken to ensure that any natural water flow from adjoining properties is not impeded or diverted.

#### ***Prior to Issue of an Occupation Certificate***

26. A 1.2m high pool style fence shall be constructed on the internal retaining wall to address safety impacts.

## ORDINARY MEETING

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27. The landscaping to the rear of the property (between the internal retaining wall and rear boundary fence) shall be selected to address privacy impacts to the senior's housing development. In this regard, landscaping is to consist of an evergreen species with a dense growth habit to a mature height that will be approximately 500mm above the top of the existing rear boundary fence. These plants are to consist of advanced specimens with a minimum pot size of 45L.
28. The front fencing shall be designed to ensure that any gates will not intrude on Council land.
29. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS3660) provided to walls and floors, pipe penetrations and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) A certificate for glazing used in the development:
    - (i) Glazing materials, e.g. windows, doors, footlights, balustrades and shower screens, are installed in the building in accordance with AS1288 'Glass in Buildings – Selection and Installation' and AS2047 'Windows and external glazed doors in buildings'.
    - (ii) Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development. The balustrade must be designed and installed in accordance with AS/NZS1170.1.
  - c) A certificate for waterproofing detailing compliance with AS3740.
  - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority certifying that all commitments made on the BASIX Certificate have been implemented and installed as approved.
30. A 900mm wide easement for maintenance and access benefiting the subject allotment shall be obtained and registered over Lot 106. This easement shall be created to allow the dwelling's eastern wall located in close proximity to the boundary to be accessed for maintenance.

Evidence of the obtainment and registration of this easement shall be provided to the Principal Certifying Authority prior to the release of the Occupation Certificate.
31. A Restriction as to User is to be created on the Title which states that the fence and landscaping required in conditions 25 and 26 of this consent are to be maintained in accordance with those conditions by the property owner at their expense.
32. No air-conditioning units or other noise generating plant are to be located on the northern elevation of the proposed structure.
33. The dwelling must have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tank(s) are to have a minimum capacity of 3000 litres.

## ORDINARY MEETING

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#### **AT - 3 Recommendation for DA0097/16, Proposed Lot 106 in Lot 342 DP1199663**

##### **known as 86 Arthur Phillip Drive, North Richmond**

That Council issue a "Deferred Commencement" consent for Development Application No. DA0097/16 for a dwelling house on Proposed Lot 106 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond, subject to the following conditions.

#### **Schedule 1 – Deferred Commencement Consent**

Hawkesbury City Council as the consent authority pursuant to Clause 80(3) of the EPA Act 1979 grants "Deferred Commencement" consent to Development Application No. DA0097/16 subject to following Schedule 1 matter being satisfied:

- A. The proposed allotment shall be registered and created with Land and Property Information (LPI). Written evidence of this registration and creation shall be provided to Council.

The information to satisfy this requirement must be submitted to Hawkesbury City Council within two years of the date of this consent. Upon Council's written approval of satisfactory compliance with the "Deferred Commencement" matter listed above, the development consent will become operative subject to the following operational conditions:

#### **Schedule 2 – Recommended Conditions**

##### **General**

1. The development is to be carried out in compliance with the following plans and documentation endorsed with Council's stamp, except where amended by other conditions of consent:

<b>Architectural Drawing Number</b>	<b>Prepared by</b>	<b>Dated</b>
Drawing No. DA00 Rev 'A' – Cover Sheet	PAA Design	16 February 2016
Drawing No. DA01 Rev 'A' – Ground Floor Plan	PAA Design	16 February 2016
Drawing No. DA02 Rev 'A' – Elevations	PAA Design	16 February 2016
Drawing No. DA03 Rev 'A' – Section	PAA Design	16 February 2016
Drawing No. DA05 Rev 'A' – Stormwater and Erosion and Sediment Control Plan	PAA Design	16 February 2016
BASIX Certificate No. 704723S	EcoMode Design	18 February 2016
Drawing No. L – 01 Rev 'B' – Landscape Plan	EcoDesign	07 October 2015
Drawing No. L – 02 Rev 'B' – Landscape Details	EcoDesign	07 October 2015
Drawing No. L – 03 Rev 'B' – Fence Details	EcoDesign	07 October 2015

2. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
5. The commitments listed in the BASIX Certificate for this development must be fulfilled.
6. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.

## ORDINARY MEETING

### Mayoral Minutes

7. The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:
  - a) Water flowing from the property must not be redirected or concentrated to adjoining properties,
  - b) Water flowing into the property from adjoining lots shall not be impeded or diverted.
  - c) Water flow shall follow the natural flow directions without increasing velocity.
  - d) All stormwater run-off from any roof structure or tank overflow is to be directed to the approved stormwater drainage system or to the road.

#### ***Prior to Issue of the Construction Certificate***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any building works.

8. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
9. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to release of the Construction Certificate.

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

10. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A(2)(b) of the Environmental Planning and Assessment Act 1979.
11. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
12. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
  - a) unauthorised access to the site is prohibited
  - b) the owner of the site
  - c) the person/company carrying out the site works and telephone number (including 24 hour seven day emergency numbers)
  - d) the name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of the works.

13. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to the commencement of works.
14. The building shall be set out by a Registered Surveyor. A Survey Certificate showing the position of the building's external walls and fencing under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority at an early stage of construction. Any easements must be shown on the Survey Certificate.

## ORDINARY MEETING

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15. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
16. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
17. The approved plans must be submitted to Sydney Water for approval. Following this assessment, the approved plans are to be appropriately stamped. The approved stamped plans must be provided to the Principal Certifying Authority prior to the commencement of works.

Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> or telephone 1300 082 746 Monday to Friday 8:30am to 5:30pm.

#### ***During Construction***

18. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am and 4pm.
19. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
20. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
21. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
22. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
  - b) building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
  - c) builders waste must not be burnt or buried on site
  - d) all waste must be contained and removed to a Waste Disposal Depot.
23. Compliance certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 and as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.
24. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value. Roof water (including overflow from water storage vessels) shall be drained to the street gutter or benefitted drainage easement. All drainage lines across the footpath shall be 100mm sewer grade pipe with a suitable kerb adaptor.
25. All necessary works shall be undertaken to ensure that any natural water flow from adjoining properties is not impeded or diverted.

#### ***Prior to Issue of an Occupation Certificate***

26. A 1.2m high pool style fence shall be constructed on the internal retaining wall to address safety impacts.

## ORDINARY MEETING

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27. The landscaping to the rear of the property (between the internal retaining wall and rear boundary fence) shall be selected to address privacy impacts to the senior's housing development. In this regard, landscaping is to consist of an evergreen species with a dense growth habit to a mature height that will be approximately 500mm above the top of the existing rear boundary fence. These plants are to consist of advanced specimens with a minimum pot size of 45L.
28. The front fencing shall be designed to ensure that any gates will not intrude on Council land.
29. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS3660) provided to walls and floors, pipe penetrations and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) A certificate for glazing used in the development:
    - (i) Glazing materials, e.g. windows, doors, footlights, balustrades and shower screens, are installed in the building in accordance with AS1288 'Glass in Buildings – Selection and Installation' and AS2047 'Windows and external glazed doors in buildings'.
    - (ii) Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development. The balustrade must be designed and installed in accordance with AS/NZS1170.1.
  - c) A certificate for waterproofing detailing compliance with AS3740.
  - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority certifying that all commitments made on the BASIX Certificate have been implemented and installed as approved.
30. A 900mm wide easement for maintenance and access benefiting the subject allotment shall be obtained and registered over Lot 107. This easement shall be created to allow the dwelling's eastern wall located in close proximity to the boundary to be accessed for maintenance.

Evidence of the obtainment and registration of this easement shall be provided to the Principal Certifying Authority prior to the release of the Occupation Certificate.
31. A Restriction as to User is to be created on the Title which states that the fence and landscaping required in conditions 25 and 26 of this consent are to be maintained in accordance with those conditions by the property owner at their expense.
32. No air-conditioning units or other noise generating plant are to be located on the northern elevation of the proposed structure.
33. The dwelling must have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tank(s) are to have a minimum capacity of 3000 litres.



## ORDINARY MEETING

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#### **AT - 4 Recommendation for DA0098/16, Proposed Lot 107 in Lot 342 DP1199663**

##### **known as 86 Arthur Phillip Drive, North Richmond**

That Council issue a "Deferred Commencement" consent for Development Application No. DA0098/16 for a dwelling house on Proposed Lot 107 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond, subject to the following conditions.

#### **Schedule 1 – Deferred Commencement Consent**

Hawkesbury City Council as the consent authority pursuant to Clause 80(3) of the EPA Act 1979 grants "Deferred Commencement" consent to Development Application No. DA0098/16 subject to following Schedule 1 matter being satisfied:

- A. The proposed allotment shall be registered and created with Land and Property Information (LPI). Written evidence of this registration and creation shall be provided to Council.

The information to satisfy this requirement must be submitted to Hawkesbury City Council within two years of the date of this consent. Upon Council's written approval of satisfactory compliance with the "Deferred Commencement" matter listed above, the development consent will become operative subject to the following operational conditions:

#### **Schedule 2 – Recommended Conditions**

##### ***General***

1. The development is to be carried out in compliance with the following plans and documentation endorsed with Council's stamp, except where amended by other conditions of consent:

<b>Architectural Drawing Number</b>	<b>Prepared by</b>	<b>Dated</b>
Drawing No. DA00 Rev 'A' – Cover Sheet	PAA Design	16 February 2016
Drawing No. DA01 Rev 'A' – Ground Floor Plan	PAA Design	16 February 2016
Drawing No. DA02 Rev 'A' – Elevations	PAA Design	16 February 2016
Drawing No. DA03 Rev 'A' – Section	PAA Design	16 February 2016
Drawing No. DA05 Rev 'A' – Stormwater and Erosion and Sediment Control Plan	PAA Design	16 February 2016
BASIX Certificate No. 704726S	EcoMode Design	18 February 2016
Drawing No. L – 01 Rev 'B' – Landscape Plan	EcoDesign	07 October 2015
Drawing No. L – 02 Rev 'B' – Landscape Details	EcoDesign	07 October 2015
Drawing No. L – 03 Rev 'B' – Fence Details	EcoDesign	07 October 2015

2. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
5. The commitments listed in the BASIX Certificate for this development must be fulfilled.
6. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.

## ORDINARY MEETING

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7. The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:
  - a) Water flowing from the property must not be redirected or concentrated to adjoining properties,
  - b) Water flowing into the property from adjoining lots shall not be impeded or diverted.
  - c) Water flow shall follow the natural flow directions without increasing velocity.
  - d) All stormwater run-off from any roof structure or tank overflow is to be directed to the approved stormwater drainage system or to the road.

#### ***Prior to Issue of the Construction Certificate***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any building works.

8. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
9. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to release of the Construction Certificate.

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

10. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A(2)(b) of the Environmental Planning and Assessment Act 1979.
11. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
12. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
  - a) unauthorised access to the site is prohibited
  - b) the owner of the site
  - c) the person/company carrying out the site works and telephone number (including 24 hour seven day emergency numbers)
  - d) the name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of the works.

13. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to the commencement of works.
14. The building shall be set out by a Registered Surveyor. A Survey Certificate showing the position of the building's external walls and fencing under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority at an early stage of construction. Any easements must be shown on the Survey Certificate.
15. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.

## ORDINARY MEETING

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16. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
17. The approved plans must be submitted to Sydney Water for approval. Following this assessment, the approved plans are to be appropriately stamped. The approved stamped plans must be provided to the Principal Certifying Authority prior to the commencement of works.

Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> or telephone 1300 082 746 Monday to Friday 8:30am to 5:30pm.

#### ***During Construction***

18. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am and 4pm.
19. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
20. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
21. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
22. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
  - b) building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
  - c) builders waste must not be burnt or buried on site
  - d) all waste must be contained and removed to a Waste Disposal Depot.
23. Compliance certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 and as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.
24. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value. Roof water (including overflow from water storage vessels) shall be drained to the street gutter or benefitted drainage easement. All drainage lines across the footpath shall be 100mm sewer grade pipe with a suitable kerb adaptor.
25. All necessary works shall be undertaken to ensure that any natural water flow from adjoining properties is not impeded or diverted.

#### ***Prior to Issue of an Occupation Certificate***

26. A 1.2m high pool style fence shall be constructed on the internal retaining wall to address safety impacts.

## ORDINARY MEETING

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27. The landscaping to the rear of the property (between the internal retaining wall and rear boundary fence) shall be selected to address privacy impacts to the senior's housing development. In this regard, landscaping is to consist of an evergreen species with a dense growth habit to a mature height that will be approximately 500mm above the top of the existing rear boundary fence. These plants are to consist of advanced specimens with a minimum pot size of 45L.
28. The front fencing shall be designed to ensure that any gates will not intrude on Council land.
29. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS3660) provided to walls and floors, pipe penetrations and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) A certificate for glazing used in the development:
    - (i) Glazing materials, e.g. windows, doors, footlights, balustrades and shower screens, are installed in the building in accordance with AS1288 'Glass in Buildings – Selection and Installation' and AS2047 'Windows and external glazed doors in buildings'.
    - (ii) Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development. The balustrade must be designed and installed in accordance with AS/NZS1170.1.
  - c) A certificate for waterproofing detailing compliance with AS3740.
  - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority certifying that all commitments made on the BASIX Certificate have been implemented and installed as approved.
30. A 900mm wide easement for maintenance and access benefiting the subject allotment shall be obtained and registered over Lot 108. This easement shall be created to allow the dwelling's eastern wall located in close proximity to the boundary to be accessed for maintenance.

Evidence of the obtainment and registration of this easement shall be provided to the Principal Certifying Authority prior to the release of the Occupation Certificate.
31. A Restriction as to User is to be created on the Title which states that the fence and landscaping required in conditions 25 and 26 of this consent are to be maintained in accordance with those conditions by the property owner at their expense.
32. No air-conditioning units or other noise generating plant are to be located on the northern elevation of the proposed structure.
33. The dwelling must have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tank(s) are to have a minimum capacity of 3000 litres.

## ORDINARY MEETING

### Mayoral Minutes

#### **AT - 5 Recommendation for DA0099/16, Proposed Lot 108 in Lot 342 DP1199663**

##### **known as 86 Arthur Phillip Drive, North Richmond**

That Council issue a "Deferred Commencement" consent for Development Application No. DA0099/16 for a dwelling house on Proposed Lot 108 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond, subject to the following conditions.

#### **Schedule 1 – Deferred Commencement Consent**

Hawkesbury City Council as the consent authority pursuant to Clause 80(3) of the EPA Act 1979 grants "Deferred Commencement" consent to Development Application No. DA0099/16 subject to following Schedule 1 matter being satisfied:

- A. The proposed allotment shall be registered and created with Land and Property Information (LPI). Written evidence of this registration and creation shall be provided to Council.

The information to satisfy this requirement must be submitted to Hawkesbury City Council within two years of the date of this consent. Upon Council's written approval of satisfactory compliance with the "Deferred Commencement" matter listed above, the development consent will become operative subject to the following operational conditions:

#### **Schedule 2 – Recommended Conditions**

##### **General**

1. The development is to be carried out in compliance with the following plans and documentation endorsed with Council's stamp, except where amended by other conditions of consent:

<b>Architectural Drawing Number</b>	<b>Prepared by</b>	<b>Dated</b>
Drawing No. DA00 Rev 'A' – Cover Sheet	PAA Design	16 February 2016
Drawing No. DA01 Rev 'A' – Ground Floor Plan	PAA Design	16 February 2016
Drawing No. DA02 Rev 'A' – Elevations	PAA Design	16 February 2016
Drawing No. DA03 Rev 'A' – Section	PAA Design	16 February 2016
Drawing No. DA05 Rev 'A' – Stormwater and Erosion and Sediment Control Plan	PAA Design	16 February 2016
BASIX Certificate No. 705598S	EcoMode Design	19 February 2016
Drawing No. L – 01 Rev 'C' – Landscape Plan	EcoDesign	22 February 2016
Drawing No. L – 02 Rev 'C' – Landscape Details	EcoDesign	22 February 2016
Drawing No. L – 03 Rev 'C' – Fence Details	EcoDesign	22 February 2016
Drawing No. L – 04 Rev 'C' – Fence Details	EcoDesign	22 February 2016

2. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
5. The commitments listed in the BASIX Certificate for this development must be fulfilled.

## ORDINARY MEETING

### Mayoral Minutes

6. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
7. The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:
  - a) Water flowing from the property must not be redirected or concentrated to adjoining properties,
  - b) Water flowing into the property from adjoining lots shall not be impeded or diverted.
  - c) Water flow shall follow the natural flow directions without increasing velocity.
  - d) All stormwater run-off from any roof structure or tank overflow is to be directed to the approved stormwater drainage system or to the road.

#### ***Prior to Issue of the Construction Certificate***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any building works.

8. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
9. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to release of the Construction Certificate.

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

10. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A(2)(b) of the Environmental Planning and Assessment Act 1979.
11. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
12. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
  - a) unauthorised access to the site is prohibited
  - b) the owner of the site
  - c) the person/company carrying out the site works and telephone number (including 24 hour seven day emergency numbers)
  - d) the name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of the works.

13. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to the commencement of works.

## ORDINARY MEETING

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14. The building shall be set out by a Registered Surveyor. A Survey Certificate showing the position of the building's external walls and fencing under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority at an early stage of construction. Any easements must be shown on the Survey Certificate.
15. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
16. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
17. The approved plans must be submitted to Sydney Water for approval. Following this assessment, the approved plans are to be appropriately stamped. The approved stamped plans must be provided to the Principal Certifying Authority prior to the commencement of works.

Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> or telephone 1300 082 746 Monday to Friday 8:30am to 5:30pm.

#### ***During Construction***

18. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am and 4pm.
19. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
20. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
21. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
22. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
  - b) building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
  - c) builders waste must not be burnt or buried on site
  - d) all waste must be contained and removed to a Waste Disposal Depot.
23. Compliance certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 and as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.
24. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value. Roof water (including overflow from water storage vessels) shall be drained to the street gutter or benefitted drainage easement. All drainage lines across the footpath shall be 100mm sewer grade pipe with a suitable kerb adaptor.
25. All necessary works shall be undertaken to ensure that any natural water flow from adjoining properties is not impeded or diverted.

## ORDINARY MEETING

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#### ***Prior to Issue of an Occupation Certificate***

26. A 1.2m high pool style fence shall be constructed on the internal retaining wall to address safety impacts.
27. The landscaping to the rear of the property (between the internal retaining wall and rear boundary fence) shall be selected to address privacy impacts to the senior's housing development. In this regard, landscaping is to consist of an evergreen species with a dense growth habit to a mature height that will be approximately 500mm above the top of the existing rear boundary fence. These plants are to consist of advanced specimens with a minimum pot size of 45L.
28. The front fencing shall be designed to ensure that any gates will not intrude on Council land.
29. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS3660) provided to walls and floors, pipe penetrations and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) A certificate for glazing used in the development:
    - (i) Glazing materials, e.g. windows, doors, footlights, balustrades and shower screens, are installed in the building in accordance with AS1288 'Glass in Buildings – Selection and Installation' and AS2047 'Windows and external glazed doors in buildings'.
    - (ii) Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development. The balustrade must be designed and installed in accordance with AS/NZS1170.1.
  - c) A certificate for waterproofing detailing compliance with AS3740.
  - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority certifying that all commitments made on the BASIX Certificate have been implemented and installed as approved.
30. A 900mm wide easement for maintenance and access benefiting the subject allotment shall be obtained and registered over Lot 109. This easement shall be created to allow the dwelling's eastern wall located in close proximity to the boundary to be accessed for maintenance.

Evidence of the obtainment and registration of this easement shall be provided to the Principal Certifying Authority prior to the release of the Occupation Certificate.
31. A Restriction as to User is to be created on the Title which states that the fence and landscaping required in conditions 25 and 26 of this consent are to be maintained in accordance with those conditions by the property owner at their expense.
32. No air-conditioning units or other noise generating plant are to be located on the northern elevation of the proposed structure.
33. The dwelling must have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tank(s) are to have a minimum capacity of 3000 litres.



## ORDINARY MEETING

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#### **AT - 6 Recommendation for DA0100/16, Proposed Lot 109 in Lot 342 DP1199663**

##### **known as 86 Arthur Phillip Drive, North Richmond**

That Council issue a "Deferred Commencement" consent for Development Application No. DA0100/16 for a dwelling house on Proposed Lot 109 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond, subject to the following conditions.

#### **Schedule 1 – Deferred Commencement Consent**

Hawkesbury City Council as the consent authority pursuant to Clause 80(3) of the EPA Act 1979 grants "Deferred Commencement" consent to Development Application No. DA0100/16 subject to following Schedule 1 matter being satisfied:

- A. The proposed allotment shall be registered and created with Land and Property Information (LPI). Written evidence of this registration and creation shall be provided to Council.

The information to satisfy this requirement must be submitted to Hawkesbury City Council within two years of the date of this consent. Upon Council's written approval of satisfactory compliance with the "Deferred Commencement" matter listed above, the development consent will become operative subject to the following operational conditions:

#### **Schedule 2 – Recommended Conditions**

##### **General**

1. The development is to be carried out in compliance with the following plans and documentation endorsed with Council's stamp, except where amended by other conditions of consent:

Architectural Drawing Number	Prepared by	Dated
Drawing No. DA00 Rev 'A' – Cover Sheet	PAA Design	16 February 2016
Drawing No. DA01 Rev 'A' – Ground Floor Plan	PAA Design	16 February 2016
Drawing No. DA02 Rev 'A' – Elevations	PAA Design	16 February 2016
Drawing No. DA03 Rev 'A' – Section	PAA Design	16 February 2016
Drawing No. DA05 Rev 'A' – Stormwater and Erosion and Sediment Control Plan	PAA Design	16 February 2016
BASIX Certificate No. 705601S	EcoMode Design	19 February 2016
Drawing No. L – 01 Rev 'C' – Landscape Plan	EcoDesign	22 February 2016
Drawing No. L – 02 Rev 'C' – Landscape Details	EcoDesign	22 February 2016
Drawing No. L – 03 Rev 'C' – Fence Details	EcoDesign	22 February 2016
Drawing No. L – 04 Rev 'C' – Fence Details	EcoDesign	22 February 2016

2. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
5. The commitments listed in the BASIX Certificate for this development must be fulfilled.

## ORDINARY MEETING

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6. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
7. The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:
  - a) Water flowing from the property must not be redirected or concentrated to adjoining properties,
  - b) Water flowing into the property from adjoining lots shall not be impeded or diverted.
  - c) Water flow shall follow the natural flow directions without increasing velocity.
  - d) All stormwater run-off from any roof structure or tank overflow is to be directed to the approved stormwater drainage system or to the road.

#### ***Prior to Issue of the Construction Certificate***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any building works.

8. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
9. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to release of the Construction Certificate.

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

10. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A(2)(b) of the Environmental Planning and Assessment Act 1979.
11. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
12. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
  - a) unauthorised access to the site is prohibited
  - b) the owner of the site
  - c) the person/company carrying out the site works and telephone number (including 24 hour seven day emergency numbers)
  - d) the name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of the works.

13. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to the commencement of works.

## ORDINARY MEETING

### Mayoral Minutes

14. The building shall be set out by a Registered Surveyor. A Survey Certificate showing the position of the building's external walls and fencing under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority at an early stage of construction. Any easements must be shown on the Survey Certificate.
15. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
16. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
17. The approved plans must be submitted to Sydney Water for approval. Following this assessment, the approved plans are to be appropriately stamped. The approved stamped plans must be provided to the Principal Certifying Authority prior to the commencement of works.

Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> or telephone 1300 082 746 Monday to Friday 8:30am to 5:30pm.

#### ***During Construction***

18. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am and 4pm.
19. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
20. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
21. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
22. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
  - b) building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
  - c) builders waste must not be burnt or buried on site
  - d) all waste must be contained and removed to a Waste Disposal Depot.
23. Compliance certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 and as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.
24. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value. Roof water (including overflow from water storage vessels) shall be drained to the street gutter or benefitted drainage easement. All drainage lines across the footpath shall be 100mm sewer grade pipe with a suitable kerb adaptor.
25. All necessary works shall be undertaken to ensure that any natural water flow from adjoining properties is not impeded or diverted.

## ORDINARY MEETING

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#### ***Prior to Issue of an Occupation Certificate***

26. A 1.2m high pool style fence shall be constructed on the internal retaining wall to address safety impacts.
27. The landscaping to the rear of the property (between the internal retaining wall and rear boundary fence) shall be selected to address privacy impacts to the senior's housing development. In this regard, landscaping is to consist of an evergreen species with a dense growth habit to a mature height that will be approximately 500mm above the top of the existing rear boundary fence. These plants are to consist of advanced specimens with a minimum pot size of 45L.
28. The front fencing shall be designed to ensure that any gates will not intrude on Council land.
29. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS3660) provided to walls and floors, pipe penetrations and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) A certificate for glazing used in the development:
    - (i) Glazing materials, e.g. windows, doors, footlights, balustrades and shower screens, are installed in the building in accordance with AS1288 'Glass in Buildings – Selection and Installation' and AS2047 'Windows and external glazed doors in buildings'.
    - (ii) Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development. The balustrade must be designed and installed in accordance with AS/NZS1170.1.
  - c) A certificate for waterproofing detailing compliance with AS3740.
  - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority certifying that all commitments made on the BASIX Certificate have been implemented and installed as approved.
30. A 900mm wide easement for maintenance and access benefiting the subject allotment shall be obtained and registered over Lot 110. This easement shall be created to allow the dwelling's eastern wall located in close proximity to the boundary to be accessed for maintenance.

Evidence of the obtainment and registration of this easement shall be provided to the Principal Certifying Authority prior to the release of the Occupation Certificate.
31. A Restriction as to User is to be created on the Title which states that the fence and landscaping required in conditions 25 and 26 of this consent are to be maintained in accordance with those conditions by the property owner at their expense.
32. No air-conditioning units or other noise generating plant are to be located on the northern elevation of the proposed structure.
33. The dwelling must have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tank(s) are to have a minimum capacity of 3000 litres.

## ORDINARY MEETING

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#### **AT -7 Recommendation for DA0101/16, Proposed Lot 110 in Lot 342 DP1199663**

##### **known as 86 Arthur Phillip Drive, North Richmond**

That Council issue a "Deferred Commencement" consent for Development Application No. DA0101/16 for a dwelling house on Proposed Lot 110 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond, subject to the following conditions.

#### **Schedule 1 – Deferred Commencement Consent**

Hawkesbury City Council as the consent authority pursuant to Clause 80(3) of the EPA Act 1979 grants "Deferred Commencement" consent to Development Application No. DA0110/16 subject to following Schedule 1 matter being satisfied:

- A. The proposed allotment shall be registered and created with Land and Property Information (LPI). Written evidence of this registration and creation shall be provided to Council.

The information to satisfy this requirement must be submitted to Hawkesbury City Council within two years of the date of this consent. Upon Council's written approval of satisfactory compliance with the "Deferred Commencement" matter listed above, the development consent will become operative subject to the following operational conditions:

#### **Schedule 2 – Recommended Conditions**

##### **General**

1. The development is to be carried out in compliance with the following plans and documentation endorsed with Council's stamp, except where amended by other conditions of consent:

Architectural Drawing Number	Prepared by	Dated
Drawing No. DA00 Rev 'A' – Cover Sheet	PAA Design	16 February 2016
Drawing No. DA01 Rev 'A' – Ground Floor Plan	PAA Design	16 February 2016
Drawing No. DA02 Rev 'A' – Elevations	PAA Design	16 February 2016
Drawing No. DA03 Rev 'A' – Section	PAA Design	16 February 2016
Drawing No. DA05 Rev 'A' – Stormwater and Erosion and Sediment Control Plan	PAA Design	16 February 2016
BASIX Certificate No. 704730S	EcoMode Design	18 February 2016
Drawing No. L – 01 Rev 'B' – Landscape Plan	EcoDesign	07 October 2015
Drawing No. L – 02 Rev 'B' – Landscape Details	EcoDesign	07 October 2015
Drawing No. L – 03 Rev 'B' – Fence Details	EcoDesign	07 October 2015

2. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
5. The commitments listed in the BASIX Certificate for this development must be fulfilled.
6. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.

## ORDINARY MEETING

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7. The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:
  - a) Water flowing from the property must not be redirected or concentrated to adjoining properties,
  - b) Water flowing into the property from adjoining lots shall not be impeded or diverted.
  - c) Water flow shall follow the natural flow directions without increasing velocity.
  - d) All stormwater run-off from any roof structure or tank overflow is to be directed to the approved stormwater drainage system or to the road.

#### ***Prior to Issue of the Construction Certificate***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any building works.

8. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
9. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to release of the Construction Certificate.

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

10. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A(2)(b) of the Environmental Planning and Assessment Act 1979.
11. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
12. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
  - a) unauthorised access to the site is prohibited
  - b) the owner of the site
  - c) the person/company carrying out the site works and telephone number (including 24 hour seven day emergency numbers)
  - d) the name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of the works.

13. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to the commencement of works.
14. The building shall be set out by a Registered Surveyor. A Survey Certificate showing the position of the building's external walls and fencing under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority at an early stage of construction. Any easements must be shown on the Survey Certificate.
15. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.

## ORDINARY MEETING

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16. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
17. The approved plans must be submitted to Sydney Water for approval. Following this assessment, the approved plans are to be appropriately stamped. The approved stamped plans must be provided to the Principal Certifying Authority prior to the commencement of works.

Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> or telephone 1300 082 746 Monday to Friday 8:30am to 5:30pm.

#### ***During Construction***

18. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am and 4pm.
19. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
20. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
21. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
22. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
  - b) building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
  - c) builders waste must not be burnt or buried on site
  - d) all waste must be contained and removed to a Waste Disposal Depot.
23. Compliance certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 and as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.
24. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value. Roof water (including overflow from water storage vessels) shall be drained to the street gutter or benefitted drainage easement. All drainage lines across the footpath shall be 100mm sewer grade pipe with a suitable kerb adaptor.
25. All necessary works shall be undertaken to ensure that any natural water flow from adjoining properties is not impeded or diverted.

#### ***Prior to Issue of an Occupation Certificate***

26. A 1.2m high pool style fence shall be constructed on the internal retaining wall to address safety impacts.

## ORDINARY MEETING

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27. The landscaping to the rear of the property (between the internal retaining wall and rear boundary fence) shall be selected to address privacy impacts to the senior's housing development. In this regard, landscaping is to consist of an evergreen species with a dense growth habit to a mature height that will be approximately 500mm above the top of the existing rear boundary fence. These plants are to consist of advanced specimens with a minimum pot size of 45L.
28. The front fencing shall be designed to ensure that any gates will not intrude on Council land.
29. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS3660) provided to walls and floors, pipe penetrations and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) A certificate for glazing used in the development:
    - (i) Glazing materials, e.g. windows, doors, footlights, balustrades and shower screens, are installed in the building in accordance with AS1288 'Glass in Buildings – Selection and Installation' and AS2047 'Windows and external glazed doors in buildings'.
    - (ii) Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development. The balustrade must be designed and installed in accordance with AS/NZS1170.1.
  - c) A certificate for waterproofing detailing compliance with AS3740.
  - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority certifying that all commitments made on the BASIX Certificate have been implemented and installed as approved.
30. A 900mm wide easement for maintenance and access benefiting the subject allotment shall be obtained and registered over Lot 111. This easement shall be created to allow the dwelling's eastern wall located in close proximity to the boundary to be accessed for maintenance.

Evidence of the obtainment and registration of this easement shall be provided to the Principal Certifying Authority prior to the release of the Occupation Certificate.
31. A Restriction as to User is to be created on the Title which states that the fence and landscaping required in conditions 25 and 26 of this consent are to be maintained in accordance with those conditions by the property owner at their expense.
32. No air-conditioning units or other noise generating plant are to be located on the northern elevation of the proposed structure.
33. The dwelling must have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tank(s) are to have a minimum capacity of 3000 litres.



## ORDINARY MEETING

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#### **AT - 8 Recommendation for DA0102/16, Proposed Lot 111 in Lot 342 DP1199663**

##### **known as 86 Arthur Phillip Drive, North Richmond**

That Council issue a "Deferred Commencement" consent for Development Application No. DA0102/16 for a dwelling house on Proposed Lot 111 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond, subject to the following conditions.

#### **Schedule 1 – Deferred Commencement Consent**

Hawkesbury City Council as the consent authority pursuant to Clause 80(3) of the EPA Act 1979 grants "Deferred Commencement" consent to Development Application No. DA0102/16 subject to following Schedule 1 matter being satisfied:

- A. The proposed allotment shall be registered and created with Land and Property Information (LPI). Written evidence of this registration and creation shall be provided to Council.

The information to satisfy this requirement must be submitted to Hawkesbury City Council within two years of the date of this consent. Upon Council's written approval of satisfactory compliance with the "Deferred Commencement" matter listed above, the development consent will become operative subject to the following operational conditions:

#### **Schedule 2 – Recommended Conditions**

##### **General**

1. The development is to be carried out in compliance with the following plans and documentation endorsed with Council's stamp, except where amended by other conditions of consent:

<b>Architectural Drawing Number</b>	<b>Prepared by</b>	<b>Dated</b>
Drawing No. DA00 Rev 'A' – Cover Sheet	PAA Design	16 February 2016
Drawing No. DA01 Rev 'A' – Ground Floor Plan	PAA Design	16 February 2016
Drawing No. DA02 Rev 'A' – Elevations	PAA Design	16 February 2016
Drawing No. DA03 Rev 'A' – Section	PAA Design	16 February 2016
Drawing No. DA05 Rev 'A' – Stormwater and Erosion and Sediment Control Plan	PAA Design	16 February 2016
BASIX Certificate No. 704732S	EcoMode Design	18 February 2016
Drawing No. L – 01 Rev 'B' – Landscape Plan	EcoDesign	07 October 2015
Drawing No. L – 02 Rev 'B' – Landscape Details	EcoDesign	07 October 2015
Drawing No. L – 03 Rev 'B' – Fence Details	EcoDesign	07 October 2015

2. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
5. The commitments listed in the BASIX Certificate for this development must be fulfilled.
6. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.

## ORDINARY MEETING

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7. The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:
  - a) Water flowing from the property must not be redirected or concentrated to adjoining properties,
  - b) Water flowing into the property from adjoining lots shall not be impeded or diverted.
  - c) Water flow shall follow the natural flow directions without increasing velocity.
  - d) All stormwater run-off from any roof structure or tank overflow is to be directed to the approved stormwater drainage system or to the road.

#### ***Prior to Issue of the Construction Certificate***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any building works.

8. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
9. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to release of the Construction Certificate.

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

10. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A(2)(b) of the Environmental Planning and Assessment Act 1979.
11. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
12. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
  - a) unauthorised access to the site is prohibited
  - b) the owner of the site
  - c) the person/company carrying out the site works and telephone number (including 24 hour seven day emergency numbers)
  - d) the name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of the works.

13. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to the commencement of works.
14. The building shall be set out by a Registered Surveyor. A Survey Certificate showing the position of the building's external walls and fencing under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority at an early stage of construction. Any easements must be shown on the Survey Certificate.
15. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.

## ORDINARY MEETING

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16. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
17. The approved plans must be submitted to Sydney Water for approval. Following this assessment, the approved plans are to be appropriately stamped. The approved stamped plans must be provided to the Principal Certifying Authority prior to the commencement of works.

Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> or telephone 1300 082 746 Monday to Friday 8:30am to 5:30pm.

#### ***During Construction***

18. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am and 4pm.
19. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
20. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
21. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
22. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
  - b) building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
  - c) builders waste must not be burnt or buried on site
  - d) all waste must be contained and removed to a Waste Disposal Depot.
23. Compliance certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 and as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.
24. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value. Roof water (including overflow from water storage vessels) shall be drained to the street gutter or benefitted drainage easement. All drainage lines across the footpath shall be 100mm sewer grade pipe with a suitable kerb adaptor.
25. All necessary works shall be undertaken to ensure that any natural water flow from adjoining properties is not impeded or diverted.

#### ***Prior to Issue of an Occupation Certificate***

26. A 1.2m high pool style fence shall be constructed on the internal retaining wall to address safety impacts.

## ORDINARY MEETING

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27. The landscaping to the rear of the property (between the internal retaining wall and rear boundary fence) shall be selected to address privacy impacts to the senior's housing development. In this regard, landscaping is to consist of an evergreen species with a dense growth habit to a mature height that will be approximately 500mm above the top of the existing rear boundary fence. These plants are to consist of advanced specimens with a minimum pot size of 45L.
28. The front fencing shall be designed to ensure that any gates will not intrude on Council land.
29. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS3660) provided to walls and floors, pipe penetrations and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) A certificate for glazing used in the development:
    - (i) Glazing materials, e.g. windows, doors, footlights, balustrades and shower screens, are installed in the building in accordance with AS1288 'Glass in Buildings – Selection and Installation' and AS2047 'Windows and external glazed doors in buildings'.
    - (ii) Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development. The balustrade must be designed and installed in accordance with AS/NZS1170.1.
  - c) A certificate for waterproofing detailing compliance with AS3740.
  - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority certifying that all commitments made on the BASIX Certificate have been implemented and installed as approved.
30. A 900mm wide easement for maintenance and access benefiting the subject allotment shall be obtained and registered over Lot 112. This easement shall be created to allow the dwelling's eastern wall located in close proximity to the boundary to be accessed for maintenance.

Evidence of the obtainment and registration of this easement shall be provided to the Principal Certifying Authority prior to the release of the Occupation Certificate.
31. A Restriction as to User is to be created on the Title which states that the fence and landscaping required in conditions 25 and 26 of this consent are to be maintained in accordance with those conditions by the property owner at their expense.
32. No air-conditioning units or other noise generating plant are to be located on the northern elevation of the proposed structure.
33. The dwelling must have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tank(s) are to have a minimum capacity of 3000 litres.

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#### **AT - 9 Recommendation for DA0103/16, Proposed Lot 112 in Lot 342 DP1199663**

##### **known as 86 Arthur Phillip Drive, North Richmond**

That Council issue a "Deferred Commencement" consent for Development Application No. DA0103/16 for a dwelling house on Proposed Lot 112 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond, subject to the following conditions.

#### **Schedule 1 – Deferred Commencement Consent**

Hawkesbury City Council as the consent authority pursuant to Clause 80(3) of the EPA Act 1979 grants "Deferred Commencement" consent to Development Application No. DA0103/16 subject to following Schedule 1 matter being satisfied:

- A. The proposed allotment shall be registered and created with Land and Property Information (LPI). Written evidence of this registration and creation shall be provided to Council.

The information to satisfy this requirement must be submitted to Hawkesbury City Council within two years of the date of this consent. Upon Council's written approval of satisfactory compliance with the "Deferred Commencement" matter listed above, the development consent will become operative subject to the following operational conditions:

#### **Schedule 2 – Recommended Conditions**

##### **General**

1. The development is to be carried out in compliance with the following plans and documentation endorsed with Council's stamp, except where amended by other conditions of consent:

Architectural Drawing Number	Prepared by	Dated
Drawing No. DA00 Rev 'A' – Cover Sheet	PAA Design	16 February 2016
Drawing No. DA01 Rev 'A' – Ground Floor Plan	PAA Design	16 February 2016
Drawing No. DA02 Rev 'A' – First Floor Plan	PAA Design	16 February 2016
Drawing No. DA03 Rev 'A' – Elevations	PAA Design	16 February 2016
Drawing No. DA04 Rev 'A' – Section	PAA Design	16 February 2016
Drawing No. DA06 Rev 'A' – Stormwater and Erosion and Sediment Control Plan	PAA Design	16 February 2016
BASIX Certificate No. 704733S	EcoMode Design	18 February 2016
Drawing No. L – 01 Rev 'B' – Landscape Plan	EcoDesign	7 October 2015
Drawing No. L – 02 Rev 'B' – Landscape Details	EcoDesign	7 October 2015
Drawing No. L – 03 Rev 'B' – Fence Details	EcoDesign	7 October 2015

2. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
5. The commitments listed in the BASIX Certificate for this development must be fulfilled.

## ORDINARY MEETING

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6. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
7. The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:
  - a) Water flowing from the property must not be redirected or concentrated to adjoining properties,
  - b) Water flowing into the property from adjoining lots shall not be impeded or diverted.
  - c) Water flow shall follow the natural flow directions without increasing velocity.
  - d) All stormwater run-off from any roof structure or tank overflow is to be directed to the approved stormwater drainage system or to the road.

#### ***Prior to Issue of the Construction Certificate***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any building works.

8. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
9. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to release of the Construction Certificate.

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

10. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A(2)(b) of the Environmental Planning and Assessment Act 1979.
11. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
12. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
  - a) unauthorised access to the site is prohibited
  - b) the owner of the site
  - c) the person/company carrying out the site works and telephone number (including 24 hour seven day emergency numbers)
  - d) the name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of the works.

13. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to the commencement of works.

## ORDINARY MEETING

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14. The building shall be set out by a Registered Surveyor. A Survey Certificate showing the position of the building's external walls and fencing under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority at an early stage of construction. Any easements must be shown on the Survey Certificate.
15. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
16. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
17. The approved plans must be submitted to Sydney Water for approval. Following this assessment, the approved plans are to be appropriately stamped. The approved stamped plans must be provided to the Principal Certifying Authority prior to the commencement of works.

Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> or telephone 1300 082 746 Monday to Friday 8:30am to 5:30pm.

#### ***During Construction***

18. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am and 4pm.
19. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
20. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
21. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
22. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
  - b) building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
  - c) builders waste must not be burnt or buried on site
  - d) all waste must be contained and removed to a Waste Disposal Depot.
23. Compliance certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 and as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.
24. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value. Roof water (including overflow from water storage vessels) shall be drained to the street gutter or benefitted drainage easement. All drainage lines across the footpath shall be 100mm sewer grade pipe with a suitable kerb adaptor.
25. All necessary works shall be undertaken to ensure that any natural water flow from adjoining properties is not impeded or diverted.

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#### ***Prior to Issue of an Occupation Certificate***

26. A 1.2m high pool style fence shall be constructed on the internal rear retaining wall to address safety impacts.
27. The landscaping to the rear of the property (between the internal retaining wall and rear boundary fence) shall be selected to address privacy impacts to the senior's housing development. In this regard, landscaping is to consist of an evergreen species with a dense growth habit to a mature height that will be approximately 500mm above the top of the existing rear boundary fence. These plants are to consist of advanced specimens with a minimum pot size of 45L.
28. The front fencing shall be designed to ensure that any gates will not intrude on Council land.
29. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS3660) provided to walls and floors, pipe penetrations and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) A certificate for glazing used in the development:
    - (i) Glazing materials, e.g. windows, doors, footlights, balustrades and shower screens, are installed in the building in accordance with AS1288 'Glass in Buildings – Selection and Installation' and AS2047 'Windows and external glazed doors in buildings'.
    - (ii) Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development. The balustrade must be designed and installed in accordance with AS/NZS1170.1.
  - c) A certificate for waterproofing detailing compliance with AS3740.
  - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority certifying that all commitments made on the BASIX Certificate have been implemented and installed as approved.
30. A 900mm wide easement for maintenance and access benefiting the subject allotment shall be obtained and registered over Lot 113. This easement shall be created to allow the dwelling's western wall located in close proximity to the boundary to be accessed for maintenance.

Evidence of the obtainment and registration of this easement shall be provided to the Principal Certifying Authority prior to the release of the Occupation Certificate.
31. A Restriction as to User is to be created on the Title which states that the fence and landscaping required in conditions 25 and 26 of this consent are to be maintained in accordance with those conditions by the property owner at their expense.
32. No air-conditioning units or other noise generating plant are to be located on the northern elevation of the proposed structure.
33. The dwelling must have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tank(s) are to have a minimum capacity of 3000 litres.



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#### **AT - 10 Recommendation for DA0104/16, Proposed Lot 113 in Lot 342 DP1199663**

##### **known as 86 Arthur Phillip Drive, North Richmond**

That Council issue a "Deferred Commencement" consent for Development Application No. DA0104/16 for a dwelling house on Proposed Lot 113 in Lot 342 DP1199663, known as 86 Arthur Phillip Drive, North Richmond, subject to the following conditions.

#### **Schedule 1 – Deferred Commencement Consent**

Hawkesbury City Council as the consent authority pursuant to Clause 80(3) of the EPA Act 1979 grants "Deferred Commencement" consent to Development Application No. DA0104/16 subject to following Schedule 1 matter being satisfied:

- A. The proposed allotment shall be registered and created with Land and Property Information (LPI). Written evidence of this registration and creation shall be provided to Council.

The information to satisfy this requirement must be submitted to Hawkesbury City Council within two years of the date of this consent. Upon Council's written approval of satisfactory compliance with the "Deferred Commencement" matter listed above, the development consent will become operative subject to the following operational conditions:

#### **Schedule 2 – Recommended Conditions**

##### **General**

1. The development is to be carried out in compliance with the following plans and documentation endorsed with Council's stamp, except where amended by other conditions of consent:

Architectural Drawing Number	Prepared by	Dated
Drawing No. DA00 Rev 'A' – Cover Sheet	PAA Design	16 February 2016
Drawing No. DA01 Rev 'A' – Ground Floor Plan	PAA Design	16 February 2016
Drawing No. DA02 Rev 'A' – First Floor Plan	PAA Design	16 February 2016
Drawing No. DA03 Rev 'A' – Elevations	PAA Design	16 February 2016
Drawing No. DA04 Rev 'A' – Section	PAA Design	16 February 2016
Drawing No. DA06 Rev 'A' – Stormwater and Erosion and Sediment Control Plan	PAA Design	16 February 2016
BASIX Certificate No. 703878S	EcoMode Design	18 February 2016
Drawing No. L – 01 Rev 'B' – Landscape Plan	EcoDesign	7 October 2015
Drawing No. L – 02 Rev 'B' – Landscape Details	EcoDesign	7 October 2015
Drawing No. L – 03 Rev 'B' – Fence Details	EcoDesign	7 October 2015

2. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
5. The commitments listed in the BASIX Certificate for this development must be fulfilled.

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6. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
7. The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:
  - a) Water flowing from the property must not be redirected or concentrated to adjoining properties,
  - b) Water flowing into the property from adjoining lots shall not be impeded or diverted.
  - c) Water flow shall follow the natural flow directions without increasing velocity.
  - d) All stormwater run-off from any roof structure or tank overflow is to be directed to the approved stormwater drainage system or to the road.

#### ***Prior to Issue of the Construction Certificate***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any building works.

8. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
9. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to release of the Construction Certificate.

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

10. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A(2)(b) of the Environmental Planning and Assessment Act 1979.
11. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
12. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
  - a) unauthorised access to the site is prohibited
  - b) the owner of the site
  - c) the person/company carrying out the site works and telephone number (including 24 hour seven day emergency numbers)
  - d) the name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of the works.

13. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to the commencement of works.

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14. The building shall be set out by a Registered Surveyor. A Survey Certificate showing the position of the building's external walls and fencing under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority at an early stage of construction. Any easements must be shown on the Survey Certificate.
15. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
16. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
17. The approved plans must be submitted to Sydney Water for approval. Following this assessment, the approved plans are to be appropriately stamped. The approved stamped plans must be provided to the Principal Certifying Authority prior to the commencement of works.

Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> or telephone 1300 082 746 Monday to Friday 8:30am to 5:30pm.

#### ***During Construction***

18. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am and 4pm.
19. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
20. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
21. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
22. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
  - b) building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
  - c) builders waste must not be burnt or buried on site
  - d) all waste must be contained and removed to a Waste Disposal Depot.
23. Compliance certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 and as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.
24. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value. Roof water (including overflow from water storage vessels) shall be drained to the street gutter or benefitted drainage easement. All drainage lines across the footpath shall be 100mm sewer grade pipe with a suitable kerb adaptor.
25. All necessary works shall be undertaken to ensure that any natural water flow from adjoining properties is not impeded or diverted.

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#### ***Prior to Issue of an Occupation Certificate***

26. A 1.2m high pool style fence shall be constructed on the internal rear retaining wall to address safety impacts.
27. The landscaping to the rear of the property (between the internal retaining wall and rear boundary fence) shall be selected to address privacy impacts to the senior's housing development. In this regard, landscaping is to consist of an evergreen species with a dense growth habit to a mature height that will be approximately 500mm above the top of the existing rear boundary fence. These plants are to consist of advanced specimens with a minimum pot size of 45L.
28. The front fencing shall be designed to ensure that any gates will not intrude on Council land.
29. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS3660) provided to walls and floors, pipe penetrations and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) A certificate for glazing used in the development:
    - (i) Glazing materials, e.g. windows, doors, footlights, balustrades and shower screens, are installed in the building in accordance with AS1288 'Glass in Buildings – Selection and Installation' and AS2047 'Windows and external glazed doors in buildings'.
    - (ii) Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development. The balustrade must be designed and installed in accordance with AS/NZS1170.1.
  - c) A certificate for waterproofing detailing compliance with AS3740.
  - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority certifying that all commitments made on the BASIX Certificate have been implemented and installed as approved.
30. A Restriction as to User is to be created on the Title which states that the fence and landscaping required in conditions 25 and 26 of this consent are to be maintained in accordance with those conditions by the property owner at their expense.
31. No air-conditioning units or other noise generating plant are to be located on the northern elevation of the proposed structure.
32. The dwelling must have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tank(s) are to have a minimum capacity of 3000 litres.

**oooO END OF MAYORAL MINUTE Oooo**

ordinary

section

3

reports  
for determination

**ORDINARY MEETING**

**Meeting Date:** 25 October 2016

## ORDINARY MEETING

Meeting Date: 25 October 2016

### SECTION 3 - Reports for Determination

#### PLANNING DECISIONS

**Item: 223**                      **CP - DA0503/15 - 10 Beddek Street, McGraths Hill - Lot 1 DP 577614 - Place of Public Worship - (94598, 33648, 134000)**

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#### Development Information

**File Number:** DA0503/15  
**Property Address:** 10 Beddeck Street, McGraths Hill  
**Applicant:** Mr S Guduguntla  
**Owner:** Mr A Vaughn  
**Proposal Details:** Place of Public Worship – Staged construction and operation of a place of public worship, function hall, caretaker's residence and car park  
**Estimated Cost:** \$2,558,675  
**Zone:** RU4 Primary Production Small Lots  
**Date Received:** 10 August 2015  
**Advertising:** 19 August 2015 to 2 September 2015

**Key Issues:**

- ◆ Categorisation and Permissibility
- ◆ Traffic and Parking Impacts
- ◆ Amenity Impacts

**Recommendation:** Approval

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#### REPORT:

##### Executive Summary

This application seeks Council approval for the staged construction and operation of a place of public worship, function hall, caretaker's residence and car park at 10 Beddek Street, McGraths Hill.

The proposal involves the construction and operation of a Hindu temple to be known as the 'Sri Siva Jyothi Temple'. This place of public worship is to be constructed and operated in three stages, with the use of the property for religious activities and events commencing with the completion of the Stage 2 and 3 works.

The construction of the temple and the operation of regular services is to form part of Stage 3 of the development.

Documentation supplied in support of the application indicates that services will be held mornings and evenings seven days a week, with approximately 20 to 75 worshippers in attendance. Approval is also sought for the operation of 12 monthly events in a calendar year that may accommodate up to 120 people and four events in a calendar year that may accommodate up to 225 people.

A total of 579 submissions raising concerns with respect to traffic, parking, amenity, heritage and social impacts have been received in response to the notification of this application.

Council's Development Engineer has reviewed the application and the supplied Traffic and Parking Reports. The surrounding local road network infrastructure is not currently adequate to accommodate the proposed place of public worship. However, with the upgrading of the nearby local roads and the proposed one way traffic flow through the development from Beddek to High Street, the impacts of traffic generated by the development are deemed acceptable. On this basis the proposal is seen to be acceptable and the application is recommended for conditional approval.

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An inspection of the property with Council staff was attended by Councillors Wheeler and Zamprogno on 13 October 2016.

The application is being reported to Council at the request of Councillor Connolly and in recognition of the significant level of community interest.

### Development Description

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval for the staged construction and operation of a place of public worship, function hall, caretaker's residence and car park.

The proposal specifically involves:

- landfilling (cut and fill) and the installation of retaining walls to accommodate the works
- the construction of a rendered single-storey temple building with a gross floor area (GFA) of approximately 572m<sup>2</sup> and a maximum height of 10m. The building's main dome has a height of approximately 10m, with the majority of the building having a height of 4.6m
- the construction of a single-storey function hall building with a GFA of approximately 326m<sup>2</sup> and a height of approximately 3.3m. The function hall is to be provided with a kitchen, toilets and an accessible roof
- the construction of single-storey brick residence with a GFA of approximately 82m<sup>2</sup> and a maximum height of 5.7m. This residence is to provide accommodation for a priest/caretaker
- the construction of a car park with 55 spaces, including one accessible space. An entry to the site is to be provided from Beddek Street and a shared entry/exit is to be provided from High Street
- the installation of two identification signs with a height of 1.2m and an area of 2.4m. This signage is to be located at the Beddek Street and High Street entrances.

The construction and operation of the development is to be undertaken in three distinct stages:

- **Stage 1:** This stage involves the construction of a 'Garbhagruha' structure, disabled toilet and temporary car park. The approval of this stage is sought to demonstrate to the Hindu community that the development is progressing and to raise awareness for further community funding.

The Garbhagruha structure is to form a part of the temple's interior with Stage 3 of the development.

- **Stage 2:** This stage involves the construction of the function hall and a car park with 16 spaces. The operation of religious activities and events are sought with the creation of Stage 2 of the development.
- **Stage 3:** This stage involves the construction of the temple, caretaker's residence and the extension of the car park to provide a total of 55 spaces.

The Plan of Management submitted in support of the application indicates that services will be undertaken within the following hours:

- |                                                 |                |
|-------------------------------------------------|----------------|
| • Monday to Friday Mornings:                    | 7am to 11:30am |
| • Monday to Thursday Evenings:                  | 5pm to 8:30pm  |
| • Friday Evenings:                              | 5pm to 9pm     |
| • Saturday, Sunday and Public Holiday Mornings: | 8am to 1pm     |
| • Saturday Evenings:                            | 5pm to 9pm     |
| • Sunday and Public Holiday Evenings:           | 5pm to 8pm     |

The Plan of Management suggests that approximately 20 to 75 worshippers may attend these services, with Saturday morning and evening sessions being the most popular. These services are proposed with the completion of the Stage 3 works.



## ORDINARY MEETING

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In addition to the regular services, the use of the function hall by community groups or for religious classes is proposed within the hours of 9am to 5pm Monday to Saturday. A maximum of 20 people may use and attend the hall at any one time during these hours. The use of the function hall is proposed for Stages 2 and 3 of the development.

Up to 12 monthly events catering for up to 120 people are proposed each calendar year. These events are to be limited to a maximum of one event per calendar month, are to be held on a Saturday only and are to be undertaken between 9:30am to 3:30pm or 3:30pm to 9:30pm. These monthly events are proposed for Stages 2 and 3 of the development.

Four events catering for up to 225 people are also proposed each calendar year. These events are to correspond with religious holidays and are to be undertaken between 9:30am to 3:30pm or 3:30pm to 9:30pm. These events are to be undertaken with the completion of the Stage 3 works.

The Applicant has advised that the subject property has been selected to cater for the Hindu community located within the Hawkesbury, Hills and Blacktown areas.

### Background Chronology

- The application was lodged 10 August 2015 and notified between 19 August 2015 and 2 September 2015.
- A meeting with the McGraths Hill Residents Association was held on 30 September 2015 to discuss the proposal and resident's concerns.
- A meeting with the Applicant was held on 16 October 2015 to discuss the status of the application.
- Comments from the Hawkesbury Local Area Command (Police) were received on 19 October 2015.
- Additional information and amended plans were requested of the Applicant on 27 October 2015.
- A revised Traffic and Parking Report, Plan of Management, Acoustic Report, Stage 2 Detailed Investigation Report, Cost Estimate and amended plans were provided on 5 February 2016.
- A revised Landscaping Plan was provided on 8 February 2016.
- A Social Impact Statement was submitted on 26 March 2016.
- A meeting with the McGraths Hill Residents Association was held on 10 February 2016 to discuss submissions and local residents' concerns with the application.
- A meeting with the Applicant was held on 22 April 2016 to discuss the status of the application.
- Additional information regarding traffic impacts was requested by Council on 5 May 2016.
- A meeting with the Applicant, Traffic Consultant and Council staff was held on 23 May 2016 to discuss traffic impacts and the local road network.
- A revised Traffic and Parking Report and amended plans were received on 3 June 2016.
- An inspection of the property with Councillors was held on 13 October 2016.
- Amended plans were received 11 October 2016.

### Site and Locality Description

The subject property has frontages to both Beddek Street and High Street and is bound by Windsor Road to the west, Charles Street to the east and Pitt Town Road to the south. The land has an area of approximately 5,852m<sup>2</sup> and is legally known as Lot 13 in DP 577614.

The property is currently vacant and has a previous approval for filling - Development Consent No. D0344/90.

Surrounding development consists of commercial, residential, rural residential and agricultural land. The immediate neighbour at 20 High Street contains a large two-storey dwelling house and 5 Charles Street is McGraths Hill Cemetery. To the south of the property at 1 Pitt Town Road is the Australian Hotel.

### Policies, Procedures and Codes to which the matter relates

- Hawkesbury Local Environmental Plan (LEP) 2012
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan (DCP) 2002
- Development of Flood Liable Land Policy

### Section 79C Matters for Consideration

The proposal has been considered against the heads of consideration listed under Section 79C of the EP&A Act.

#### i. Environmental Planning Instruments:

##### ***Hawkesbury Local Environmental Plan 2012***

The subject property is zoned RU4 Primary Production Small Lots under the provisions of the Hawkesbury LEP 2012.

The Hawkesbury LEP 2012's Dictionary provides the following definition for a 'place of public worship':

***"place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training."***

The proposal involves the construction and operation of a Hindu temple which is to be used for religious worship and therefore satisfies the definition of a place of public worship. Places of public worship are permissible within the RU4 Primary Production Small Lots zone.

The proposed function hall, caretaker's residence and car park are permissible on the basis that they are associated with and ancillary to the primary place of public worship use. The caretaker's residence is also permissible as a 'dwelling house' within the zone.

The proposed development satisfies the objectives of the RU4 Primary Production Small Lots zone in that the uses are permissible and will not significantly impact upon the environment. The property is serviced by Council's sewer and is within the Sydney Water supply area and accordingly adequate services are available to support the development.

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An Acoustic Report and Traffic and Parking Reports have been prepared in support of the application and these reports demonstrate that the operation of the development is unlikely to result in unacceptable amenity impacts, environmental impacts or landuse conflict. The land affected by the development is identified as Class 5 Acid Sulfate Soil and the proposed works are unlikely to lower the water table.

The development satisfies the 10m building height controls of Clause 4.3(2) and the associated Building Height Map of the Hawkesbury LEP 2012. Shadows cast by the proposed buildings will have a minimal impact on surrounding properties.

The subject property is not a heritage item but is located within the vicinity of a number of heritage items such as the McGraths Hill Cemetery at 5 Charles Street and the Australian Hotel at 1 Pitt Town Road. The proposed temple building is to be constructed in a traditional Indian style and it is recognised that such a style will differ from the surrounding European heritage items. On these grounds Council's Heritage Advisor has expressed concerns regarding the development's relationship with nearby heritage items.

However, the development satisfies the area's building height controls and generous setbacks will be provided to adjoining properties. Landscaping will also be used to soften and screen the development.

The presence of heritage items within the vicinity does not justify the sterilisation of land. The proposed caretaker's residence, which is of a smaller scale and residential in appearance, will immediately adjoin the cemetery; thereby increasing separation between the temple and this heritage item. The Heritage Impact Report prepared in support of the application further recommends a number of measures to minimise the impacts to the surrounding heritage items, in particular the preparation of a protection plan to minimise any damage to the cemetery.

With respect to archaeological impacts, it is noted that the land has been subject to filling and accordingly the disturbance of potential relics is unlikely. Should the application be approved an advisory condition may be imposed detailing the Applicant's responsibilities regarding archaeological relics.

The proposed development has been assessed against the provisions of the Hawkesbury LEP 2012 and has been found to be generally consistent with the applicable provisions relating to permissibility, zone objectives, building height and environmental impacts.

### **State Environmental Planning Policy (Infrastructure) 2007**

The staged development proposes the ultimate construction of a car park consisting of 55 spaces.

The High Street and Beddek Street vehicular crossings are not located within 90m of Windsor Road (irrespective of there being no connections to this main road) and connect to the non-classified Charles Street to the east. Section 104 and Schedule 3 of the Infrastructure SEPP outline that places of public worship that do not adjoin main roads are only defined as 'traffic generating development' if they contain 200 or more parking spaces.

### **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".*

Council's records indicate that the subject property was previously used for the disposal of landfill with the approval of Development Consent No. D0344/90. Based on this history the obtainment of a Stage 2 Detailed Investigation Report was required by Council.

The Stage 2 Detailed Investigation Report involved the sampling, testing and analysis of the existing fill material onsite. This sampling, testing and analysis was undertaken in order to assess the nature, location and likely distribution of any contamination present at the subject site, and also any potential risk posed to human health or the environment. Test results were compared to the relevant Environment Protection Authority (EPA) criteria.

The report states that the *"samples analysed revealed levels of heavy metals well below the adopted assessment criteria (HILs A and D), and levels of TPH, PCB, PAH, BTEX, OCP and OPP below the practical quantitation limit, and therefore interpreted to be not present on site. Asbestos was not detected at any of the sampling locations. Therefore, the results of the chemical analyses indicate that the site does not present a risk to human health or the environment in a 'Residential with garden/accessible soil' CA' setting and is considered suitable for the proposed development"*.

Based on the results of the chemical analysis, the Stage 2 Detailed Investigation Report outlines that the land is not contaminated and is suitable for the proposed use. The submission of a Remedial Action Plan (RAP) is not required.

**State Environmental Planning Policy No. 64 – Advertising and Signage**

The application proposes the installation of two identification signs with heights of 1.2m, widths of 2m and areas of 2.4m. These signs are to be located on entry walls to Beddek Street and High Street. This signage satisfies the aims, objectives and Schedule 1 assessment criteria of SEPP No. 64 in that it is appropriately located and is compatible with the desired amenity and visual character of the area.

The signs are not defined as 'advertisements' under the Policy.

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

A BASIX Certificate has been submitted for the caretaker's residence to satisfy the provisions of the BASIX SEPP.

**Sydney Regional Environmental Planning Policy No. 20 – Hawkesbury-Nepean River**

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 Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

SREP No. 20 does not outline specific controls for places of public worship and the supporting Hawkesbury-Nepean Scenic Quality Guideline indicates that the subject property is located outside of a 'scenic quality boundary' (South Creek Junction to Grono's Point).

The land is raised in relation to the floodplain and it is noted that views of the development will be visible travelling south along Windsor Road. However, whilst the Hawkesbury-Nepean Scenic Quality Guideline identifies views towards the area of South Creek and Fitzroy Bridge as being of scenic value, views towards the subject property and its neighbours from Windsor Road are not of significance.

The development complies with the relevant height controls and southern views of the development will be obscured by vegetation and structures.

The proposed development is generally consistent with the aims, objectives and recommended strategies of SREP No. 20. The property is located within a rural area and with appropriate management the development will not negatively impact on environmentally sensitive areas, areas of cultural significance or the availability of rural land.

**ii. Draft Environmental Planning Instruments**

There are no draft environmental planning instruments that apply to the subject land.

**iii. Development Control Plans**

***Hawkesbury Development Control Plan 2002***

An assessment of the proposed against the relevant provisions of the Hawkesbury DCP 2002 follows:

***Part A Chapter 3: Notification of Development Applications***

The notification of the application was undertaken from 19 August to 2 September 2015 in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002. A total of 579 submissions were received in response to the notification of the application.

Matters raised within the submissions are discussed later in this report.

***Part C Chapter 2: Car Parking and Access***

Section 2.5.5 of Part C Chapter 2 of the Hawkesbury DCP 2002 outlines that parking for places of public worship shall be provided at the rate of one space per five seats. One space is also required for dwellings with an area of less than 85m<sup>2</sup> under Section 2.5.1 of the Plan.

The Applicant has advised that worship at the temple will be undertaken on the floor with no formal seating provided. However, for the purpose of estimating potential parking demand, the maximum seating potential based on area has been estimated to be 204 seats. This is less than the maximum 225 people identified in the prepared Plan of Management for the largest size event.

Based on worshipper figures of 204 and 225, the place of public worship requires 41 and 45 spaces respectively under Part C Chapter 2 of the Hawkesbury DCP 2002. One parking space would also be required for the caretaker's residence based on the area of this dwelling.

With the provision of 55 spaces in the Stage 3 car park, the development would satisfy the numerical parking controls of the Hawkesbury DCP 2012 during major events. However, to ensure that such large scale events are appropriately managed, predicted visitor numbers are accurate and the supplied parking is adequate, the imposition of trial period is recommended for the major events. Such a condition would allow Council to review these events in relation to neighbourhood amenity and operational performance.

It is noted that the application also proposes monthly events catering for up to 120 people with the completion of the Stage 2 works. A total of 21 spaces would be provided during this stage of the development.

Based on these worshipper numbers the Hawkesbury DCP 2002 would require 24 spaces, resulting in a shortfall of three spaces. However this non-compliance is relatively minor and would likely be temporary in nature. Overflow parking should be available onsite and the size of the function hall should restrict worshipper numbers. On these grounds this Stage 2 event parking non-compliance is not seen to be grounds for refusal.

*Part C Chapter 3 – Signs*

Whilst compliant with the applicable height controls, the proposed signs fail to satisfy the maximum area control of 0.75m<sup>2</sup> established by Section 3.4 of Part C Chapter 3 of the Hawkesbury DCP 2002.

However, this non-compliance is relatively minor, with the proposed signs seen to be appropriately located and incorporated into the vehicular entries. The proposed signage is appropriate given the nature of the use and will not result in visual clutter. Despite the non-compliance, the business identification signs are therefore seen to be acceptable within the context of the locality.

*Part C Chapter 4 – Energy Efficiency*

Shadows cast by the development will satisfy the solar access requirements of Section 4.3 of Part C Chapter 4 of the Hawkesbury DCP 2002.

A BASIX Certificate has been submitted for the caretaker's residence.

*Part D Chapter 1 – Residential Development*

The proposed caretaker's residence satisfies the building height plane, setback, private open space and parking controls of Part D Chapter 1 of the Hawkesbury DCP 2002.

**(a)(iv) Regulations**

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

The EP&A Regulation 2000 outlines that the development is to comply with the National Construction Code / Building Code of Australia (BCA). Suitable conditions of consent may be imposed to ensure compliance with this requirement should the application be approved.

The provision of disabled access, parking and accessible toilets will be required under the Disability (Access to Premises – Buildings) Standards 2010.

**(b) Likely Impacts of the Development (Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality)**

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

Regular services within the Stage 3 temple are to be undertaken within the following hours:

- Monday to Friday Mornings: 7am to 11:30am
- Monday to Thursday Evenings: 5pm to 8:30pm
- Friday Evenings: 5pm to 9pm
- Saturday, Sunday and Public Holiday Mornings: 8am to 1pm
- Saturday Evenings: 5pm to 9pm
- Sunday and Public Holiday Evenings: 5pm to 8pm

The Plan of Management estimates that approximately 20 to 75 worshippers may attend these services, with Saturday morning and evening sessions being the most popular.

The use of the function hall by community groups or for religious classes is proposed within the hours of 9am to 5pm Monday to Saturday. A maximum of 20 people may use and attend the function hall at any one time during these hours. The use of the hall is proposed for Stages 2 and 3 of the development.

Up to 12 monthly events catering for up to 120 people and four events catering for up to 225 people are proposed each calendar year. The monthly events are proposed for Stages 2 and 3 whilst the larger scale events are proposed for Stage 3 only.

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A revised Acoustic Report outlines that the noise generated by the proposed development will comply with the selected noise criteria. To achieve this criteria, the Acoustic Report outlines that a maximum of 225 people may attend the site and that all events and religious activities shall be undertaken within the place of public worship and function hall only. No events or activities are to occur externally of these buildings, nor is amplified noise, music, equipment or instruments to be used externally.

Conditions may be imposed requiring compliance with the recommendations of the Acoustic Report should the application be approved.

Council's Environmental Health Coordinator has reviewed the submitted Acoustic Report and supports its conclusions.

The subject buildings are significantly setback from neighbouring dwellings and the proposed operating hours are seen to be acceptable within the context of the locality. With the imposition of conditions restricting events, and requiring compliance with the recommendations of the prepared consultancy reports, it is considered unlikely that the development will produce significant environmental, social or economic impacts for the locality.

### **(c) Suitability of the Site for Development**

These matters have been considered as part of the assessment of the application.

The surrounding local road network infrastructure is not currently adequate to accommodate the proposed place of public worship. The surrounding streets generally allow one way traffic only and the parking of vehicles on streets would compromise traffic flow. To address this issue the revised Traffic and Parking Report recommends the staged upgrading of Beddek Street and High Street, as well as the provision of one way traffic flow through the development.

The revised Traffic and Parking Report and plans have been reviewed by Council's Development Engineers. Whilst generally supportive of the proposed infrastructure works, the Development Engineer requires the provision of 6m wide road pavements in Beddek Street and High Street, the construction of a turning head in Beddek Street, the widening of a section of Charles Street, and the upgrading of footpath verges and stormwater infrastructure.

No parking restrictions are recommended at this stage however this may be reviewed depending upon the operation of future events.

Onsite detention will be required for the development. Considerable setbacks will be provided to neighbouring properties and conditions may be imposed to address the control of overland flow. The development has access to roads on both the high and low side of the property which provides adequate conceptual discharge of overland flow.

The adopted 1-in-100 year flood level for the area is 17.3m AHD. A survey supplied in support of the application indicates that the property has levels ranging from approximately 9.5m to 16.3m AHD and accordingly the property comprises flood liable land.

Clause 6.3(3) of the Hawkesbury LEP 2012 outlines that "*consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

- (a) *is compatible with the flood hazard of the land, and*
- (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and incorporates appropriate measures to manage risk to life from flood, and*
- (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding".*

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The following matters, contained in Council's Development of Flood Liable Land Policy, must also be applied when assessing an application on flood affected land:

- "1. *A building shall not be erected on any land lying at a level lower than 3 metres below the 1:100 ARI (average recurrent interval) flood event level for the area in which the land is situated, except as provided by subclauses (3) and (5).*
2. *Each habitable room in a building situated on any land to which this Policy applies shall have a floor level no lower than the 1:100 ARI (average recurrent interval) flood event level for the area in which the land is located.*
3. *...*
4. *The assessment of a development application must consider the flood liability of access to the land and, if the land is within a floodway area, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this Policy have been satisfied. In this regard the access to, and egress from, the land should not result in a travel path through areas of higher flood hazard risk and the development should not result in the occupants/users of the development being isolated and requiring rescue.*
5. *Minor (Non-Habitable) structures such as Farm Buildings, Outbuildings, Sheds, Garages and other Ancillary Structures may be erected on land below the 1:100 ARI (average recurrent interval) flood event level. However, the assessment of a development application for such a structure must consider the likely frequency of flooding, the potential flood damage (to both the subject structure and to other surrounding property should the structure be washed away) and measures to be taken for the evacuation of the property. In this regard the access to, and egress from, the land should not result in a travel path through areas of higher flood hazard risk.*
6. *Any part of a building below the 1:100 ARI (average recurrent interval) flood event level is to be constructed of flood compatible materials."*

The proposed caretaker's residence is to be located on land with a height of approximately 16.2m and the building is to have a floor level of 17.3m AHD to satisfy Clauses 1 and 2 of the Development of Flood Liable Land Policy. For the purposes of flooding, the temple and function hall would be categorised as commercial in nature and require minimum levels of 14.3m AHD. With a level of 16.3m AHD for the temple and 14.3m AHD for the function hall, these buildings may be considered under Clause 1 of the Policy.

Clause 6.3(1) of the Hawkesbury LEP 2012 states that consent must not be granted to development on flood liable land unless the consent authority is satisfied that the development "*incorporates appropriate measures to manage risk to life from flood*". The temple and function hall would be unoccupied for extended periods of time and a Flood Evacuation Management Plan has been prepared in support of the application.

Conditions requiring the buildings to be constructed of flood compatible materials and designed to withstand flood waters may be imposed to address Clause 6 of the Policy.

It is considered that the proposal will generally satisfy Clause 6.3 of the Hawkesbury ELP 2012 and Council's Development of Flood Liable Land Policy. It is therefore considered that the site is suitable for the proposed development.

### **(d) Any Submissions**

The proposal was notified from 19 August 2015 to 2 September 2015 in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002. As detailed previously in this report a total of 579 submissions were received in response to the notification of the application. Additional submissions were also received however these additional submissions were generally anonymous and did not address planning matters.

The matters raised in the submissions are summarised below in italics, followed by a response by the assessing officer.



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- Comment:* The specific religion to be practiced within the place of public worship has not been identified.
- Officer's response:* The Statement of Environmental Effects, Plan of Management and plans indicate that the application is for a Hindu temple and ancillary structures.
- Comment:* The submitted Traffic and Parking Report contains a number of errors and is inconsistent with the prepared plans and Plan of Management.
- Officer's response:* A revised Traffic and Parking Report has been prepared in response to matters raised by Council's Development Engineer and a detailed submission.
- Comment:* The local road network will be unable to handle the traffic generated by the development.
- Officer's response:* See previous comments in the "Car Parking and Access" section of this report.
- The upgrading of the local road network will be required in recommended conditions of consent.
- Comment:* The Acoustic Report does not address the function hall's rooftop terrace.
- Officer's response:* The Acoustic Report assumes that all activities will be located within the temple and function hall buildings. The use of the function hall's roof has not been considered and accordingly the imposition of a condition is recommended prohibiting the use of this area for events.
- Comment:* The development will be visible from nearby heritage items and will detract from the character of the area.
- Officer's response:* That the development will be visible from heritage items is not seen to be grounds for the refusal of the application. As detailed previously in this report, views of property are not identified as significant within SREP No. 20's supporting guidelines and the development itself complies with the relevant height and setback controls.
- Comment:* The original value of works was underestimated and accordingly inadequate fees were paid to Council.
- Officer's response:* Section 94A Contributions do not apply to places of public worship.
- Outstanding assessment fees may be paid prior to the release of any determination.
- Comment:* The caretaker's residence is supplied with inadequate private open space.
- Officer's response:* The submitted plans indicate that the caretaker's residence will be provided with an area of approximately 49m<sup>2</sup>, which satisfies the requirements of Clause 1.7(b) of Part D Chapter 1 of the Hawkesbury DCP 2002.
- A condition may be imposed to ensure the landscaping of the property will allow this area to be used for recreational purposes.
- Comment:* The plans contain a number of errors and do not indicate the location of garbage storage areas or the mail box.
- Officer's response:* The prepared plans are considered adequate for assessment.
- The property is large and there is adequate room onsite to locate a garbage storage area and mailboxes.

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*Comment:* The prepared contamination report is not accurate and the identified sampling points do not reflect what has been undertaken onsite.

*Officer's response:* The Stage 2 Detailed Investigation Report was prepared by a Geotechnical Engineer and indicates that 15 sampling locations were conducted onsite based on the Environment Protection Authority's 'Sampling Design Guidelines for Contaminated Sites'.

The Stage 2 Detailed Investigation Report, following detailed review by relevant staff, is considered satisfactory. That satisfactory report concludes that the land is not contaminated.

### **(e) Public Interest**

The proposed development satisfies Council parking controls and is not expected to adversely impact upon the amenity of the locality or the surrounding environment. The proposal is permissible and its approval is seen to be in the public interest.

### **External Referrals**

#### *Police*

The application was referred to the Windsor Local Area Command for advice based on the proposed nature of the use. In their submission the Police raised concerns about the adequacy of the existing roads to support the proposed development. In particular the width of the existing roads was identified as a major concern.

As detailed previously in this report Council's Development Engineer will require the upgrading of local roads to improve traffic flow and pedestrian safety.

The provision of a caretaker's residence will allow for the surveillance of the place of public worship.

### **Developer Contributions**

Place of public worship are exempt from the payment of Section 94A Contributions under Section 2.7 of the Hawkesbury Section 94A Contributions Plan 2015. However, should the application be approved the Applicant will be required to upgrade local Council roads to accommodate the development.

The development is to be connected to Council's reticulated sewer system and accordingly the payment of sewer headworks contributions will be required based on the floor area of the place of public worship, function hall and external toilet, as well as the addition of a 2-bedroom dwelling house. These contributions may be paid based on the staging of the development.

### **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. The development satisfies Council's numerical parking controls and with the upgrading of local roads is supported by the Development Engineer.

The proposed development is permissible and is recommended for conditional approval.

### **Planning Decision**

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

**ORDINARY MEETING****Meeting Date:** 25 October 2016**RECOMMENDATION:**

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0503/15 for a place of public worship on Lot 13 DP 577614, known as 10 Beddek Street, McGraths Hill, subject to the following conditions:

**General Conditions**

1. The development shall take place generally in accordance with the following stamped approved plans and documentation:

Document Number	Prepared By	Dated
Drawing No. DA01 Rev 'G' 'Location Plan'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA04 Rev 'G' 'Site area and Schedule Analysis'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA06 Rev 'G' 'Upper Ground Floor and Site Plans'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA07 Rev 'G' 'Roof Plan'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA08 Rev 'G' 'Staged Development'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA08A Rev 'G' 'Staged Development'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA09 Rev 'G' 'Elevations'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA10 Rev 'G' 'Elevations'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA11 Rev 'G' 'Elevations'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA12 Rev 'G' 'Elevations'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA14 Rev 'G' 'Cut and Fill Plan and Details'	Opus Arch Pty Ltd	27 May 2016
Drawing No. 2626-2 'Site Landscape proposal'	Precinct Landscapes	3 February 2016
BASIX Certificate No. 647260S	Greenworld Architectural Drafting	30 July 2015

... except as modified by the conditions of this consent.

2. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate and/or Design Compliance Certificate as appropriate.
3. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate(s).
4. The development shall comply with the provisions of the Building Code of Australia (BCA) / National Construction Code.
5. The development is to comply with the Disability (Access to Premises – Buildings) Standards 2010.
6. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
7. The commitments listed in the BASIX Certificate for this development must be fulfilled.

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8. This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

### ***Prior to Issue of a Design Compliance Certificate (Stages 1, 2 and 3)***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Design Compliance Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Design Compliance Certificate. The Design Compliance Certificate shall be obtained for the earthworks, retaining walls, car park, drainage, onsite detention (OSD) system and infrastructure works.

9. A Design Compliance Certificate must be obtained for this development covering:

- a) Filling and grading of fill for the building platforms;
- b) Construction of the car parks;
- c) Construction of retaining walls;
- d) Civil drainage;
- e) Onsite detention (OSD); and
- f) Infrastructure and road works.

Prior to Issue of a Design Compliance Certificate plans showing finished levels, any associated drainage, any structural details, batter grades and finished surfaces must be submitted to the Principal Certifying Authority.

Should Council be nominated as the Principal Certifying Authority for the Design Compliance Certificate, the Applicant shall pay a Design Compliance Certificate Fee in accordance with Council's adopted fees and charges when submitting civil engineering plans for approval.

10. All earthworks on site must comply with the following requirements:

- a) Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.
- b) All disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.
- c) Once the topsoil has been removed the natural batter shall be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place.
- d) Where batters exceed a ratio of three horizontal to one vertical (3:1), retaining walls, stoneflagging or terracing shall be constructed.
- e) All fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS1289 'Methods of testing soils for engineering purposes', unless otherwise specified.
- f) Filling shall comprise only uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.

Details satisfying the above requirements are to be submitted to the Principal Certifying Authority prior to the issue of a Design Compliance Certificate.

11. Any retaining walls associated with the development that are to have a height exceeding 600mm are required to be designed by a practicing structural engineer. The design must be submitted to the Principal Certifying Authority prior to issue of the Design Compliance Certificate.

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12. The minimum number of car parking spaces provided for the development shall be as follows:

- Visitor Spaces 50
- Staff/Caretaker Spaces 2
- Accessible Car Spaces 1
- Miscellaneous Spaces 2.

The provision of the required parking may be staged as detailed in the approved plans.

The parking spaces must be designed and constructed in accordance with AS2890.1, whilst the accessible parking space is to be designed and constructed in accordance with AS2890.6.

The car parking spaces are to be identified onsite by line-marking.

Plans detailing compliance with the above requirements shall be submitted to the Principal Certifying Authority prior to the issue of a Design Compliance Certificate.

13. All car parking areas, manoeuvring areas and the access aisles must be paved, drained and line marked. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings. AUSTROADS 'Guide to Pavement Technology' can be used as the design guideline for the pavement design.

The laybacks and crossings must be designed to accommodate expected traffic loadings. In this regard they must be constructed to a commercial standard with the work carried out at the Developer's expense, including all alterations to public infrastructure where necessary.

The above requirements must be incorporated into the plans for approval prior to the issue of the Design Compliance Certificate.

14. Standard commercial vehicular sealed laybacks and crossings must be constructed to service the development. The laybacks and crossings must comply with the following requirements:

- a) have a minimum width of 6m within the road reserve and 6m within the property,
- b) be constructed of concrete with a slip resistant finish, and
- c) be designed and constructed in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.

Details are to be provided on the plans to be submitted to the Principal Certifying Authority prior to the issue of a Design Compliance Certificate.

15. A detailed drainage design for the site must be submitted and approved prior to the release of the Design Compliance Certificate. The detailed plan must:

- a) drain to Council's piped stormwater drainage system in Charles Street via upgrades made on drainage in Beddek Street,
- b) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,
- c) be to the satisfaction of the Certifying Authority,
- d) be designed to cater for a 1 in 20 year Average Recurrence Interval (ARI) storm event,
- e) show details of any overflow drainage paths and that they be designed to cater for the 1 in 100 year ARI storm event, and
- f) comply with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification – Part I and Chapter 8 and Australian Standard AS3500 'Plumbing and Drainage Code'.

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16. Onsite detention (OSD) for stormwater is required to be provided for this development. This OSD must comply with the following:
- a) On-site detention shall be provided to maintain all stormwater discharges for storms up to the 1:100 Average Recurrence Interval (ARI) storm event at pre-development levels.
  - b) The on-site detention (OSD) system is to be designed in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification – Part 1 'Design Specifications' and Part 2 'Construction Specification'.
17. The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:
- a) Water flowing from the property must not be redirected or concentrated to adjoining properties,
  - b) Water flowing into the property from adjoining lots shall not be impeded or diverted, and
  - c) Water flow shall follow the natural flow directions without increasing velocity.

Details satisfying the above requirements are to be submitted to the Principal Certifying Authority prior to the issue of the Design Compliance Certificate.

18. All pits deeper than 900mm must be designed by a certified structural engineer and satisfy the requirements of AS3600:2009. Pits deeper than 1.2m must have step irons and pits deeper than 1.8m are to be reinforced concrete.

All pits must have flush fitting grates. All pits larger than 600mm x 600mm are to be grated galvanised steel grid hinged and be heavy duty type where traffic loading is expected.

Details satisfying these requirements shall be incorporated into the detailed drainage design that is to be submitted to the Principal Certifying Authority for the Design Compliance Certificate.

19. Prior to the issue of a Construction Certificate, the Applicant must submit and obtain approval from the Principal Certifying Authority for a Soil and Water Management Plan (SWMP). The SWMP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater – Soils and Construction' (2004) and shall contain but not be limited to:
- a) Clear identification of site features, constraints and soil types.
  - b) Management of the cumulative impacts of the development on the quality and quantity of surface water, including stormwater in storage and sedimentation basins.
  - c) Erosion and sediment control plans for each phase of construction that provide site-specific management measures, including details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary storage ponds, sediment filters, filter barriers and other controls.
  - d) A strategy for the progressive revegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after the completion of earthworks.
  - e) Procedures for the re-use, treatment and disposal of water from sedimentation basins.

### ***Prior to Issue of a Design Compliance Certificate (Stage 1)***

20. Stage 1 Infrastructure Upgrades: The following infrastructure works must be constructed at no cost to Council as part of Stage 1 of the development. Details of the infrastructure works must be included on the Design Compliance Certificate/Roads Act plans submitted to the Principal Certifying Authority:
- a) The road of High Street shall be reconstructed for the length of its unsealed section (approximately 120m). The reconstruction must include a 6m wide AC pavement with barrier kerb and laybacks constructed on both sides of the road.
  - b) The High Street road reserve footpath verge shall be adequately graded and turfed to allow safe pedestrian amenity for the length of works along the northern side of the road.

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- c) 'Give Way' line marking and signage is to be installed at the intersection of High Street and Charles Street.

### ***Prior to Issue of a Design Compliance Certificate (Stage 2)***

- 21. Stage 2 Infrastructure Upgrades: The following infrastructure works must be constructed at no cost to Council as part of Stage 2 of the development. Details of the infrastructure works must be included on the Design Compliance Certificate/Roads Act plans submitted to the Principal Certifying Authority:
  - a) The road of Beddek Street shall be reconstructed for the length of its unsealed section from Charles Street to its dead end (approximately 185 metres). The reconstruction must include a 6m wide AC pavement with barrier kerb and laybacks constructed on the southern side of the road.
  - b) A turning head including AC pavement shall be constructed at the dead end of Beddek Street.
  - c) Road drainage on the southern side of Beddek Street shall be constructed from the lowest section of the road to the existing stormwater infrastructure in Charles Street.
  - d) The road reserve footpath verge shall be adequately graded and turfed to allow safe pedestrian amenity for the length of works along the southern side of the road.
  - e) 'Give Way' line marking and signage is to be installed at the intersection of Beddek Street and Charles Street.

### ***Prior to Issue of a Design Compliance Certificate (Stages 3)***

- 22. Stage 3 Infrastructure Upgrades: The following infrastructure works must be constructed at no cost to Council as part of Stage 3 of the development. Details of the infrastructure works must be included on the Design Compliance Certificate/Roads Act plans submitted to the Principal Certifying Authority:
  - a) Road widening and barrier kerb and gutter shall be constructed along the western side of Charles Street for the section of this road where there is currently no kerb and gutter (approximately 55m). The road widening is to be as close to 1m wide as is practical for the length of the upgrade.
  - b) The road reserve footpath verge shall be adequately graded and turfed to allow safe pedestrian amenity for the full length of Charles Street from High Street to Beddek Street along the western side of the road.

### ***Prior to Issue of a Construction Certificate (Stages 1, 2 and 3)***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any building works.

- 23. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.

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24. Prior to the release of a Construction Certificate, a Compliance Certificate under Part 2 Division 5 of Chapter 6 of the Water Management Act 2000 and Section 64 of the Local Government Act 1993 shall be obtained from Council's Waste Management Branch for the connection of the development to Council's sewer.

Advisory Note: The 'Windsor Sewerage Scheme – Development Servicing Plan for Sewerage Services – April 2011' outlines the methodology for calculating sewer headworks contributions required for the connection of the development to Council's reticulated sewer system.

25. Hawkesbury City Council is the sewer authority for this development. As this development involves connection to Council's reticulated sewer system, payment of the prescribed inspection fee for both internal and external sewer drainage work is required to be made prior to the issue of a Construction Certificate.
26. Construction of any mains sewer work or construction work within the Zone of Influence of a sewer main must not commence until three copies of the plans along with a 'Major/Minor Sewer Works' Application is submitted to Hawkesbury City Council's Waste Management Branch for assessment and approval.

The applicant must submit a copy of the approved plans associated with the 'Major/Minor Sewer Works' Application to the Principal Certifying Authority prior to the release of a Construction Certificate.

The approved plans will be marked with a green stamp and be signed and dated.

27. The 100 year Average Recurrence Interval (ARI) flood level for this site is RL 17.3m AHD.

A report from a suitably qualified engineer shall be submitted to the Principal Certifying Authority to demonstrate the following requirements will be satisfied during the 100 year ARI flood event:

- a) Habitable Floor Levels: The habitable floor level of the caretaker's residence shall be equal to or greater than the 100 year ARI flood Level of 17.3m AHD.
- b) Debris: Damage to structures sustained in a flood shall not generate debris capable of causing damage to downstream buildings or property. This includes the securing of utilities and equipment including tanks, air conditioning units and the like.
- c) Structural Soundness: Any part of the structures shall be able to withstand the force of floodwaters, lateral forces due to flowing water, unbalanced hydrostatic forces, buoyancy forces and impact forces from debris.
- d) Foundations: The footing systems must be structurally stable during flooding and must consider the soil properties when wet, possible erosion and scouring or liquefaction, subsidence or collapse due to saturation.

The engineer's certificate must be submitted to the Principal Certifying Authority prior to the release of the relevant Construction Certificate.

28. A qualified structural engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing onsite.
29. Access to the development for people with disabilities shall be provided in accordance with the Disability (Access to Premises – Buildings) Standards 2010. Details shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate for building work.

Provision shall be made for access to the buildings with adequate aids provided for those with disabilities (i.e. mobility, hearing, site impaired) in accordance with the Disability Discrimination Act 1992, the Disability (Access to Premises – Buildings) Standards 2010 and the Building Code of Australia (BCA).



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30. All materials and components used in the buildings shall comply with the early fire hazard indices stipulated in Specification C1.10 of the Building Code of Australia (BCA). Details of materials and their respective indices shall be provided to the Principal Certifying Authority prior to the release of a relevant Construction Certificate.

31. Any parts of the building to be used for food preparation shall comply with Council's 'Food Premises Fit Out Code', Australian Standard AS4674:2006 'Design, construction and fitout of food premises' and Chapter 3 of the National Food Standards Code.

A specification or detailed plans indicating compliance with these requirements shall be provided to the Principal Certifying Authority prior to the issue of a relevant Construction Certificate.

32. The development shall be designed in accordance with the 'Noise Impact Assessment Report' (Ref No. 151080\_Noise\_Rev3) prepared by Benbow Environmental and dated December 2015.

At a minimum the place of public worship and function hall (Stages 2 and 3) shall be designed to achieve a sound reduction index  $R_w$  of 46dB as detailed in the Noise Impact Assessment Report.

Any air conditioning units shall be located away from residences.

33. The roof top terrace of the function hall (Stages 2 and 3) shall not be used for events or religious activities.

The design of the function hall's roof top terrace shall therefore be amended to prevent access by worshippers and patrons. Access to this area may be provided to facilitate the installation of plant equipment and storage only.

Amended plans detailing compliance with this requirement shall be provided to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

34. A Temporary Protection Plan for the adjoining cemetery is to be prepared and submitted to Council for approval prior to the issue of a Construction Certificate. This Plan is to address the following:

Stage 1: The Temporary Protection Plan must consider vibrations and impacts associated with increased traffic movements during the Stage 1 construction works and identify potential risks and outline measures to reduce the potential for damage to the McGraths Hill Cemetery at 5 Charles Street. The Plan shall identify precautionary measures to be used to safeguard the boundary of the cemetery, as well as identify methods to monitor the condition of the cemetery.

Stage 2: The Temporary Protection Plan must consider vibrations and impacts associated with increased traffic movements during the Stage 2 and 3 construction works and identify potential risks and outline measures to reduce the potential for damage to the McGraths Hill Cemetery at 5 Charles Street. The Plan shall identify precautionary measures to be used to safeguard the boundary of the cemetery, as well as identify methods to monitor the condition of the cemetery.

35. A Detailed Landscaping Plan shall be submitted and approved for the development prior to the release of a Construction Certificate. The landscaping plan must indicate the use of native vegetation only and address the following:

- a) A combination of native trees, shrubs and groundcovers are to be used along the eastern and western boundaries of the property to soften and screen the development, as well as to provide privacy for the adjoining residential property at 20 High Street. The trees and shrubs used in these areas are to be advanced specimens.
- b) The landscaping of the caretaker's courtyard shall be designed to allow for its recreational use.
- c) Fencing on the property shall be restricted to rural-style fencing such as post and rail or post and wire.

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36. Details of the garbage storage areas and mailboxes are to be provided with the plans for the Construction Certificate. The garbage storage areas are to be screened and located behind the front building line.

37. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

### ***Prior to the Commencement of Works (Stages 1, 2 and 3)***

38. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A(2)(b) of the Environmental Planning and Assessment Act 1979.
39. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
40. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
- a) unauthorised access to the site is prohibited
  - b) the owner of the site
  - c) the person/company carrying out the site works and telephone number (including 24 hour seven days' emergency numbers)
  - d) the name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of works.

41. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
42. A Traffic Control Plan prepared in accordance with the Roads and Maritime Services' publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council for approval prior to the commencement of any works.

The Traffic Control Plan shall incorporate the recommendations of the Temporary Protection Plan.

43. The approved plans must be submitted to Sydney Water for approval. Following this assessment, the approved plans are to be appropriately stamped. The approved stamped plans must be provided to the Principal Certifying Authority prior to the commencement of works.

Please refer to the Sydney Water website <http://www.sydneywater.com.au/tapin/index.htm> or telephone 1300 082 746 Monday to Friday 8:30am to 5:30pm.

44. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.

Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification – Part II Table 1.1.

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### ***During Construction (Stages 1, 2 and 3)***

45. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am and 4pm.
46. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
  - a) must preserve and protect the building from damage
  - b) if necessary, must underpin and support the building in an approved manner
  - c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

47. The property's entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.
48. The measures required in the Soil and Water Management Plan (SWMP) approved by the Certifying Authority must be implemented as a priority over general construction works. The controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

The controls are to be maintained to ensure:

- a) all sediment fences, sediment traps and socks are properly placed and are working effectively
- b) drains, gutters and roads are maintained clear of sediment at all times.

Note: It is an offence under the Protection of the Environment Operations Act 1997 to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

49. Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb and/or road surface.

Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action.

50. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
51. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.

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52. The site shall be kept clean and tidy during the construction periods and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
  - Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
  - builders waste must not be burnt or buried on site
  - all waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
53. Vegetation waste resulting from the approved clearing of the site shall be salvaged for re-use, either in log form, or as a woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of to an appropriate waste facility.
- No vegetative material is to be disposed of by burning onsite other than in an approved heating or cooking device.
54. The Traffic Control Plan and Temporary Protection Plan must be implemented and all devices maintained for the duration of the works in compliance with the approved plan.
55. The buildings shall be set out by a Registered Surveyor for each stage of the development.
- A survey certificate shall be provided to the Principal Certifying Authority at an early stage of each phase of construction which indicates the following:
- The position of external walls under construction and in compliance with the approved plans.
  - The level of the top of the concrete slab formwork/floor joists of the buildings under construction and in compliance with the approved plans.
  - The level of the top of the concrete slab formwork/floor joists for the lowest habitable floor of the caretaker's residence is at or above 17.3m AHD.
  - Any easements must be shown.
- All levels are to be provided to Australian Height Datum (AHD).
- The surveyor's certificates shall be provided to the Principal Certifying Authority prior to any structure being constructed in concrete.
56. Compliance Certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000, as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.
57. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
58. The floors of any internal WC shall be graded and drained to an approved floor waste.

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59. Any connection to a Council pit and/or pipe must:

- a) be made at the pipe obvert (pipe only)
- b) be through a hole that is neatly made by cutting or drilling with any reinforcement encountered cut away
- c) not protrude past the inner surface of the pit and/or pipe
- d) have all junctions finished with 2:1 cement mortar
- e) have a minimum pipe size of 150mm in diameter and either sewer grade PVC or concrete
- f) when the diameter of the connection is more than 1/3 the diameter of the Council pipe, connection is to be made by construction of a standard pit.

All construction is to be carried out as per the requirements of Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.

60. Inspections and Compliance Certificates for sanitary drainage works can be conducted and issued by Hawkesbury City Council:

- a) In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's Building and Development Branch. Please phone (02) 4560 4565 to arrange inspections.
- b) In the case of any sewer work constructed under a 'Major/Minor Sewer Works' Application, the inspection must be conducted by Hawkesbury City Council's Waste Management Branch. A Compliance Certificate will not be issued until Works-As-Executed information has been received, assessed and approved by the Waste Management Branch. Please phone (02) 4560 4519 or 4560 4529 to arrange inspections.

Inspections must be conducted on the exposed pipes prior to covering.

### ***Prior to the Issue of a Construction Compliance Certificate (Stages 1, 2 and 3)***

- 61. The applicant shall pay a Construction Compliance Certificate fee in accordance with Council's adopted fees and charges when submitting civil engineering plans for approval.
- 62. Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Principal Certifying Authority.
- 63. Works As Executed plans must be submitted to the Certifying Authority by a registered surveyor certifying compliance with the approved design plans. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Design Compliance Certificate plans. The plans must verify:
  - a) surface level of constructed paved areas,
  - b) surface and invert levels on all pits,
  - c) invert levels and sizes of all pipelines,
  - d) Onsite detention (OSD) volume and orifice plate details,
  - e) floor levels of all buildings, and
  - f) top of kerb levels at the front of the lot.

All levels must relate to Australian Height Datum (AHD).

### ***Prior to the Issue of a Construction Compliance Certificate (Stage 1)***

- 64. Stage 1 Infrastructure Upgrade Completion: All road and drainage infrastructure upgrades required as a part of the development under Stage 1 must be completed to the satisfaction of Council prior to the issue of the Stage 1 Construction Compliance Certificate.

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### ***Prior to the Issue of a Construction Compliance Certificate (Stage 2)***

65. Stage 2 Infrastructure Upgrade Completion: All road and drainage infrastructure upgrades required as a part of the development under Stage 2 must be completed to the satisfaction of Council prior to the issue of the Stage 2 Construction Compliance Certificate.

### ***Prior to the Issue of a Construction Compliance Certificate (Stage 3)***

66. Stage 3 Infrastructure Upgrade Completion: All road and drainage infrastructure upgrades required as a part of the development under Stage 3 must be completed to the satisfaction of Council prior to the issue of the Stage 3 Construction Compliance Certificate.

### ***Prior to the Issue of an Occupation Certificate (Stages 1, 2 and 3)***

67. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the reticulated sewerage system, is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.
68. A Compliance Certificate from Hawkesbury City Council's Waste Management Branch confirming that the sewer works constructed under the 'Major/Minor Sewer Works' Application must be submitted to the Principal Certifying Authority.
69. A Construction Compliance Certificate for the relevant staged works approved under the Design Compliance Certificate is required prior to the issue of an Occupation Certificate.
70. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and provided to the Principal Certifying Authority.

### ***Prior to the Issue of an Occupation Certificate (Stage 1)***

71. A flood warning sign is to be provided advising any visitors that the site may be subject to inundation during times of flood. The sign shall be constructed of durable material and installed in a prominent location within the site.

### ***Prior to the Issue of an Occupation Certificate (Stage 2)***

72. The owner shall enter a positive covenant with Council which provides the following:
- a) the registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the onsite stormwater detention facilities
  - b) the liability under the Covenant will jointly and severally bind the registered proprietors of the development
  - c) Council only will be entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.

73. The submission of a report by the Design Engineer stating the conformance or otherwise of the onsite detention (OSD) of stormwater system in relation to the approved design shall be provided prior to the issue of the Occupation Certificate.
74. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.

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75. Written clearance from the relevant energy provider shall be submitted to the Principal Certifying Authority.
76. A certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
77. The following requirements are to be prepared and installed prior to the issue of a Stage 2 Occupation Certificate:
  - a) A flood emergency evacuation and management plan is to be prepared for Stage 2 of the development. The plan shall advise visitors of flood evacuation procedures and emergency telephone numbers. The evacuation procedures shall be permanently fixed to the function hall building in a prominent location and maintained at all times.
  - b) Flood warning signs are to be provided advising visitors that the site may be subject to inundation during times of flood. The signs shall be constructed of durable material and installed in prominent locations within the site.

### ***Prior to the Issue of an Occupation Certificate (Stage 3)***

78. Written clearance from the relevant energy provider shall be submitted to the Principal Certifying Authority.
79. A certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
80. The following requirements are to be prepared and installed prior to the issue of a Stage 3 Occupation Certificate:
  - a) A flood emergency evacuation and management plan is to be prepared for Stage 3 of the development. The plan shall advise visitors and occupants of flood evacuation procedures and emergency telephone numbers. The evacuation procedures shall be permanently fixed to the place of public worship, function hall and caretaker's residence buildings in a prominent location and maintained at all times.
  - b) Flood warning signs are to be provided advising visitors that the site may be subject to inundation during times of flood. The signs shall be constructed of durable material and installed in prominent locations within the site.
81. The following certificates are to be provided, stating the name of the person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS3660) provided to walls and floors, pipe penetrations, slab perimeters and the jointing of new work to existing. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) A certificate for the glazing used in the development:
    - (i) Glazing materials installed in the building have been installed in accordance with AS1288 'Glass in Buildings - Selection and Installation' and manufactured in accordance with AS2047 'Windows and external glazed doors in buildings', e.g. windows, doors, footlights, balustrades and shower screens. Note: The certificate is required to be signed by the manufacturer and installer).
    - (ii) Engineering certification to confirm glass balustrades are designed and installed in accordance with AS/NZS1170.1.
  - c) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS3786 and be connected to the consumer mains power.
  - d) A statement or other suitable evidence shall be submitted certifying that all commitments made on the BASIX Certificate have been implemented and installed as approved.

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### *Use of the Development*

82. The use and operation of the function hall, including any associated events and religious activities, shall not occur until such time that a Stage 2 Occupation Certificate has been issued.
83. The use and operation of the place of public worship, including any associated events and religious activities, shall not occur until such time that a Stage 3 Occupation Certificate has been issued.
84. The place of public worship shall operate between the following hours only:
- Monday to Friday Mornings: 7am to 11:30am
  - Monday to Thursday Evenings: 5pm to 8:30pm
  - Friday Evenings: 5pm to 9pm
  - Saturday, Sunday and Public Holiday Mornings 8am to 1pm
  - Saturday Evenings: 5pm to 9pm
  - Sunday and Public Holiday Evenings: 5pm to 8pm
85. The place of public worship shall be managed to ensure that worshipper numbers do not exceed 75 worshippers at any one time.
86. The use of the function hall (ground floor) by community groups or for religious classes shall be limited to the hours of 9am to 5pm Monday to Saturday. A maximum of 20 people may use and attend the function centre at any one time during these hours.
87. A maximum of 12 events catering for up to 120 people (inclusive of any other activities being undertaken onsite) may be held per calendar year. These events are to be limited to a maximum of one event per calendar month, are to be held on a Saturday only and are to be undertaken between 9:30am to 3:30pm or 3:30pm to 9:30pm.

Such events may only be undertaken after the release of the Stage 2 or Stage 3 Occupation Certificates.

88. A 12 month trial period is granted for the operation of up to four events catering for up to 225 people. This trial period will commence from the release of an Occupation Certificate for Stage 3 of the development and will lapse twelve months after the release of this Occupation Certificate.

These events are to be limited to a maximum of four events per calendar year and are to be undertaken between 9:30am to 3:30pm or 3:30pm to 9:30pm.

The submission of a Section 96 Application or Development Application is required to be submitted prior to the expiration of the trial period – but no sooner than nine months into the operation of these events – should the Applicant wish to continue such events beyond this 12-month trial period.

Note: The purpose of this trial period is to allow a review of events in relation to neighbourhood amenity and operational performance, and allow management to demonstrate successful practices in relation to the above. Council's consideration of the events will be based on, amongst other things, the performance of the operator in relation to compliance with development consent conditions, any substantiated complaints received and any views expressed during public consultation or from other relevant stakeholders such as the Police.

89. Events and religious activities shall be undertaken within the place of public worship and function hall only. No such events or activities shall occur externally of these buildings.
90. The roof top terrace of the function hall shall not be used for events or religious activities.
91. No amplified noise, music, equipment or instruments are to be used externally of the buildings.



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92. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels at the boundary of any residential properties.
93. All lights are to be directed away from surrounding properties to prevent any light spillage onto neighbouring properties.
94. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
  - a) been assessed by a properly qualified person
  - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

The reasons for the imposition of these conditions are those matters specified under Section 79C(1) of the Environmental Planning and Assessment Act 1979 as are relevant to the subject development.

### **Advisory Notes**

- \*\*\* This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five years from this date.
- \*\*\* Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing on Council's Application Form (refer to Council's website or customer service centre) within six months after receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request.
- Note: This clause does not relate to Designated, Integrated or Crown Development, applications determined by the Joint Regional Planning Panel or applications previously considered under Section 82A of the Environmental Planning and Assessment Act 1979.
- \*\*\* If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which you receive this notice.
- \*\*\* Private Accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.
- \*\*\* Any events requiring alterations to traffic arrangements will be subject to the submission and approval of a Traffic Management Plan by the Local Traffic Committee.
- \*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- \*\*\* The developer is responsible for all costs associated with any damage, alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

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\*\*\* The applicant is advised to consult with:

- Sydney Water
- the relevant electricity supply authority
- the local telecommunications carrier
- Hawkesbury City Council's Waste Management Branch

... regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the works.

\*\*\* Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between neighbours. You are advised that the consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary.

Your attention is directed to the provisions of the Dividing Fences Act 1991 that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify allotment boundaries.

Note: This consent does not override your obligations under the Dividing Fences Act 1991.

\*\*\* Should any Aboriginal or European site/relics be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service and/or Office of Environment and Heritage be consulted. Any person who knowingly disturbs an Aboriginal or European site/relic may be liable to prosecution under the National Parks and Wildlife Act 1974 or Heritage Act 1977.

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

\*\*\* Any activity carried out in accordance with this approval shall not give rise to offensive noise, air pollution (including odour) or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

### ATTACHMENTS:

AT - 1 Locality Plan

AT – 2 Aerial Map

AT – 3 Plans of the Proposal

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## AT - 1 Locality Plan



ORDINARY MEETING

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AT – 2 Aerial Map

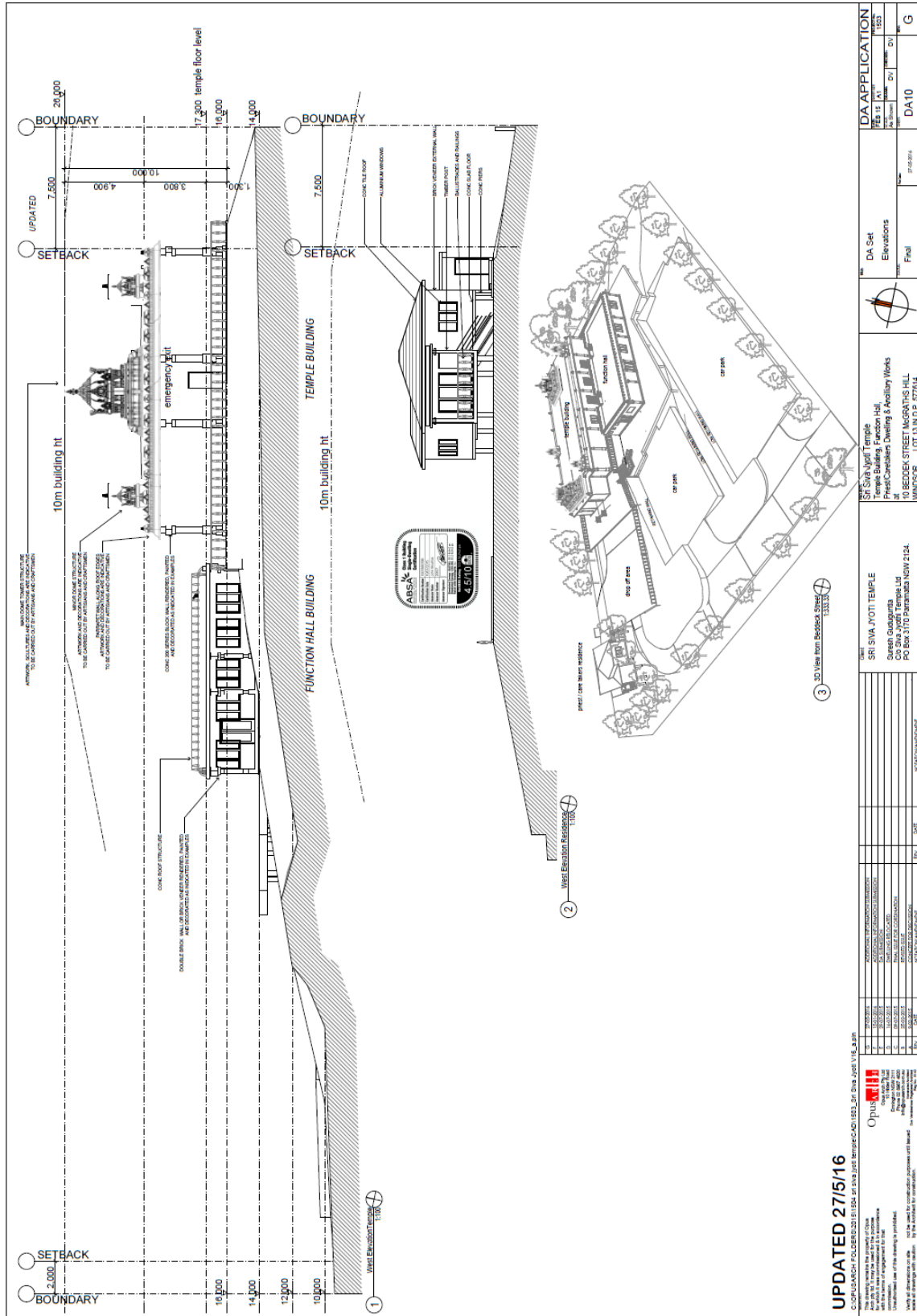






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## ORDINARY MEETING

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**Item: 224**                      **CP - DA0129/16 - 699C George Street, South Windsor - Lot 1 DP 1168786 - Church, Community and Associated Car Parking - (95498, 136983, 134588)**

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### Development Information

**File Number:** DA0129/16  
**Property Address:** 699C George Street, South Windsor  
**Applicant:** Ioan Vasile Prundus  
**Owner:** Saint John the Baptist Romanian Orthodox Church Incorporated  
**Proposal Details:** Place of Public Worship - Church, Community Hall, associated Car Parking, Access Driveway and Landscaping  
**Estimated Cost:** \$1,200,000  
**Zone:** R2 Low Density Residential  
**Date Received:** 26 February 2016  
**Advertising:** 11 March 2016 to 25 March 2016

**Key Issues:**

- ◆ Owners consent for access upgrade
- ◆ Impact on surrounding development
- ◆ Suitability of services
- ◆ Building height and flooding

**Recommendation:** Refusal

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### REPORT:

#### Executive Summary

This Development Application seeks consent for the construction of a Place of Public Worship at 699C George Street, South Windsor.

An assessment of the proposal has been made and it is considered that the application has not adequately addressed matters regarding owners consent, building height, suitability of services, and impacts on surrounding development.

It is recommended that the application not be supported as the proposal is inconsistent with the relevant planning controls applying to the development contained under Hawkesbury Local Environmental Plan 2012 and Hawkesbury Development Control Plan 2002.

The application is being reported to Council due to the number of submissions received in respect to the proposal.

#### Description of Proposal

Pursuant to Section 78A(1) of the Environmental Planning and Assessment Act (EP&A) Act 1979 this application seeks Council's consent for a place of public worship at 699C George Street South Windsor.

The application proposes the construction of a church, community hall, car park, access driveway and landscaping.

The church has been designed to seat 80 people and the associated community hall has the capacity to provide seats for 60 persons. It is proposed to provide 21 car parking spaces to service the site and the existing access way is required to be upgraded to support the proposal. Overflow parking is proposed to be provided on the grassed area to the south west corner of the site when additional parking is required.

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The application specifies that the proposed buildings would be used as follows:

- the church would regularly have up to 50 people attending on Sunday between 10am to 12pm
- the church would have up to 60 people attending during the Easter period between 6pm to 8pm on the Wednesday, Thursday and Friday and 11pm and 3am on the Saturday
- the hall would be used once a month on Sundays between 12pm to 3pm.

The application is supported by the following documents:

- Statement of Environmental Effects, February 2016, prepared by Cityscape Planning and Projects
- Assessment of Traffic and Parking Implications Report, September 2015, prepared by Traffic and Planning Associates
- Planning Stage Acoustic Report, 12 January 2016, prepared by Resonate Acoustics.

### Description of the site

The subject land 'the land' is legally known as Lot 1 DP 1168786, totals 4274m<sup>2</sup> in area, is vacant and extends to George Street via a 3m wide battle-axe handle. Access to the site is shared with adjoining residential properties and the driveway servicing the land is located within a 6m right of carriage way over Lot 10 in DP 1170878.

The land was subdivided into three residential lots under Development Consent Notice No. DA0395/10. The proposal relates to the battle-axe lot located at the rear of the 3 lot subdivision and the building envelopes approved for the 3 lots are located at the highest portion of the site adjacent to the accessway proposed to service the place of public worship. Lot 2 in DP 1168786 contains a two storey dwelling adjacent to the proposal and lot 3 in DP 1168786 fronts George Street and is currently vacant.

### History of the application

- 7 June 2016      Applicant advised that the proposal is not considered to be appropriate on the land based on the overall site constraints and scale of the development.
- 22 June 2016    Meeting held with applicant explaining issues raised in Councils letter. The Applicant was advised that there were numerous issues that have been identified as part of the assessment of the proposal and that the land may not be the most appropriate site to support the proposed development.

Applicant advised that they wish to proceed with the current proposal and if it was not supported they would look into modifying the proposal to address Councils concerns.

### Issues Relevant to the Decision

- Building height
- Suitability of services
- Impact on surrounding development
- Owners consent
- Flooding

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

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (DCP 2002)



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

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

**a. The provisions of any:**

**i. Environmental Planning Instrument:**

***State Environmental Planning Policy No. 55 – Remediation of Land***

The subject land has been subdivided for residential purposes and there is no evidence to suggest that the site is contaminated to the extent that would prevent the land to be used for the purposes of a place of public worship. With respect to the provisions of SEPP No. 55 the site is considered suitable for the proposed development.

***State Environmental Planning Policy (Infrastructure) 2007***

George Street is identified as a 'Classified' road. The proposal is not identified as traffic generating development required to be referred to the NSW Roads and Maritime Services as the place of public worship proposes less than 50 vehicles. The land does not have direct frontage to George Street and relies on the use of an existing shared access driveway connecting to George Street. The suitability of this access has been considered in the report below.

The proposed church building would encroach onto the easement for overhead power lines and Council has received advice from the local energy provider in respect to the proposal. Should any development of the land be considered it would be expected that any proposed building be relocated outside of electrical easements.

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

The proposal is generally consistent with the aims, objectives and recommended strategies of SREP No. 20 and considered to be generally acceptable having regard to this plan.

***Hawkesbury Local Environmental Plan 2012***

The subject property is zoned R2 Low Density Residential. The proposed development is best defined as a 'Places of public worship' and permitted with consent.

An assessment of the proposal against the following specific clauses of the LEP is included below.

***Clause 2.3 Zone objectives and Land Use Table***

The objectives of the R2 Low Density Residential zones are as follows:

- 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
- to ensure that new development retains and enhances that character
- to ensure that development is sympathetic to the natural environment 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
- to ensure that water supply and sewage disposal on each resultant lot of a subdivision is provided to the satisfaction of the Council
- to ensure that development does not create unreasonable demands for the provision or extension of public amenities or services.

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The proposal relies on the use of a shared access driveway which services surrounding residential lots and passes past two lots approved as part of the subdivision of the original land.

A large portion of the proposed buildings are located outside of the approved building envelopes for the subject land and it is considered that the size scale and intensity of the use of the land is incompatible with the living area of the surrounding properties and does not provide for a domestic scale as prescribed by the zone objectives.

The proposed land use and building form do not retain or enhance the character of the locality and it would be expected that a development of this scale and nature would be more suitably located on land within a more built up area or an area that has sufficient setbacks and separation from adjoining residential properties.

### *Clause 4.3 Height of Buildings*

The roof pitch and tower of the church building exceeds the 10m maximum height standard for the land with the tower measuring up to 21.7m above the existing ground level.

The applicant has been advised that the proposed building height variation is not supported due to the impacts the proposal would have on the appearance of the locality and the proximity of the proposed buildings to property boundaries. Particularly in respect to its relationship with the adjacent two story residential dwelling. The proposal is considered contrary to the objectives stated within the LEP 2012 in that:

- a) The bulk of the new development is considered to be excessive and does not relate well to the local context. The surrounding locality is characterised by low density residential development, with generous setbacks and separation being provided between residential uses and other uses within the area.

The height of the proposed building does not provide a transition in built form with regards to the adjoining development or with the land use intensity.

- b) The proposed height and design of the church building would result in negative visual, solar access and privacy impacts on the private open space areas of the adjoining residential dwelling to the eastern property boundary as the proposed built form is in excess of what is considered to be acceptable in a low density residential area.

### *Clause 4.6 Exceptions to development standards*

The statement of environmental effects identifies that the proposed church building relies on a 117% variation to the 10m maximum building height rule. It is however noted that this calculation does not specifically refer to the existing ground level or the height of the cross on top of the building which adds to the height of the proposal.

Council can assume the concurrence of the Director General for the proposed variation as outlined under the Planning Circular issued by the Department of Planning issued 9 May 2008 No. PS 08-003 and Circular B1 issued March 1989.

The application is supported by a written request seeking a variation to the building height development standard. The written request submitted seeks to justify the contravention of the development standard on the basis that:

- compliance with the development standard is unreasonable or unnecessary due to the circumstances of the case as the development achieves the objectives of the height development standard and the objectives of the zone

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- strict compliance of the development standard would not allow for a place of public worship to be developed in a manner that utilises traditional architectural styles and design features of such a building.

The justification provided has been assessed and it is considered that the application fails to demonstrate that the contravention of the development standard would result in a better outcome for and from the development by supporting the proposal.

It is clear that the overall form and size of the building would have an overbearing impact on adjoining residential properties and the proposal does not meet the underlying objectives for building height and the zone objectives contained in the LEP.

Whilst a place of public worship is permitted in the zone it is considered that the scale and nature of the development would be more appropriately suited to a property that provides greater separation between the proposed land use and the surrounding lower scale land uses.

It is recommended that the variation to the building height requirement not be supported due to the excessive deviation from the standard.

### *Clause 6.3 Flood planning*

This clause applies to the development as the land is below the flood planning level for the locality which is predicted at 17.3m above Australian Height Datum (AHD). Levels of the land range from approximately 14.5m to 13m AHD.

The statement of environmental effects justifies that the proposal is acceptable having regard to flooding as the development does not involve any permanent habitation or occupation which reduces flood risk to loss of life.

Whilst Council's Development of Flood Liable Land Policy allows for major buildings on land not greater than 3m below the 1 in 100 year flood event the proposed buildings are located just above the predicted 1 in 20 flood event of 13.7m AHD and would be completely inundated in a 1 in 50 year flood event of 15.8m AHD or greater.

It is considered that the establishment of such a significant community facility/building on flood prone land would have adverse social and economic impact to the church and general community following a flood event. The vast majority of places of public worship throughout the Hawkesbury are located above the 1 in 100 year flood event.

The proposal is not considered compatible with the flood hazard of the land and unacceptable having regard to the objectives of this clause and the land would be more appropriately suited to being used for a less intensive land use.

Furthermore the preparation of the building for a flood or evacuation of the building and its contents following a flood warning has the potential to interfere with the evacuation of surrounding residential properties.

### *Clause 6.7 Essential Services*

The consent authority must not consent to development unless it is satisfied that the site has adequate arrangements for services essential for the development.

Arrangements for connection to water supply, sewer and electricity could be arranged with the relevant service provider. However, the application is unable to satisfy the requirements for suitable road access and stormwater drainage for the development.

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Access relies on the use of a shared right of way over an adjoining property which is required to be modified as a result of the proposal and no owners consent has been submitted with the application. Council's development engineers have reviewed the proposal and raised the following issues in respect to essential services:

- the accessway is required to be upgraded to a commercial accessway standard to accommodate traffic flows to the site
- more detailed plans of the entrance driveway need to be prepared showing entrance construction requirements and signage to be referred to the Roads and Maritime Services
- the land does not benefit from an easement for drainage and stormwater can only be concentrated if water flow is directed through a defined easement for drainage. If a level spreader is proposed details should be submitted.

The proposal has been considered as being generally consistent with the following clauses of Hawkesbury Local Environmental Plan 2012:

- Clause 6.1 Acid sulfate soils
- Clause 6.4 Terrestrial biodiversity.

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

There are no Draft Environmental Planning Instruments relevant to the subject land or development.

**iii. Development Control Plan applying to the land**

***Hawkesbury Development Control Plan (DCP) 2002***

An assessment of the proposal against the relevant chapters of this DCP follows:

***Part A Chapter 3 - Notification***

The application was notified between 11 March 2016 to 25 March 2016 in accordance with the DCP. 254 submissions, plus one petition with 17 signatures was received as a result of the notification process.

Issues raised in the submissions received are discussed under the submission section of this report below.

***Part C Chapter 2 Car parking and access***

Parking for churches and church halls are calculated at the rate of one space per five seats. The proposal provides for a maximum of 80 seats in the church and 60 seats in the church hall. The application specifies that the hall and church would be used at separate times and the proposed 21 spaces are greater than the 16 spaces that are required under the DCP.

The application proposes the use of a grassed area of the site for overflow parking with no specific details in respect to its location or potential impacts on adjoining properties being provided.

Council's development engineers have raised concern in respect of access to the site and its suitability. Access would be required to be constructed to a commercial standard, would most likely be restricted to left in and left out access, is located on an adjoining property and would need the entrance driveway to be widened and upgraded to the satisfaction of Council and the RMS.

Furthermore the proximity of the car parking areas and access driveway to more sensitive residential uses is considered inappropriate.

*Part D Chapter 1 - Residential Development*

Whilst this chapter does not strictly apply to the development as the proposal is not for housing this chapter prescribes rules for the development of residential areas to ensure development is compatible with the built environment in which they are located in terms of size, height, bulk, scale and setbacks.

Residential development is required to be setback 7.5m from front property boundaries and located within the building height plane. The following figures have been prepared to show the current proposal against the standard residential development controls.

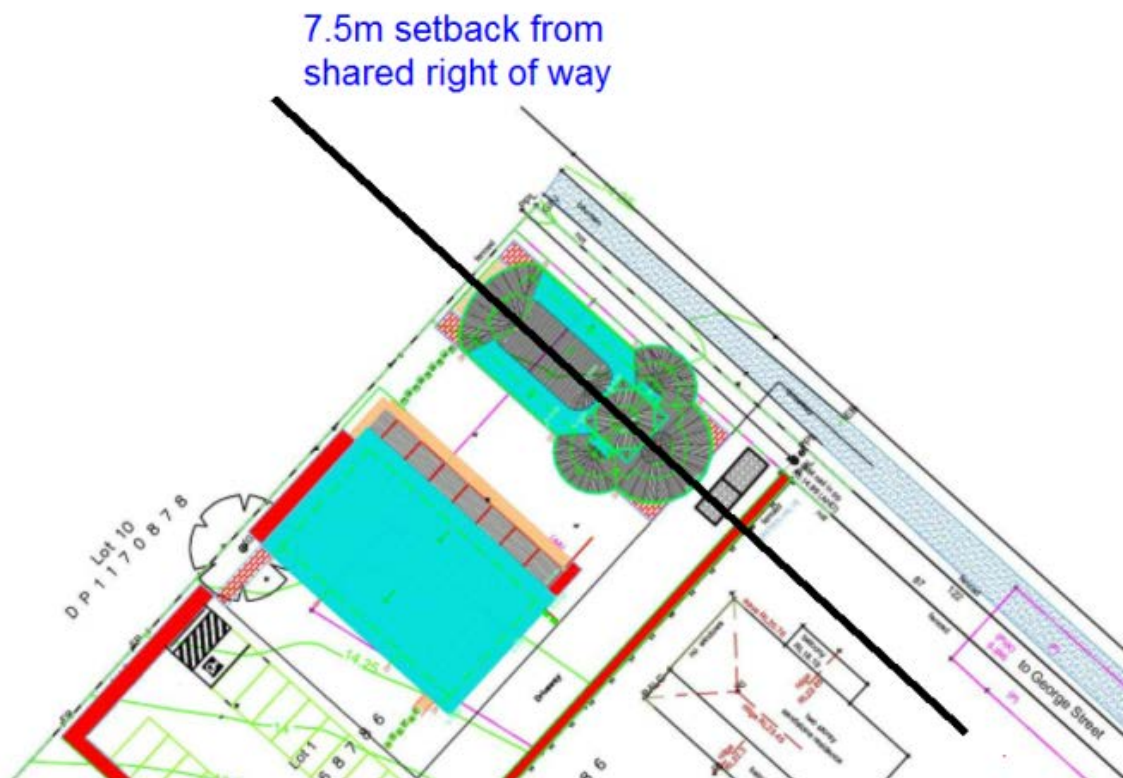
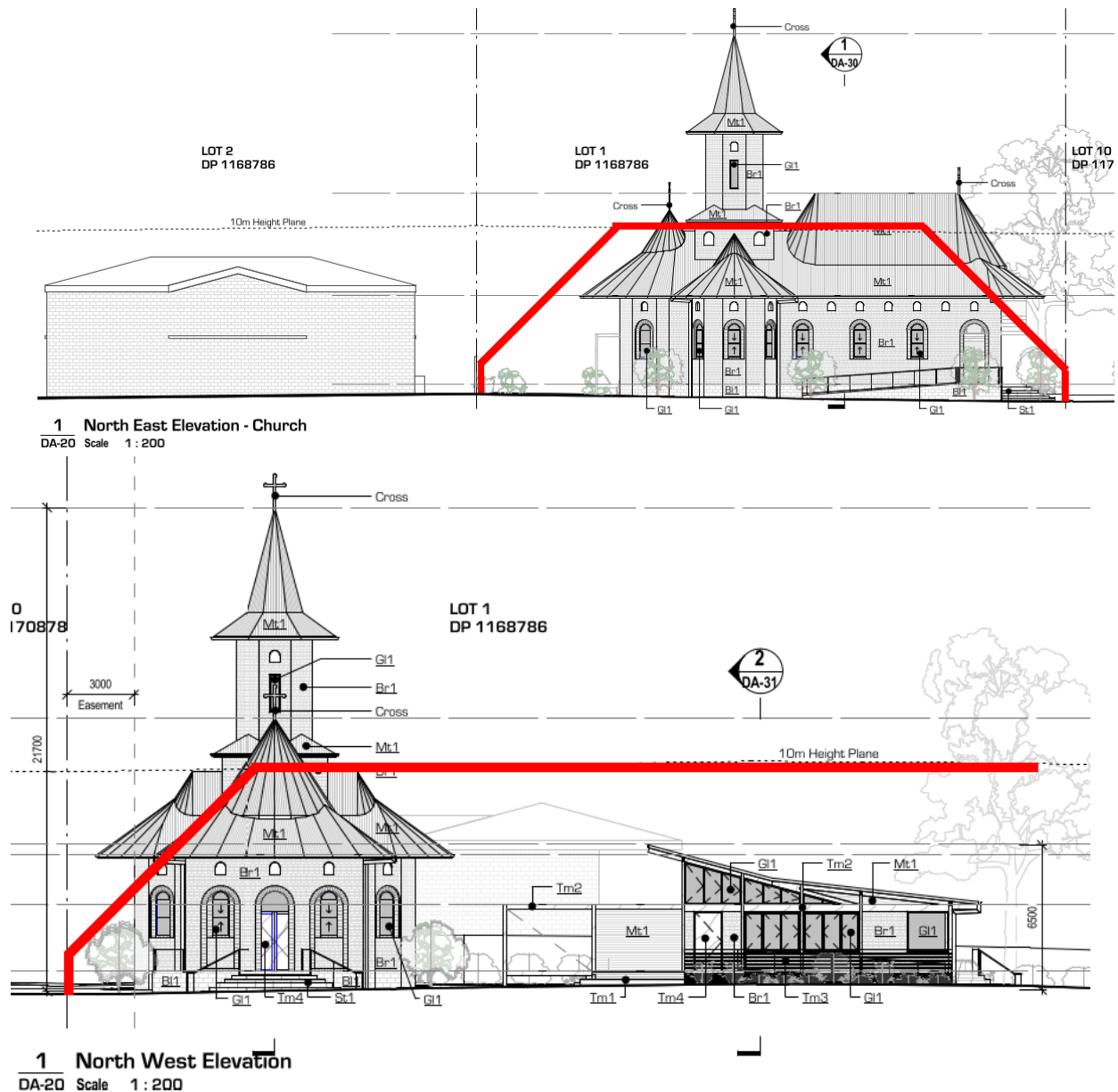


Figure 1: Building setback

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**Figure 2: Building height plane**

When assessing the proposal against the residential development rules and looking at the adjoining residential property it is considered that the proposal is incompatible with the context of the locality and the overall objectives for development in a residential area as specified under LEP 2012 and DCP 2002.

Furthermore it is noted that the orientation of the building does not present to the street or front of the property as what would be typically expected with any building. The front of the church is orientated to the adjoining property to the west, provides a minimal setback to the property boundary and access to the car park would run along the eastern property boundary of the neighbouring dwelling.

Support of the proposed design would result in adverse impacts on neighbouring properties in terms of scale, bulk and amenity.

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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**

N/A

**v. Matters prescribed by the Regulations:**

The application relies on the use of a shared Right of Carriageway over Lot 10 in DP 1170878. Owners consent has not been provided for the part of the development extending onto the adjoining Lot 10 in DP 1170878 which is required to be upgraded and used to service the proposed place of public worship.

Schedule 1, Part 1 Clause 1(i) of the Environmental Planning and Assessment Regulation 2000 requires applications contain the following:

*"evidence that the owner of the land on which the development is to be carried out consents to the application, but only if the application is made by a person other than the owner and the owner's consent is required by this Regulation"*

Should the proposal be considered worthy of support the development would be required to be supported by appropriate owners consent and be completed in accordance with the requirements of the Building Code of Australia (BCA)/National Construction Code. It is noted that places of public worship are exempted from contributions under Council's Section 94A Contributions Plan 2015.

**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:**

As detailed in other sections of this report the proposed development has a scale, form and intensity of land use that does not adequately respond to or take into account the context and setting of the surrounding built environment. The proposal has been assessed as having detrimental impact to the surrounding residential locality and would not enhance the existing landscape and built environment values associated with the area.

**c. Suitability of the site for the development:**

The development of a battle-axe lot surrounded by low scale residential land uses is not considered acceptable for the proposed built form and intensity of development of the land. The proposal would have an adverse impact on the surrounding locality and the site is not considered suitable for the proposal.

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

**Public Submissions**

The application was notified to nearby and adjoining residents in accordance with the DCP. The majority of the submissions received raised objection to the proposal and consisted of up to four different prefilled forms signed by the public raising the same issues. These issues have been summarised as follows:

- non-compliance with the building height requirements of LEP 2012
- scale of development and inconsistency with the zone objectives
- inconsistency with the approved subdivision of the land
- impacts on amenity of neighbouring development
- likelihood to have greater numbers or events than what is proposed
- increase in traffic and noise impacts
- not compatible with existing character
- inconsistency with the residential requirements of the DCP and overshadowing
- security and crime
- bushfire.

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The above mentioned matters have been considered and have been discussed throughout this report particularly those relating to consistency with the LEP, DCP, general amenity impact and scale of the development.

The proposed development although permissible does not support the objectives of the R2 Low Density Residential zone and is found to be of an unacceptable scale and impact, particularly on the adjoining residential properties.

The proposed land use is not located within the building envelopes approved as part of the subdivision of the land and the development relies on access passing directly past residential lots approved as part of the original subdivision of the land.

Whilst it is unlikely that the proposal would result in significant crime or bushfire risk it is considered the proposed intensity of development of the land is not suitable for a battle-axe lot which relies on traffic consistently running along the shared access handle and interrupting residents within the vicinity of the site.

Furthermore restricting the use of the site to the limited times identified in the application would not be in the best interest of the operators long term and it would be unreasonable to restrict the use of the land to the current proposed activities.

It is considered that a development of this nature should not be restricted in hours in order to justify the proposal with respect to noise and traffic. The development would be more appropriately located on a much larger lot that would not have such an impact on the surrounding residential locality.

It is agreed that the combination of building bulk, access, traffic and noise impacts related to the proposal are not of a scale or impact that could be considered reasonable on a battle-axe lot surrounded by low scale residential development.

### **Endeavor Energy**

The property is burdened by an easement for overhead power poles and Endeavor Energy has advised that any encroachments proposed over easements would not be supported.

#### **e. The Public Interest:**

The proposed development is considered to be contrary to the general public interest in that the proposal is inconsistent with the aims and objectives of LEP 2012 and DCP 2002. The application proposes a development which is inconsistent with the overall objectives of the zone and would have an adverse impact on surrounding properties in respect to visual impacts, traffic impacts and noise impacts.

### **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. The proposal is inconsistent with the overall aims and objectives relating to the development of residential areas, essential services and height requirements contained under SEPP Infrastructure, LEP 2012 and DCP 2002. Furthermore the application is not supported by appropriate owners consent.

Given the potential impacts on the amenity of the locality with respect to the appearance of the development, traffic and noise, it is recommended that the application be refused.

### **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 development application DA0129/16 at Lot 1 DP 1168786, 699C George Street, South Windsor for Place of Public Worship - Church, Community Hall, associated Car Parking, Access Driveway and Landscaping be refused for the following reasons:

1. Owners consent has not been provided in accordance with the Environmental Planning and Assessment Regulation 2000 for the portion of the shared right of carriageway over Lot 10 in DP 1170878 which is required to be upgraded and used to service the proposed development.
2. The use of the existing access for the proposal is not considered acceptable for the proposed development and insufficient information in respect to access construction requirements has been submitted to consider the proposal in accordance with the requirements of State Environmental Planning Policy (Infrastructure) 2007.
3. The proposed development is inconsistent with the stated objectives of the R2 Low Density Residential zone in Hawkesbury Local Environmental Plan 2012 in that:
  - a) the proposal does not protect the character of traditional residential development and streetscapes; and
  - b) the proposal does not satisfy the requirement whereby development for purposes other than for residential purposes may be carried out if it is compatible with the character of the living area and has a domestic scale.
4. The proposed development is inconsistent with the objectives of Clause 4.3 Height of Buildings in Hawkesbury Local Environmental Plan 2012 and the request to vary the building height requirement under Clause 4.6 is not supported in that:
  - a) the bulk of development is considered excessive and does not relate well to the local context
  - b) the proposal has not provided a suitable transition in built form between adjoining development
  - c) that compliance with the development standard is not unreasonable or unnecessary in the circumstances of the case
  - d) the proposal is not supported by sufficient environmental planning grounds to justify contravening the development standard
  - e) it is not in the public interest to contravene the building height development standard as the proposal is inconsistent with the objectives for building height and the objectives for development within the R2 Low Density Residential zone.
5. The proposed development is inconsistent with the objectives and requirements of Clause 6.3 Flood planning of Hawkesbury Local Environmental Plan 2012 in that:
  - a) the proposal does not seek to minimise the flood risk to life and property associated with the use of land
  - b) the proposal does not provide for development on land that is compatible with the land's flood hazard
  - c) support of the proposal would result in unsustainable social and economic costs to the community as a consequence of flooding
6. The proposed development is inconsistent with the objectives and requirements of Clause 6.7 Essential services of Hawkesbury Local Environmental Plan 2012 in that the application is unable to demonstrate that adequate arrangements have been made to provide the development with appropriate stormwater drainage or suitable road access.
7. The proposed development does not comply with the overall objectives for development in residential areas and requirements of the Hawkesbury Development Control Plan 2002, in particular with regard to Car Parking and Access.

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8. The proposal would have a direct impact on adjoining residential properties that front the shared right of way servicing the proposed development and would result in impacts in terms of noise traffic and amenity.
9. In the circumstances, approval of the development would not be in the public interest.

**ATTACHMENTS:**

**AT - 1** Locality Map

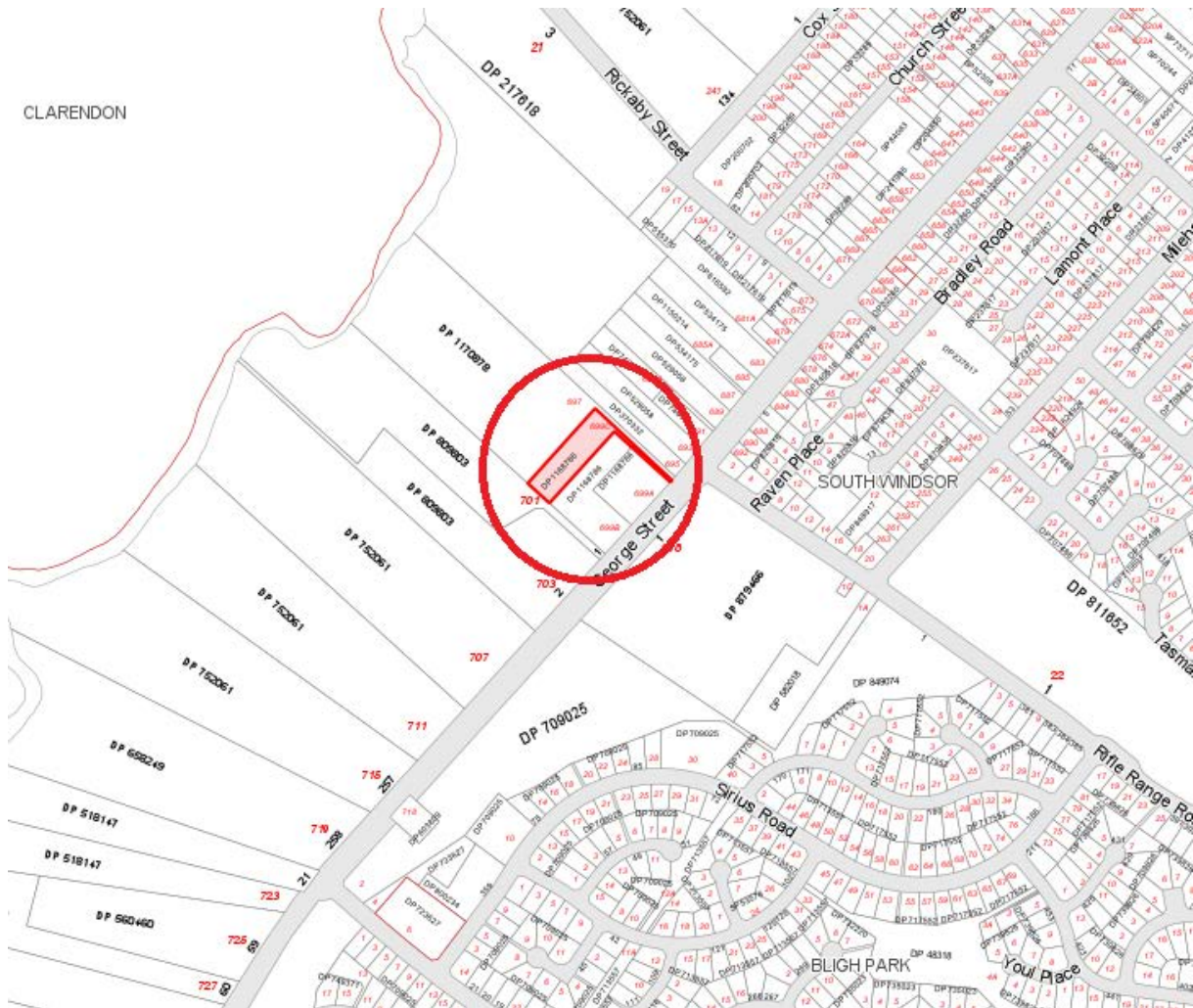
**AT – 2** Aerial Map

**AT – 3** Plans

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### AT - 1 Locality Map



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AT – 2 Aerial Map





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## ORDINARY MEETING

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**Item: 225**                      **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012  
- 43 Bootles Lane, Pitt Town - (95498, 124414)**

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<b>Applicant Name:</b>	Johnson Property Group
<b>Planning Proposal No:</b>	LEP012/16
<b>Property Address:</b>	43 Bootles Lane, Pitt Town
<b>Owner/s:</b>	Bona Vista Properties Pty Ltd
<b>Date Received:</b>	30 May 2016
<b>Current Minimum Lot Size:</b>	10 Hectares
<b>Proposed Minimum Lot Size:</b>	750m <sup>2</sup> and 4ha
<b>Current Zone:</b>	RU2 Rural Landscape
<b>Proposed Zone/s:</b>	Part R2 Low Density Residential, part E2 Environmental Conservation and part SP2 Infrastructure
<b>Site Area:</b>	7.446ha
<b>Recommendation:</b>	Council support the planning proposal and submit to the Department of Planning and Environment for a "Gateway" determination

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### REPORT:

#### Executive Summary

Council has received a planning proposal from Johnson Property Group (the applicant) which seeks to amend the *Hawkesbury Local Environmental Plan 2012* (the LEP) to enable potential subdivision of part of Lot 61 DP 1206587, 43 Bootles Lane, Pitt Town (the subject site) into three residential lots, amend the zoning of the vegetated area to not allow further subdivision and protect the significant vegetation on the subject site and reflect the Pitt Town Local Water Centre (LWC) (Privately operated sewer treatment plant) on the subject site through rezoning that part of the subject site to SP2 Infrastructure zone.

On 9 August 2016 Council considered the planning proposal and resolved to defer the matter for a site inspection. That site inspection was held on 13 October 2016.

This report provides Council with an overview of the planning proposal and recommends that the planning proposal be supported and submitted to the Department of Planning and Environment (DP&E) for a 'Gateway' determination.

Should a Gateway determination be received advising to proceed then consultation with the community and relevant government authorities will occur.

#### Consultation

The planning proposal has not yet been exhibited as Council has not resolved to prepare the proposal, i.e., without the Council resolution there is no proposal to publically exhibit. If the planning proposal is to proceed, i.e., receive a supporting 'Gateway' determination, it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and associated Regulations, and as specified in the 'Gateway' determination.

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### Background

On 12 October 2007, the Minister for Planning declared the Pitt Town Residential Precinct as a Major Project and in December 2007, Johnson Property Group lodged a Part 3A Development Concept Plan Application for the Pitt Town Residential Precinct. The Concept Plan sought approval for a range of matters relating to future development of the Pitt Town Residential Precinct including a proposed subdivision layout to enable a total of 659 residential lots within the following five residential sub-precincts:

Name of the Sub-Precinct	Proposed Dwelling Yield
Blighton	19
Cleary	112
Thornton	72
Bona Vista	246
Fernadell	210
<b>Total</b>	<b>659</b>

The subject site did not form part of that Concept Plan.

#### *Bona Vista Precinct*

On 3 May 2007, Council granted development consent for the residential subdivision of the Bona Vista Precinct incorporating 224 residential lots. Council subsequently modified the development consent to allow for 246 residential lots, consistent with the Part 3A Concept Plan for the Pitt Town Residential Precinct. The subject site is located within the Bona Vista Precinct as shown in Figure 1 below



**Figure 1: Bona Vista Precinct**

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On 10 July 2008, the Minister for Planning approved the Part 3A Concept Plan for the Pitt Town Residential Precinct and the Concept Plan has been modified on four different occasions. The details contained in the approved Part 3A Concept Plan was incorporated into the current Hawkesbury LEP 2012 with its gazettal in September 2012.

In December 2009, Council approved a seven staged subdivision application (DA 0456/09) for the Cleary Precinct involving a Torrens Title Subdivision of six allotments into 112 residential allotments and one open space allotment identified as Riverside Park. This DA consent ((DA 0456/09) was recently modified with the approval of a section 96 application (S960011/16) which allowed the further staging of the proposed Stage B development to create Stages 6A and 6B. The proposed Stage 6B development containing 10 lots on 41 Cleary Drive, Pitt Town is owned and controlled by the applicant of this planning proposal.

A subsequent section 96 application (S960042/16) seeking to modify Development Consent (DA0456/09) was received from Vermont Quays Pty Ltd and Mr P T Cleary. One of the modifications proposed in this application was to reduce the number of lots approved within the proposed Stage 6B of the approved seven staged subdivision application (DA0456/09) from 10 lots to seven lots. This S.96 application was approved by Council on 26 August 2016, and therefore the proposed dwelling yield within the Cleary Precinct has now been adjusted down to 109 lots.

This planning proposal seeks an amendment to the LEP to reclaim those three lots on the subject site as explained in the latter part of this report.

On 9 August 2016 Council considered the planning proposal and resolved as follows:

*“That Council defer the matter for a site inspection.”*

A site inspection was held on 13 October 2016 as per the Council Resolution. No Councillors attended the inspection.

### Planning Proposal

The objectives of the planning proposal are to amend the LEP to:

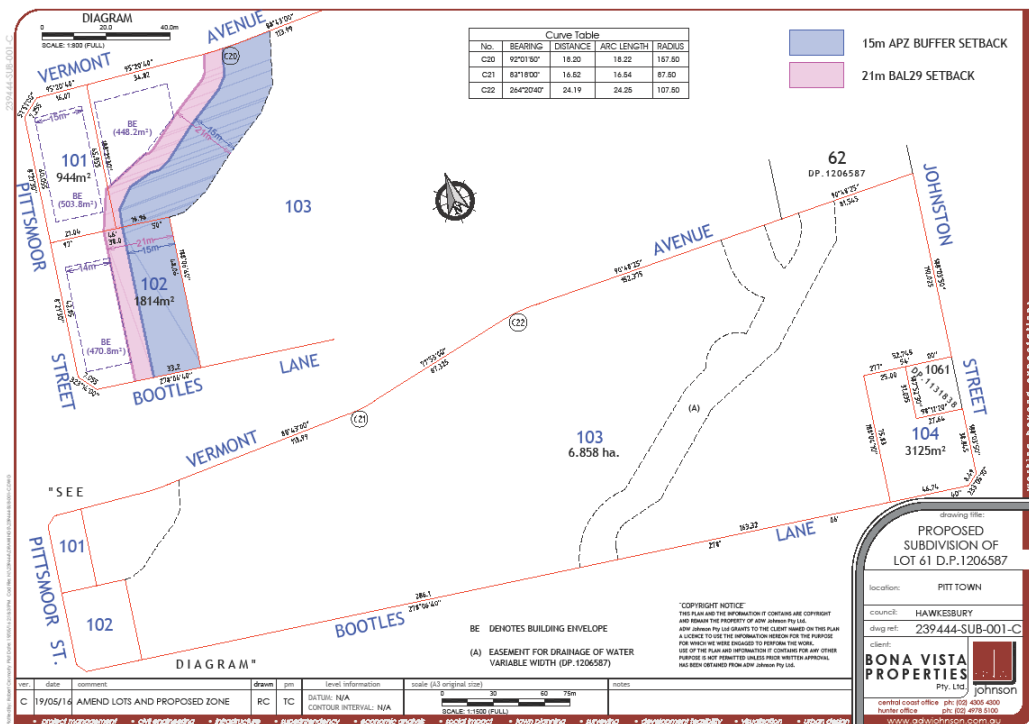
- enable potential subdivision of the existing cleared part of Lot 61 DP 1206587, 43 Bootles Lane, Pitt Town (the subject site) into three Torrens title residential lots with a minimum lot size not less than 750m<sup>2</sup>. The existing cleared part of the site would be available for any proposed dwellings, thereby not requiring any additional clearing of the site;
- protect and retain the existing significant vegetation on the subject site through rezoning that part of the subject site containing the existing significant vegetation to E2 Environmental Conservation zone; and
- reflect and recognise the current Pitt Town Local Water Centre (LWC) land use activity on the subject site through rezoning that part of the subject site, being an existing allotment containing the LWC, to SP2 Infrastructure zone.

A Draft Concept Subdivision Plan of the planning proposal (Subject to a separate development approval) showing the proposed three residential lots is shown in Figure 2 below.



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**Figure 2: Concept Subdivision Plan (Subject to separate development approval)**

The planning proposal aims to achieve the above proposed outcomes by amending the LEP as follows:

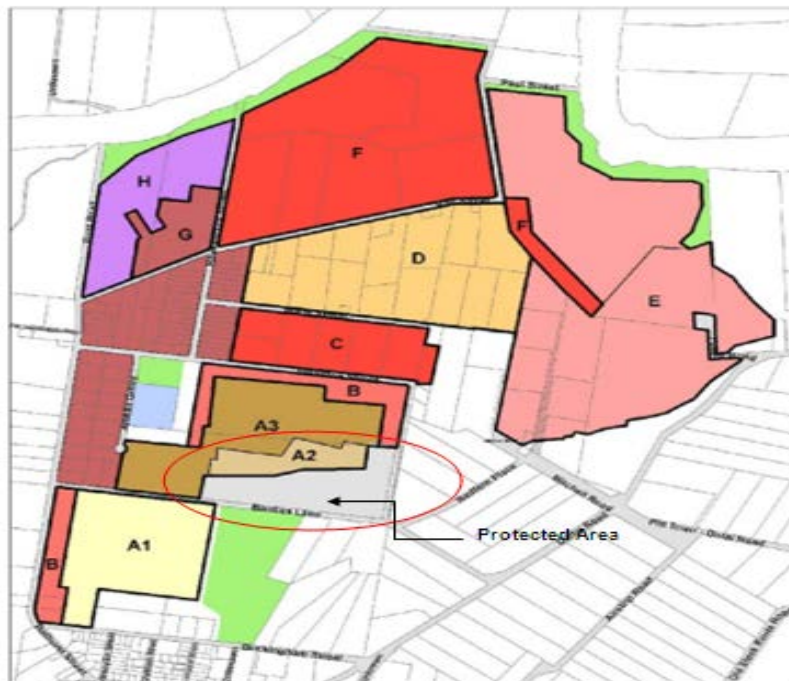
- Amend Land Zoning Map (Map Identification No. 3800\_COM\_LZN\_008C\_040\_20140501) of the LEP to rezone the subject site from RU2 Rural Landscape to part R2 Low Density Residential, part E2 Environmental Conservation and part SP2 Infrastructure as shown in Attachment 1 of this Report.
- Amend the Minimum Lot Size Map (Map Identification No. 3800\_COM\_LSZ\_008C\_040\_20140808) of the LEP to specify a 750m<sup>2</sup> minimum lot size for an area of land at the western corner of the subject site identified for future residential purposes, 4ha minimum lot size for the land area proposed for E2 Environmental Conservation, and no minimum lot size for the rest of the subject site which is proposed as SP2 Infrastructure as shown in Attachment 2 of this Report.

### Subject Site and Surrounds

The subject site is located within the Pitt Town Residential Precinct. Chapter 4, Pitt Town, Part E of Hawkesbury Development Control Plan 2002 (the DCP) identifies 10 development sub-precincts within the Pitt Town Residential Precinct that provide both urban and rural housing, and the subject site as the Protected Area as shown in Figure 3 below.

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**Figure 3: Existing DCP Development Sub-Precincts within Pitt Town Residential Precinct**

The subject site is located within an area known as Bona Vista Precinct which is a new residential subdivision comprising 246 residential lots in the southern part of the Pitt Town Residential Precinct. This subdivision is largely completed with the majority of lots having been developed.

The subject site is legally described as Lot 61 DP 1206587 and known as 43 Bootles Lane, Pitt Town. The subject site has an area of 7.446ha, and is bounded by Vermont Avenue to the north, Bootles Lane to the south, Johnston Street to the east and Pittsmoor Street to the west as shown in Figure 4 below.



**Figure 4: Subject Site**

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The subject site has a frontage of 105m to Pittsmoor Street, 540m frontage to Bootles Lane, 564m frontage to Vermont Avenue, and 283m to Johnston Street.

The subject site is currently zoned RU2 Rural Landscape under the LEP, and the current minimum lot size for subdivision of this land is 10ha.

The subject site has an elevation of approximately 24.5m AHD towards Vermont Avenue, and falls gently down from the north-west towards the south-east.

The subject site is generally an isolated and fragmented area of urban bushland, but it provides some connectivity to a nearby vegetated area, particularly towards the south-east.

Approximately 90% of the subject site has been identified as having 'endangered ecological community' and Connectivity between 'Remnant Vegetation' on the Terrestrial Biodiversity Map. The entire site, except a cleared grassed area having frontages to Vermont Avenue, Pittsmoor Street and Bootles Lane at the western end of the subject site, is covered with significant vegetation.

Other relevant matters from the LEP include:

- The entire site other than a small area of the site at the south-east corner is above 1:100 ARI flood level. Hence, *Clause 6.3 Flood planning* of the LEP will apply to future development on the site in addition to Council's Development of Flood Liable Land Policy.
- The subject site falls within the Middle Nepean & Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)*. The site also contains a wetland identified by this SREP.
- The site is shown as containing Agriculture Land Classifications 2 and 3 prepared by the former NSW Department of Agriculture.
- The whole of the subject site is shown as being within Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the LEP. Acid Sulfate Soil Classification 5 represents a relatively low chance of acid sulphate soils being present on the site.
- The subject site is shown as being bushfire prone (Bushfire Vegetation Category 1 and Vegetation Buffer to Category 1 land) on the NSW Rural Fire Service's Bushfire Prone Land Map.

An existing Local Water Centre (privately operated package sewer treatment plant) occupies the south-east corner of the subject site. A recently constructed stormwater swale traverses the subject site.

The surrounding area is made up of a mix of residential, rural residential and open space land uses. Rural residential properties are located to the south-east and east of the subject site, and to the north and west of the site is a low density residential development within the Bona Vista Residential Precinct. To the south-west is a low density residential development within the Fernadell Residential Precinct and further to the south is public open space land as shown in Figure 5 below.



Figure 5: Aerial View of the Subject Site and Surrounds

#### Applicant's Justification of Proposal

The applicant states that Council is currently determining a Section 96 (1a) application seeking a modification to development consent issued in respect of development application (DA0456/09) to reduce the number of lots approved within proposed Stage 6B from 10 lots to seven lots. The approval of the Section 96 (1a) modification will result in the reduction of three lots from the originally approved DA0456/09 for a 112 residential lot subdivision. In support of the planning proposal, the applicant suggests that the three lots that are reduced from the abovementioned DA should be able to be relocated, and the main aim of this planning proposal is to relocate those three lots. Therefore, there will be no additional dwelling yield to the overall Pitt Town Development Precinct. The applicant also advises that the reduction in the number of approved lots is in response to the market demand for larger lot sizes.

The applicant has also provided the following justification for the planning proposal:

- The proposed zoning change will provide greater certainty for conservation and long term management of the conservation land.
- The land is serviced with the required infrastructure and the proposed residential development can be achieved within the environmental constraints of the site.
- Future housing can be sited and designed to meet the requirements for *Planning for Bushfire Protection 2006*.
- The planning proposal will provide additional housing lots and housing choice.
- The planning proposal promotes the efficient and economic use of land that is serviced by existing infrastructure and will not reduce the residential development density. The planning proposal is seeking to facilitate a three lot subdivision to enable additional low density housing, which is appropriate for the locality and has access to the necessary infrastructure and services.

- The planning proposal will deliver positive environmental outcomes and secure the conservation of the remnant bushland which includes Endangered Ecological Communities.

### **A Plan for Growing Sydney and Draft North West Subregional Strategy**

*A Plan for Growing Sydney* was released in December 2014 and is the NSW Government's 20-year plan for the Sydney Metropolitan Area (SMA). It provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

*A Plan for Growing Sydney* contains the following Vision for Sydney:

A strong global city, a great place to live.

The Vision is supported by the following four goals and three principles:

- Goal 1: A competitive economy with world-class services and transport
- Goal 2: A city of housing choice with homes that meet our needs and lifestyles
- Goal 3: A great place to live with communities that are strong, healthy and well connected
- Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

Principle 1: Increasing housing choice around all centres through urban renewal in established areas.

Principle 2: Stronger economic development in strategic centres and transport gateways.

Principle 3: Connecting centres with a networked transport system.

*A Plan for Growing Sydney* divides Sydney into six subregions: Central; West Central; West; North; South West; and South. The Hawkesbury LGA is in the West subregion along with the Penrith and Blue Mountains LGAs.

The Draft North West Subregional Planning Strategy (the Strategy) was released by the NSW Government in December 2007. The Strategy covers the LGAs of The Hills, Blacktown, Blue Mountains, Hawkesbury and Penrith and sets broad directions for additional dwelling and employment growth.

The Key Directions of the draft Strategy are:

- plan to meet employment and housing capacity targets
- develop Penrith as a Regional City
- strengthen the role of centres
- improve access to, from and within the subregion
- protect rural and resource lands
- promote the environmental and scenic qualities of the region
- improve access to open space and recreation opportunities

The Strategy was never finalised and is currently under review.

These two documents have a high level metropolitan and regional focus, and the applicant has provided an assessment of the planning proposal against these two documents and concludes that the planning proposal is consistent with these documents. It is considered that the applicant has provided reasonable justification that the planning proposal is consistent with these State policy documents.

### **Section 117 Directions**

The Minister for Planning, under section 117(2) of EP&A Act, issues directions that relevant planning authorities including councils must comply with when preparing planning proposals. The directions cover the following broad range of categories:

- Employment and resources;
- Environment and heritage;
- Housing, infrastructure and urban development;
- Hazard and risk;
- Regional planning;
- Local plan making; and
- Implementation of a Plan for Growing Sydney.

Section 117 Directions are issued by the Minister for Planning and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal.

However, all these Directions permit variations subject to meeting certain criteria (refer to the last part of this section of this report). The principle criterion for variation to a 117 Direction is consistency with an adopted Local or Regional Strategy.

A summary of the key Section 117 Directions includes:

#### *Direction 1.2 Rural Zones*

Planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

The planning proposal seeks to rezone the western end of the subject site from RU2 Rural Landscape to R2 Low Density Residential under the LEP to enable a three lot Torrens title residential subdivision on that, principally cleared, part of the subject site. Therefore, the planning proposal is inconsistent with this direction, and requires an appropriate justification for this inconsistency.

Appendix 5, Assessment of Consistency with Section 117 Directions of the applicant's planning proposal states that the proposal is considered to be of minor significance and the subject site is not used for agricultural production. It is considered that this information is inadequate to justify this inconsistency.

A cleared grassed area at the western end of the subject site proposed as R2 Low Density Residential zone is relatively small and adjacent to existing low density residential development. Given the predominant land use of the immediate surrounding area is low density residential, the subject site has not been used for agricultural or rural industrial purposes and given its close proximity to the Pitt Town Rural Neighbourhood Centre, it is very unlikely that the land would be used for agricultural or rural land uses. The proposed R2 zoning for that part of the subject site with easy access to required infrastructure will enable economical and orderly development of that land and positive land use and environmental outcomes. Therefore, the minor inconsistency of the planning proposal with this direction is considered to be justified.



*Direction 1.3 Mining, Petroleum Production and Extractive Industries*

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from the DP&E, the Department of Industry would be consulted seeking comments on this matter in accordance with the Direction 1.3(4).

*Direction 2.1 Environmental Protection Zones*

The objective of this direction is to protect and conserve environmentally sensitive areas.

The planning proposal seeks an amendment to the LEP to rezone the subject site from RU2 Landscape to part R2 Low Density Residential, part E2 Environmental Conservation and SP2 Infrastructure under the LEP. One of the objectives of the planning proposal is to rezone that part of the subject site zoned RU2 Rural Landscape containing significant vegetation to E2 Environmental Conservation to ensure the existing vegetation on the subject site is retained and conserved. It is therefore considered that the planning proposal is consistent with this direction.

*Direction 3.1 Residential Zones*

Planning proposals must include provisions that encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market
- make more efficient use of existing infrastructure and services
- reduce the consumption of land for housing and associated urban development on the urban fringe
- be of good design.

Furthermore, a planning proposal must contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).

The planning proposal will enable development of the site within an established urban residential area for residential purposes and provide the local community with increased housing choice and opportunities in close proximity to the Pitt Town Rural Neighbourhood Centre and community infrastructure and services. This will help reduce the consumption of land for housing and associated urban development on the urban fringe.

Clause 6.7 Essential services of the LEP, makes provisions for essential services. As this clause ensures that all essential services are in place to accommodate future development on the site the planning proposal does not propose an additional provision for essential services. Therefore, it is considered that the planning proposal is generally consistent with this Direction.

*Direction 3.4 Integrating Land Use and Transport*

Planning proposals must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of Improving Transport Choice - Guidelines for planning and development (DUAP 2001).

In summary this document seeks to provide guidance on how future development may reduce growth in the number and length of private car journeys and make walking, cycling and public transport more attractive. It contains 10 "Accessible Development" principles which promote concentration within centres, mixed uses in centres, aligning centres with corridors, linking public transport with land use strategies, street connections, pedestrian access, cycle access, management of parking supply, road management, and good urban design.

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The planning proposal seeks to rezone part of the subject site to R2 Low Density Residential to enable a three lot subdivision on that part of the subject site with reasonable access to public transport system and local services, and in proximity to the Pitt Town Rural Neighbourhood Centre. This will enable increased housing opportunity closer to the existing Pitt Town Neighbourhood Centre, community infrastructure and services. It would also help improve local retail/business activities and services and support growth and change of the existing Pitt Town Neighbourhood Centre.

Given these circumstances, it is considered that the planning proposal is generally consistent with this direction.

### *Direction 4.1 Acid Sulfate Soils*

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&E.

The subject site is identified as containing "Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the LEP, and as such any future development on the land will be subject to Clause 6.1 Acid Sulfate Soils of the LEP which has been prepared in accordance with the Acid Sulfate Soils Model Local Environmental Plan provisions within the Acid Sulfate Soils Planning Guidelines adopted by the Director General.

This Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soil study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act. An acid sulfate soil study has not been included in the planning proposal as, due to the classification of the land, it is unlikely that such a study will be required. However, the DP&E will consider this as part of their "Gateway" determination, and if required can request further information/consideration of this matter.

### *Direction 4.3 Flood Prone Land*

The objectives of this Direction are to:

- (a) *ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- (b) *Ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

The subject site is flood prone land, and therefore Clause 6.3 Flood planning of the LEP and Council's Development of Flood Liable Land Policy will apply to future subdivision of the subject site.

More than 15% of the site area at the eastern end of the subject site is inundated by flood waters during a 1:100 ARI flood event. It is noted that the proposed SP2 Infrastructure land area and a small area of the proposed E2 Environmental Conservation land is affected by this 1:100 ARI flood event. The proposed R2 Low Density Residential land area within the subject site is above the 1:100 ARI flood level.

A detailed flood impact assessment could be undertaken if required when assessing a future application for the proposed development on the site. However, it is not considered this is required at this time.



It is noted that the DP&E have recently not supported planning proposals in the Hawkesbury where the additional residential development is affected by flood, i.e., on flood prone land (up to the Probable Maximum Flood (PMF) or not directly flood affected but would be subject to flood evacuation or other impacts due to potential isolation). The primary concern in those cases is the increase in residential development (even only one additional dwelling) in a flood affected area. As mentioned previously in this report, the subject planning proposal to permit three additional residential allotments should be considered in relation to the amendment to the previous approval of the development on the "Cleary" precinct which has reduced the development of that site by three allotments. In this regard, the amendment to the existing development and the planning proposal do not increase the overall development yield in the Pitt Town Development Area.

Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from DP&E, the State Emergency Services (SES) would be consulted seeking comments on this matter.

#### *Direction 4.4 Planning for Bushfire Protection*

The subject site is shown as being bushfire prone, containing Vegetation Category 1 on the NSW Rural Fire Service's Bushfire Prone Land Map. This Direction requires consultation with the NSW Rural Fire Service following receipt of a Gateway determination, compliance with Planning for Bushfire Protection 2006, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions.

#### *Direction 6.1 Approval and Referral Requirements*

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. This Direction requires that a planning proposal must:

- "(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
  - (i) the appropriate Minister or public authority, and*
  - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act, and*
- (c) not identify development as designated development unless the relevant planning authority:*
  - (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
  - (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act."*

It is considered that the planning proposal is consistent with this Direction as it does not contain provisions requiring the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

#### *Direction 6.3 Site Specific Provisions*

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal proposes amendments to the Land Zoning Map and Lot Size Map of the LEP only. It is therefore considered that the proposed amendment is consistent with this Direction.

*Direction 7.1 Implementation of 'A Plan for Growing Sydney'*

This Direction requires planning proposals to be consistent with 'A Plan for Growing Sydney' (the Sydney Metropolitan Strategy) released in December 2014. 'A Plan for Growing Sydney' is the NSW Government's 20-year plan for the Sydney Metropolitan Area. It provides directions for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

'A Plan for Growing Sydney', which is one of the key issues taken into consideration in the early part of the assessment of the planning proposal establishes that the planning proposal is consistent with this Plan.

**State Environmental Planning Policies**

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy (SEPP) No. 19 - Bushland in Urban Areas*, *SEPP No. 55 - Remediation of Land*, *Sydney Regional Environmental Plan (SREP) No. 9 - Extractive Industry (No 2- 1995)* and *(SREP) No. 20 - Hawkesbury - Nepean River (No.2 - 1997)*.

*State Environmental Planning Policy No. 19 - Bushland in Urban Areas*

The general aim of this Policy is to protect and preserve bushland within an urban area. The applicant states that the planning proposal is consistent with the aims of SEPP No. 19 as it will facilitate the protection of remnant bushland on the site, including the critically endangered ecological communities (CEECs), and provide for the long term management and conservation of the subject site. One of the objectives of the planning proposal is to protect and enhance the quality of the remnant bushland on the subject site and facilitate the long term conservation management of the subject site. Therefore, it is considered that the planning proposal is consistent with this Policy.

*State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)*

SEPP 55 requires consideration as to whether or not land is contaminated and, if so, its suitability for future permitted uses in its current state or whether it requires remediation. The SEPP may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

The planning proposal does not contain adequate information on this matter other than Appendix 4 Assessment of State Environmental Planning Policies of the planning proposal stating that the planning proposal is capable of complying with SEPP No 55.

Council has no records to suggest that the subject site has been used for any intensive agricultural use or any other use identified in Table 1 - Some Activities that may cause contamination of Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land that may require remediation.

However, the DP&E will consider this as part of their "Gateway" determination, and if required can request further information/consideration of this matter.

*Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995) - (SREP 9)*

The primary aims of SREP 9 are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance, and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP, nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

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

The aim of SREP No 20 (No. 2 - 1997) is 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. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically the SREP encourages Council to consider the following:

- *rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna);*
- *develop in accordance with the land capability of the site and do not cause land degradation;*
- *the impact of the development and the cumulative environmental impact of other development proposals on the catchment;*
- *quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters;*
- *consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored;*
- *consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site;*
- *minimise or eliminate point source and diffuse source pollution by the use of best management practices;*
- *site and orientate development appropriately to ensure bank stability;*
- *protect the habitat of native aquatic plants;*
- *locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land;*
- *consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms;*
- *conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors;*
- *minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices;*
- *consider the impact on ecological processes, such as waste assimilation and nutrient cycling;*
- *consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas;*

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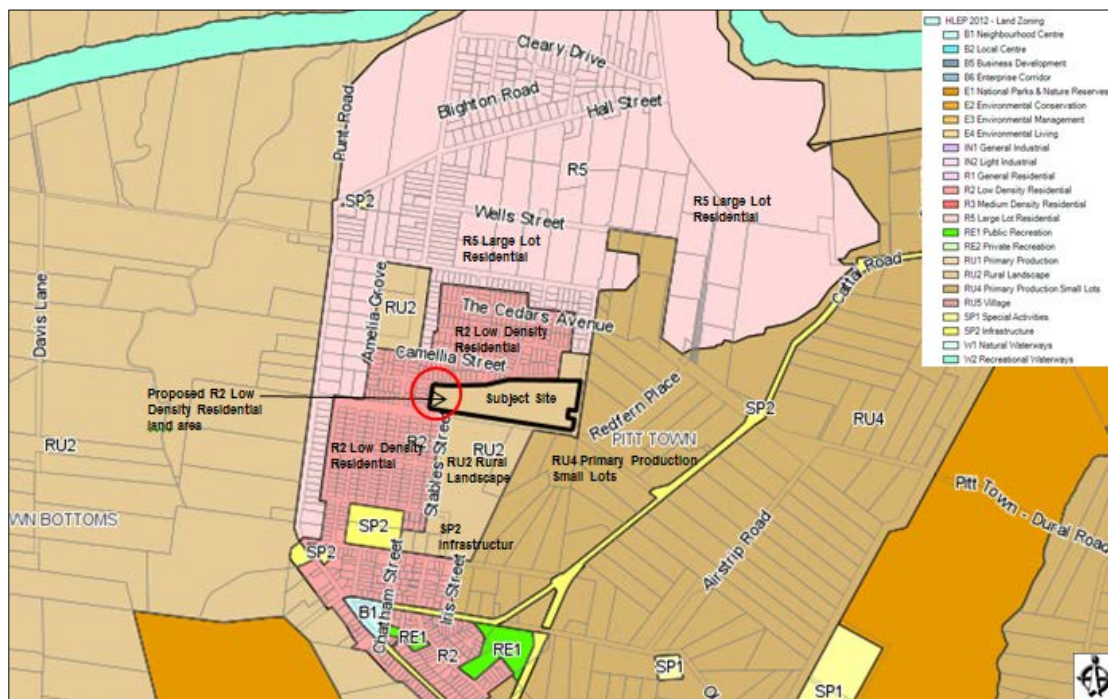
- consider the need to control access to flora and fauna habitat areas;
- give priority to agricultural production in rural zones;
- protect agricultural sustainability from the adverse impacts of other forms of proposed development;
- consider the ability of the site to sustain over the long term the development concerned;
- maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development;
- consider any adverse environmental impacts of infrastructure associated with the development concerned.

The subject site falls within the Middle Nepean & Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)*. The site also contains a wetland identified by this SREP.

It is considered that future dwellings on the planned additional lots on an approved subdivision will comply with the relevant provisions of SREP No 20 or be able to appropriately minimise its impacts.

### Hawkesbury Local Environmental Plan 2012

The subject site is currently zoned RU2 Rural Landscape under the LEP as shown in Figure 6 below.



**Figure 6: Current Land Zoning Map Extract**

The current minimum lot size for subdivision of the subject site is 10ha as shown in Figure 7 below.



**Figure 7: Current Lot Size Map Extract**

Under the current RU2 Rural Landscape zoning, dwelling houses, dual occupancies (attached) and rural workers' dwellings are permitted with consent. Given the western part of the subject site fronting Pittsmoor Street and Vermont Avenue is a cleared grassed area approximately 4,200m<sup>2</sup> in size above 1:100 ARI flood level, that part of the subject site can be developed for a single dwelling or an attached dual occupancy under the current RU2 zoning and 10ha minimum lot size provision with Council consent.

The subject site has an area of 7.446ha, and therefore it cannot be subdivided under the current 10ha minimum lot size for subdivision of the subject site. Given Council have no records to suggest that the subject site has been used for agricultural or rural industrial purposes, a rural worker's dwelling on the subject site would not be approved by Council. Therefore, under the current LEP provisions, the subject site can only be developed for a dwelling house or an attached dual occupancy development.

Therefore, the planning proposal seeks to:

- amend the Land Zoning Map Lot Size Map (Map Identification No. 3800\_COM\_LZN\_008C\_040\_20140501) of the LEP to rezone the subject site from RU2 Rural Landscape to part R2 Low Density Residential, part E2 Environmental Conservation and part SP2 Infrastructure.

The proposed R2 Low Density Residential zoning is limited to the cleared grassed area at the western end of the subject site having frontages to both Vermont Avenue and Pittsmoor Street, and the proposed SP2 Infrastructure zoning is limited to part of the subject site at the south-east corner containing the LWC. The majority of the subject site containing significant vegetation is proposed to be rezoned to E2 Environmental Conservation.

- amend the Lot Size Map (Map Identification No. 3800\_COM\_LSZ\_008C\_040\_20140808) of the LEP to specify a minimum 750m<sup>2</sup> lot size for the proposed R2 Low Density Residential land area, 4ha lot size for the proposed E2 Environmental Conservation land area and no minimum lot size for the proposed SP2 Infrastructure land area.

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As shown in Figure 6, the properties to the immediate north and west of the subject site are zoned R2 Low Density Residential, properties to the immediate east are zoned RU4 Primary Production Small Lots, and properties to the immediate south are zoned RU2 Rural Landscape, RU4 Primary Production Small Lots and R2 Low Density Residential under the LEP. Given the predominant zoning of the immediate vicinity is R2 Low Density Residential, it is considered that the proposed R2 zoning for that part of the subject site at the western end is appropriate.

A range of land uses including dwelling houses, dual occupancies (attached), educational establishments, entertainment facilities, landscaping materials supply, plant nurseries, restaurants or cafes are permitted on the subject site with consent. However, a significant physical constraint with the presence of significant vegetation covering more than 80% of the subject site may severely restrict development of the site for such land uses. Irrespective of this physical constraint, the proposed E2 Environmental Conservation zoning for the majority of the site provides an improved statutory framework and greater certainty to retain the existing vegetation on the subject site, and recognises the importance of the conservation of CEECs and remnant bushland on the subject site.

The proposed rezoning of part of the subject site at the south-east corner to SP2 Infrastructure to reflect the current operation of the LWC on the subject site is also considered appropriate.

Given a mix of surrounding lot sizes ranging from approximately 650m<sup>2</sup> to 2ha and the proximity to the Pitt Town Rural Neighbourhood Centre, the planning proposal seeking an amendment to the Lot Size Map of the LEP to enable the subdivision of the subject site into three residential lots with a minimum lot size of not less than 750m<sup>2</sup> is considered appropriate. However, this report does not propose to endorse any subdivision plan submitted in support of the planning proposal.

In addition to the above proposed amendment, it is considered appropriate to insert an appropriate enabling clause in the LEP to limit the maximum residential lot yield of the subdivision of part of the subject site proposed for R2 Low Density Residential to a maximum of three lots with a minimum lot size not less than 750m<sup>2</sup> consistent with the planning proposal.

### **Road Access and Traffic Generation**

The subject site can only be accessed via Bootles Lane, Pittsmoor Street or Vermont Avenue. Given the maximum residential lot yield is three lots on the subject site there will be no adverse impact on the existing local road network.

Public transport is limited to the Westbus Route 633 service between Windsor and Wisemans Ferry and Windsor and Pitt Town. Given the limited frequency of services, the future occupants of the proposed subdivision will most likely rely upon private vehicles for transportation.

### **Topography**

The subject site has an elevation of approximately 24.5m AHD towards Vermont Avenue, and is fairly flat. According to Council's slope mapping, the entire site area except a narrow strip of land near the north-east corner has a slope less than 10%.

The HRLS recognises slopes greater than 15% act as a constraint to development and future subdivision of the land for residential in particular. The proposed building footprints would need to be limited to that area of land having a slope less than 15%. Given the majority of the site area has a slope less than 10% the subject site's topography does not hinder the proposed subdivision of part of the subject site to three residential lots.

### **Ecology**

The Terrestrial Biodiversity Map of the LEP identifies approximately 85% of the site area as 'endangered ecological community' as shown in Figure 8 below.



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The entire Asset Protection Zone (APZ) can be established within the proposed R2 Low Density Residential zone, outside of the indicative building footprints as shown in Figure 9 below. Therefore it is considered that there would be no adverse impact on the existing vegetation within the proposed E2 Environmental Conservation area.

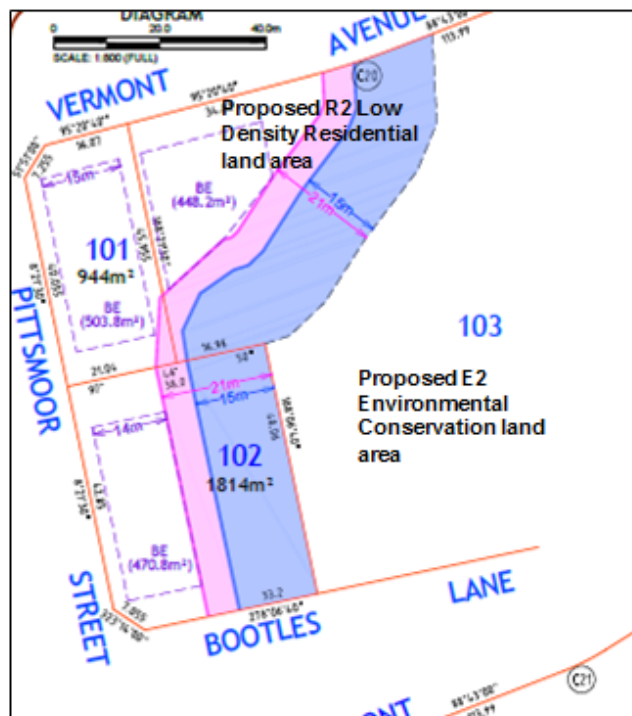


Figure 9: Extract of the Concept Subdivision Plan

However, given the site is identified as bushfire prone, the planning proposal will be referred to the NSW Rural Fire Service (RFS), being the responsible authority for bushfire protection for comments should Council resolve to proceed with the planning proposal and receive a "Gateway" determination advising to proceed with the planning proposal from DP&E.

#### Agricultural Land Classification

The site is shown as being Agriculture Land Classification 2 and 3 on maps prepared by the former NSW Department of Agriculture. These lands are described by the classification system as:

- "2. Arable land suitable for regular cultivation for crops but not suited to continuous cultivation. It has a moderate to high suitability for agriculture but edaphic (soil factors) or environmental constraints reduce the overall level of production and may limit the cropping phase to a rotation with sown pastures."
3. Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown or other factors, including climate, may limit the capacity for cultivation and soil conservation or drainage works may be required".

Given the proximity of the subject site to surrounding low density and rural residential development, and the Pitt Town Rural Neighbourhood Centre and the presence of significant vegetation on the majority of the subject site requiring conservation, it is considered that it is unlikely the site could be used for a substantial or sustainable agricultural or rural enterprise.



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### Character

The immediate locality is characterised by a mix of lot sizes with varying frontages, shapes and sizes.

Smaller lots ranging from approximately 650m<sup>2</sup> to 800m<sup>2</sup> are located immediately adjacent in Vermont Avenue and Pittsmoor Street, whilst larger lots are generally located to the east and south.

The predominant land use character in the immediate vicinity is low density and rural residential.

Given the predominant low density residential and rural residential character of the immediate vicinity, and a mix of lot sizes ranging from approximately 650m<sup>2</sup> to 2ha in the immediate vicinity, the intended outcome of the planning proposal to subdivide part of the subject site at the western end of the subject site into residential lots with a minimum lot size not less than 750m<sup>2</sup> is not inconsistent with the existing character of the locality.

### Services

According to the applicant, the site has access to the required infrastructure and services to accommodate a residential development on part of the subject site including electricity and telecommunication services.

### Heritage

The subject site's frontage to Johnston Street and parts of the frontage to Vermont Avenue and Pittsmoor Street is mapped as being along the boundary of the Pitt Town Conservation Area as shown in Figure 10 below.

Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from DP&E, the NSW Office of Environment & Heritage would be consulted seeking comments on this matter.

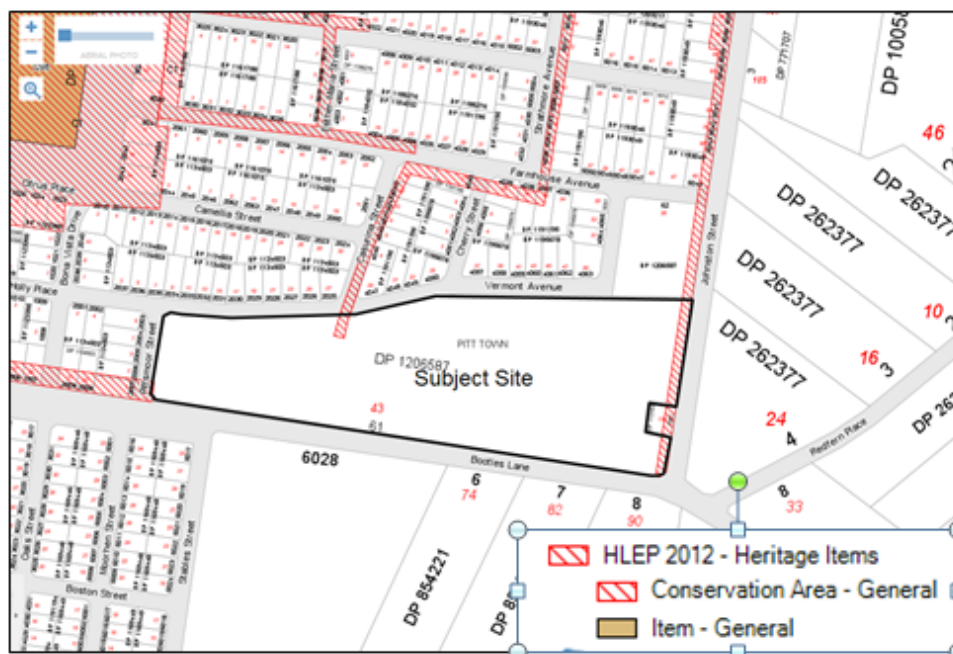


Figure 10: Extract of Heritage Map of the LEP

**Flood Evacuation**

The applicant states that:

*“The majority of the site subject to this proposal, in particular the land area for future residential lots, will be located on land above 1 in 100 flood level. Flood evacuation routes and timeframes were a key consideration of the Concept Plan for Pitt Town and it was found that the provision of 1,000 lots in Pitt Town would not require upgrading of evacuation routes and that the Pitt Town community could be safely evacuated in the available timeframe for a range of flood scenarios. The very minor net increase of two residential lots that could be achieved as a result of the planning proposal is not considered to adversely impact on flooding or flood evacuation”.*

The first stage of the Hawkesbury-Nepean Valley Flood Management Review completed in 2013 concluded that flood risk will increase with population growth in the Valley. Experience in the Hawkesbury-Nepean Valley has demonstrated that evacuation and emergency management issues need to be addressed upfront in the planning process. ‘A Plan for Growing Sydney’ requires local planning authorities to undertake an evacuation capacity assessment that considers regional and cumulative issues as necessary prior to rezoning land in the Hawkesbury-Nepean Valley.

As previously mentioned, there will be no net increase of the number of dwellings in the Pitt Town Residential Precinct as a result of this planning proposal. Hence, it is not considered necessary to undertake an evacuation capacity assessment.

**Section 94 and section 64 Contributions**

As previously mentioned, the subject site has not been included as potential residential land in the Pitt Town Residential Precinct. If the LEP amendment is made to give effect to this planning proposal enabling subdivision of part of the subject site into three residential lots, Catchment 5 of the Council’s Section 94 Contributions Plan will need to be amended to include the subject site. This proposed amendment to Council’s Section 94 Plan will allow Council to require S.94 contributions for any future residential development of the subject site.

Council also has section 64 contribution plans in Pitt Town that collect for stormwater facilities. The relevant section 64 contributions plan would also require amendment should this proposal gain support.

The above described amendments do not require a resolution to proceed at this time as, should the proposal obtain a ‘gateway’ determination to proceed, the required amendments to the contributions plans would be reported to Council separately as they follow a separate statutory process, which requires public consultation, to amend those plans.

**Conformance to the Hawkesbury Community Strategic Plan**

The proposal is considered to be consistent with the Looking after People and Place Directions statement, and specifically:

- Offer residents a choice of housing options that meet their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Population growth is matched with the provisions of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.

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### Conclusion

The planning proposal seeking an amendment to the LEP to enable a three lot residential subdivision, the protection of existing significant vegetation on a large part of the subject site through an appropriate zoning, and rezoning part of the subject site containing the Local Water Centre (LWC) to SP2 Infrastructure reflecting that land use as detailed in this report is considered to have merit. Hence it is considered worthy of support.

It is therefore recommended that the planning proposal be supported and submitted to the Department of Planning and Environment (DP&E) for a 'Gateway' determination.

### Financial Implications

The applicant has paid the fees required by Council's fees and charges for the preparation of a local environmental plan.

### Planning Decision

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

### RECOMMENDATION:

That:

1. Council support the planning proposal for Lot 61 DP 1206587, 43 Bootles Lane, Pitt Town seeking an amendment to *Hawkesbury Local Environmental Plan 2012* to allow development of the subject site as detailed in this report.
2. The planning proposal be forwarded to the Department of Planning and Environment for a 'Gateway' determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.

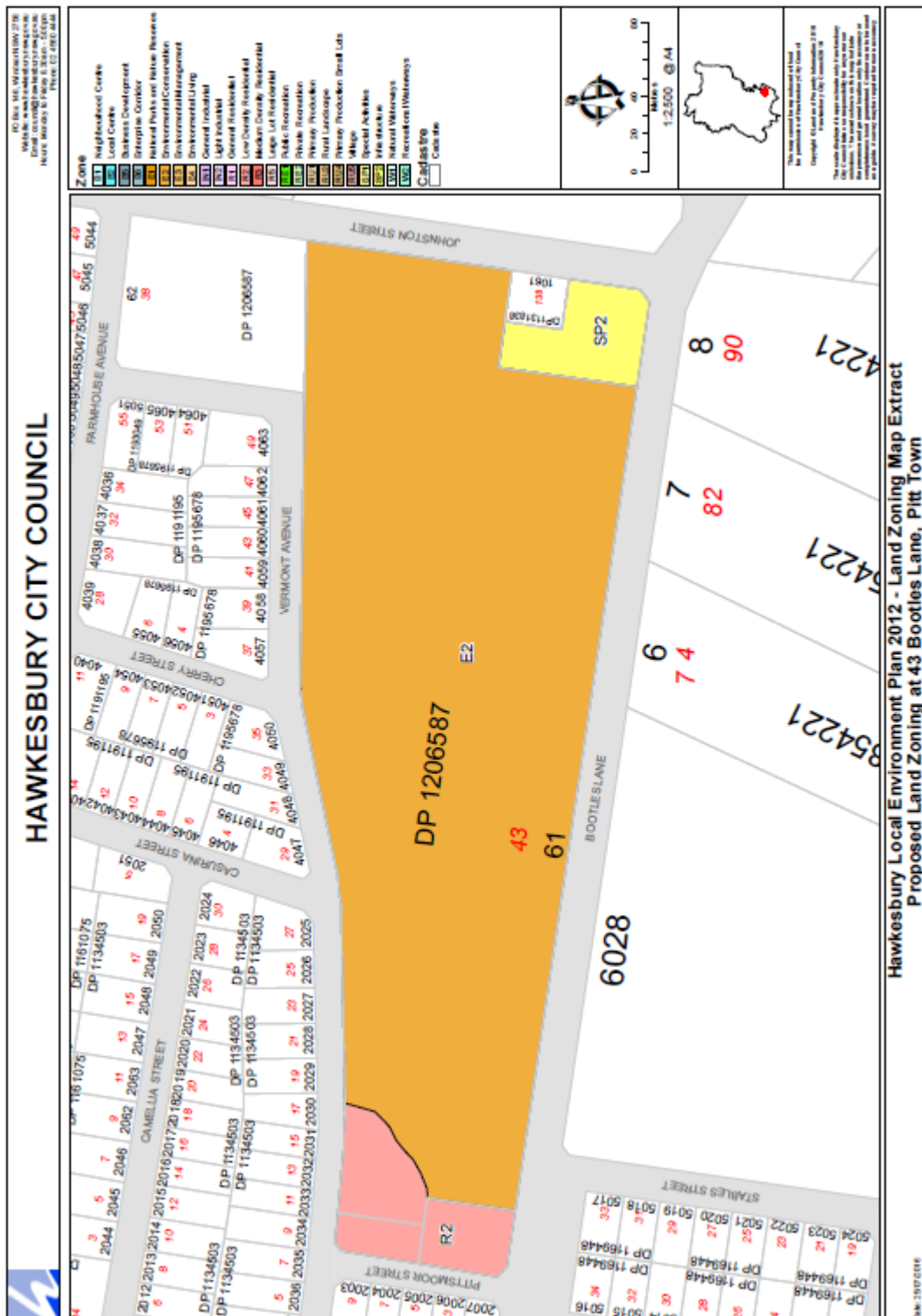
### ATTACHMENTS:

**AT - 1** Proposed Amendment to Land Zoning Map

**AT - 2** Proposed Amendment to Lot Size Map

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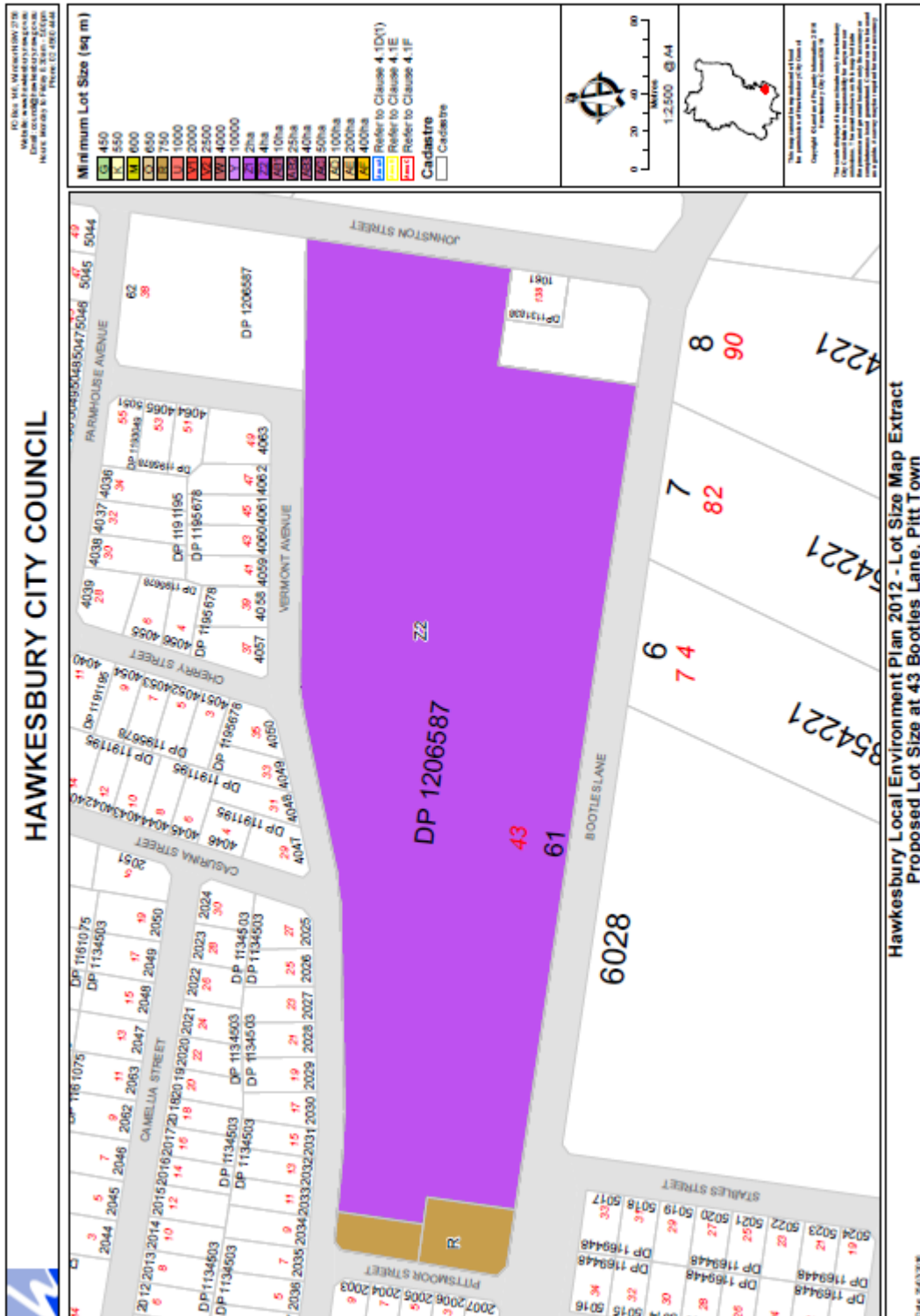
**AT - 1 Proposed Amendment to Land Zoning Map**



# ORDINARY MEETING

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## AT - 2 Proposed Amendment to Lot Size Map



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## ORDINARY MEETING

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### GENERAL MANAGER

**Item: 226**                      **GM - 2016 Christmas Program - Request for Funds and Project Proposal - (79351, 79356, 127800, 94012, 79356)**

**Previous Item:**            421, Ordinary (30 November 2010)  
                                 243, Ordinary (8 November 2011)  
                                 286, Ordinary (9 October 2012)  
                                 68, Ordinary (12 March 2013)  
                                 324 Ordinary (24 September 2013)  
                                 139, Ordinary (8 April 2014)  
                                 95; Ordinary (30 June 2015)

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### **REPORT:**

#### **Executive Summary**

Since 2010, Council has provided funds in the annual Operational Plan towards the provision of Christmas lights in town centres by relevant business groups to support the Christmas festive and trading period.

Last year, a review of the Business Christmas Program was undertaken. It was identified that each business group approaches the program differently due to resourcing and funding availability and that there was scope to provide a more cohesive community Christmas Program. In addition to continuing to provide limited funding to support these programs, Council resolved to pursue an investigation of a street banner program.

An investigation of a banner installation program utilising street lighting poles owned by Endeavour Energy highlights some difficulties and this report recommends that Council pursue the implementation of a banner pole installation program on Council owned land. These poles would be available for use, year round, as a means to promote events within the Hawkesbury. The report also recommends the provision of funding to support the Christmas lights program.

#### **Consultation**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. However, Council has contacted Kurrajong Community Forum, Windsor Business Group and Richmond Mainstreet Inc. and Hawkesbury City Chamber of Commerce and asked them to make a submission for funding.

#### **Background**

Since 2010, Council has provided funds in the annual Operational Plan towards the provision of Christmas lights in town centres by relevant business groups to support the Christmas festive and trading period.

In November 2010, Windsor Business Group approached Council for funding to assist with a lights display for the Christmas period, with the view to making it an annual activity. Subsequently, funding was provided to the Windsor Business Group for the past six years for lights.

Since 2010, other business groups have approached Council to participate in the program and to undertake light displays and other activities in town centres to support the Christmas period. Other business groups who have participated are Kurrajong Community Forum, Hawkesbury City Chamber of Commerce and Richmond Mainstreet Inc.

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Last year, Council undertook a review of the Business Christmas Lights Program and identified that each business group approaches the program differently due to resourcing and funding availability. This therefore results in a lack of consistency across Council's key town centres. Council also receives feedback each year from the community requesting more community focused activities and decorations in the Hawkesbury to create a more festive atmosphere at Christmas.

As a result, the Christmas Lights Program has been transitioned to Council's Corporate Communication Branch to enable the program to be realigned and expanded. This realignment will see the Program become more community focused to capitalise on existing Christmas events while cooperating with, and building upon, programs carried out by business groups in their respective areas.

In 2015, discussions were held and correspondence entered into with the four business groups where they shared their experiences in implementing their respective programs including the successes and challenges that they have faced. Staff advised of the transitioning of the program, which was well received by all the groups, who agreed that consistency between the centres would add vitality to the program and assist them in their endeavours. The groups were advised that it was proposed for funding to be continued to provide limited support to the business groups program, with the balance directed to the implementation of a street banner initiative.

The investigation of the street banner initiative was not given priority due to the proposed merger of the Hawkesbury and part of the Hills Shire Council. All branding projects were put on hold with resources directed towards the anti-merger campaign. However, following the resolution of this matter, staff began the investigation of the emerging banner infrastructure, Flagtrax. Investigation showed that the ongoing use of the Flagtrax system seems to be a very efficient and economical system for the display of banners as banners can be raised and lowered on poles from ground level, negating significant regular installation costs such as hire of a cherry pickers, out-of-hours staff time and traffic management. Whilst this is a very easy system to use, it is only economically viable if the hardware can remain in place on the poles.

Discussions were held with Endeavour Energy, the authority responsible for street lights in the City. Endeavour Energy requires that fixtures to their poles be for a finite time – which means Council could not permanently install the Flagtrax or any similar banner infrastructure. It is noted that Council does have some existing banner structures on light poles in George Street, Windsor which were installed approximately 15 years ago. Discussion with representatives of Endeavour Energy have indicated that it would be highly unlikely that Endeavour Energy would allow the permanent installation of the Flagtrax system or any system on their light poles. When questioned about the use of flag displays on street lighting poles by other councils such as Sydney City, Endeavour Energy representatives indicated that these poles are 'Smart Poles' suitable for lighting, CCTV and banner installation, and have been purchased by the relevant local government authorities. This option is not financially feasible for Council.

It is therefore proposed to pursue the implementation of a program of banner pole installations at strategic locations throughout the City on Council owned property. This year the program will focus on the entry way to Windsor using existing banner poles and the installation of banner poles in the towns of Windsor and Clarendon/Richmond. These banner poles will also be available for the general promotion of events. The current budget would only allow for the installation of approximately six banners poles throughout the City, which would have limited impact. It is proposed that funding be allocated each year to expand the program.

As outlined above, it is proposed that Council would continue limited support to the business groups program this year. Council has contacted Kurrajong Community Forum, Windsor Business Group, Richmond Mainstreet Inc. and Hawkesbury City Chamber of Commerce and asked them to make a submission for funding. Only two applications were received.

The funding requests received and program activities of local business groups to be considered by Council are detailed below.

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### ***Windsor Business Group***

- Involvement: 2010 to 2015
- Total funds provided: \$20,250 for the lights and \$800 for the business lights competition.
- Request for 2016: \$1500 towards the solar lights together with the waiving of the Windsor Mall hire fee of \$500 plus the applicable \$1,000 bond.
- Program Details for 2016: A Light Up Windsor Festival is proposed for Thursday, 1 December 2016 to be conducted in Windsor Mall between Baker and Kable Streets. The festival will incorporate:
1. Santa, Mrs Claus and the elf giving the children bags of Christmas joy
  2. A sausage sizzle and bacon and egg rolls with soft drinks available
  3. Some market stalls
  4. Children performing in the Mall
  5. Lighting up the plane trees with solar lights and lighting up shop windows.

The bond of \$1,000 will not be required in this case.

### ***Kurrajong Community Forum***

- Involvement: 2013 to 2015
- Total funds provided: \$6,500 for the banners and \$400 for the business lights competition.
- Request for 2016: The Forum indicated they do not have firm quotes for the lights and bows, however, would fully account for all monies spent.
- Program Details for 2016: Kurrajong Community Forum would like to apply for funds for Christmas Decorations for Kurrajong Village. They anticipate adding to the decorations from last year by means of more lights and red bows. Once again they would also hold a competition for the best decorated shop window and would award a prize. The decorations will be put up on Saturday, 3 December 2016. They intend to gain publicity via the Gazette and Courier Newspapers advertising the installation of the decorations and encouraging visitors to visit Kurrajong Village.

Council's total budget for the Christmas Program is \$15,000. \$13,000 is proposed to be allocated for the purchase of banner infrastructure and installation with \$1,000 each being provided to Kurrajong Community Forum and the Windsor Business Group.

Council will also continue with its paid promotion of Christmas activities to be published in local papers and promote Christmas focused community events on its Hawkesbury Events Facebook page.

### **Conformance to the Hawkesbury Community Strategic Plan**

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

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

### **Financial Implications**

An amount of \$15,000 for a Christmas Program has been allocated in the 2016/2017 Operational Plan.



## **ORDINARY MEETING**

**Meeting Date:** 25 October 2016

### **RECOMMENDATION:**

That Council:

1. Approve the payment of \$1,000 of funding to the Windsor Business Group and the Kurrajong Community Forum respectively, to support Christmas Lights displays and associated activities for Christmas 2016 in town centres, subject to the business groups providing details on the proposed expenditure of any allocated funds to the satisfaction of the General Manager.
2. Approve the execution of the Council's standard Sponsorship Agreement for the above projects.
3. Support the implementation of banner infrastructure program on Council owned property as outlined in the report.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 25 October 2016

Item: 227

**GM - Freedom of Entry to the City of Hawkesbury - Australian Air Force Cadets Richmond 336 SQN - (79351, 77675)**

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### REPORT:

#### Executive Summary

A request has been received from the Australian Air Force Cadet - 336 Squadron (Richmond) to be granted Freedom of Entry to the City of Hawkesbury.

Given the importance of the Air Force to the City of Hawkesbury and the fact that RAAF Base Richmond was granted the same right in 1989, it is recommended that this right be conferred on the Cadet Squadron. A ceremony to grant the Freedom of Entry to the City of Hawkesbury on the Squadron is proposed to take place in association with their Trophy Day Parade on the parade ground within the Scheyville National Park on Sunday, 18 December 2016.

#### Consultation

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

#### Background

In August 2016, a meeting was held with the former Mayor, Councillor Kim Ford, representatives of the Australian Air Force Cadet 336 Squadron (Richmond) and Council staff concerning a proposal for the Cadet Squadron to be granted the ceremonial right of Freedom of Entry to the City of Hawkesbury following the receipt of a formal request included as Attachment 1 to this report.

The granting of the Freedom of Entry to a City is a very old tradition that dates back to the early history of Europe, where cities were surrounded by walls, protected by soldiers and the right of entry to outside soldiers was rarely given by the authorities. When such grants were made, ceremonies were conducted reflecting the privilege conferred, the pride of the military unit concerned and the trust bestowed by the citizens.

Strong links are often forged between military units and the cities where they are stationed. Today, Freedom of Entry to a City indicates the pride the local area has in its associations with the units involved. Having been granted Freedom of Entry, the unit or establishment usually exercises that right on a regular basis every 12 to 24 months.

The Royal Australian Air Force has had a long history in the Hawkesbury Local Government Area and its presence is vital to the City's economic prosperity. RAAF Base Richmond was granted Freedom of the City of Hawkesbury on 1 July 1989. The Base has exercised its right to freedom of entry by marching through the City on many occasions, the latest being on Thursday, 23 October 2014 in Windsor, to celebrate the 25<sup>th</sup> Anniversary of conferment of the right.

The Australian Air Force Cadets (AAFC) is a youth oriented organisation that is administered by, and is actively supported by, the Royal Australian Air Force. The AAFC teach valuable life skills that help cadets develop qualities including leadership, self-reliance, confidence, teamwork and communication. The AAFC provides a foundation of knowledge and skills that assist cadets towards their future and in turn benefits society as a whole.

The Australian Air Force Cadet - 336 Squadron (Richmond) was formed in 1994, is based at the RAAF Base in Richmond and is now one of the largest squadrons in NSW.

To celebrate the AAFC's 75<sup>th</sup> Anniversary, the Australian Air Force Cadet 336 Squadron (Richmond) respectfully requests that it be presented with Freedom of the City to the Hawkesbury.

## ORDINARY MEETING

Meeting Date: 25 October 2016

Should Council resolve to grant Freedom of Entry to the City to Australian Air Force Cadet 336 Squadron (Richmond), a ceremony would be conducted to confer this 'Freedom', in the form of a proclamation scroll, on the Squadron. It would be proposed to hold this ceremony on Sunday, 18 December 2016, in association with the Cadet Squadron's end of year Trophy Day Parade on the parade ground within the Scheyville National Park.

Originally it was proposed to conduct the event at Richmond Park however holding the parade at Scheyville National Park was requested by the AAFC, as a link back to those that served in the Officer Training Unit at Scheyville during the Vietnam War and also during WWII. The event may involve the formal participation of a police representative. It is expected that the Parade would consist of approximately 100 Cadets.

It was further discussed that the Australian Air Force Cadets 336 Squadron (Richmond) may then like to make arrangements to exercise their Freedom of the City, i.e. a march through the streets, together with RAAF Base Richmond at a date to be fixed in 2017, which would provide a significant spectacle for the Hawkesbury community.

### **Conformance to the Hawkesbury 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.
- Maintain its independent identity and voice through strong local government and community institutions
- Have constructive and productive partnerships with residents, community groups and institutions.

and is also consistent with the nominated strategy in the CSP being:

- Achieve community respect through good corporate governance and community leadership and engagement.

### **Financial Implications**

There are no financial implications applicable to this report.

### **RECOMMENDATION:**

That:

1. The Australian Air Force Cadet - 336 Squadron (Richmond) be granted the ceremonial privilege of Freedom of Entry to the City of Hawkesbury.
2. The Seal of Council be affixed to the proclamation scroll.

### **ATTACHMENTS:**

**AT - 1** Letter – Request form Australian Air Force Cadet 336 Squadron (Richmond)

## ORDINARY MEETING

Meeting Date: 25 October 2016

### AT -1 Letter from Australian Air Force Cadet 336 Squadron



## AUSTRALIAN AIR FORCE CADET 336 SQUADRON



No 336 Squadron (Richmond),  
P.O Box 151  
STANHOPE GARDENS, NSW 2768  
Tel: (02) 4587 1012 (Mon only)  
Mob: 0418 678 862  
Email: [co.336sqn@aaafc.org.au](mailto:co.336sqn@aaafc.org.au)

12 October 2016

File Ref

**Mayor Kim Ford**  
Hawkesbury City Council  
PO Box 146  
WINDSOR NSW 2756

Dear Mayor Ford,

In the February of 1941 the War Cabinet approved the formation of a cadet corps (known as the Air Training Corps or AIRTC) as part of the RAAF Reserve. The AIRTC had two objectives. The primary short-term aim was to train young men between 16 and 18 to join the wartime RAAF. The second, long-term objective (to come into force after the 1939-1945 War), was to encourage young men to increase their knowledge of air matters and in particular the RAAF, instill a sense of discipline, and provide elementary training in air-related technical matters. These objectives continue within the present day corps/cadets, with both young men and women. In 2001 the government renamed the AIRTC the Australian Air Force Cadets (AAFC). This year being the 75<sup>th</sup> Anniversary of the AAFC.

The AAFC is a youth oriented organisation that is administered and actively supported by the Royal Australian Air Force. We teach valuable life skills that will help develop qualities including leadership, self-reliance, confidence, teamwork and communication. Our fundamental aim is to foster qualities that will enable cadets to become responsible young adults who will make a valuable contribution to the community, no matter what career they choose. The AAFC provides a foundation of knowledge and skills that will assist them towards their future and in turn benefits society as a whole.

336 Squadron AAFC was formed in 1994 serving the Hawkesbury region and is now one of the largest squadrons in NSW. The Squadron is based at RAAF Base Richmond. In light of the AAFC's 75<sup>th</sup> Anniversary and 336 Squadrons home base being Richmond we respectfully request that 336 SQN be presented with the Freedom of the City.

**ORDINARY MEETING**

**Meeting Date: 25 October 2016**

If this request is granted, 336 SQN wish to exercise the right (if possible) on the 18 Dec 16, as part of our end of year parade. The March through the city would conclude at Richmond Park, at which time the SQN would conduct a parade and present the annual trophies to cadets who came top of their stage or were outstanding in dress and bearing.

Yours Sincerely,

Dennis Lockwood  
FLTLT (AAFC)  
Commanding Officer  
336 Squadron Australian Air Force Cadets

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 25 October 2016

**Item: 228**                      **GM - Request for Sponsorship - 2017 St Matthews Anglican Church - 200th Birthday Bash - (79351, 8624)**

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### REPORT:

#### Executive Summary

In 2017, St Matthews Anglican Church (the Church) will be celebrating the 200<sup>th</sup> Anniversary of Governor Lachlan Macquarie laying the foundation stone of the Church building, which was designed by Francis Greenway. The Church has formed a Celebration Committee of both Church and community members and intends to hold a number of functions to celebrate this Bicentennial throughout the year. The focal point for the celebrations will be the St Matthews 200<sup>th</sup> Birthday Bash, a community celebration planned to be held in McQuade Park, Windsor. Given the historical importance of the Church and the community nature of the celebration, the Church is seeking sponsorship as a flagship event for 2017. The formal request is included as Attachment 1 to this report.

#### Consultation

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

#### Background

The St Matthews Church Precinct, including the cemetery which was constructed in 1810, the Church which was constructed in since 1817 and the rectory and stables which were constructed in 1822, is one of the most historic colonial sites in Australia. It is listed on the State Heritage Register of NSW. The year 2017 represents 200 years since Governor Lachlan Macquarie laid the foundation stone of the Church, which was designed by Francis Greenway. The Church is planning a series of community based celebrations to honour the Bicentennial. They have formed a Celebration Committee, comprising not only Church members but also members of the general community, to plan and conduct the events.

The focal point for the celebrations will be the St Matthews 200<sup>th</sup> Birthday Bash, a community celebration planned to be held in McQuade Park, Windsor from 10am to 3pm on Saturday, 14 October 2017. As well as an open invitation to the general public, the Church intends to connect with family history groups to encourage extended family reunions. Entertainment such as live performances, jumping castles and a petting zoo together with refreshments, are proposed to be provided. Entertainment would be free to the public with local service clubs being permitted to charge for sale of food and drinks. Marquees for family history groups would be provided at a cost. The Church does not propose to fundraise for the Ministry of the Church at the event, but rather promote the tax deductible 'National Trust Conservation Precinct Management Appeal' for the conservation area.

In view of the large number of proposed participants, Council will request the Church to make a formal event application for traffic management purposes.

The Church is also working with art and history organisations, including the Hawkesbury Regional Museum, about displays of art featuring St Matthews. A Schools' Service is planned for Wednesday, 11 October 2017 and a formal Church service on Sunday, 15 October 2017.

The Church plans to seek funding from the NSW Government for one off events funding and also support by way of sponsorship from local businesses and groups in funding and in-kind.

Reverend Chris Jones advised that the approximate budget for the celebrations is around \$33,000 and seeks a contribution in funding and in-kind from Council of up to \$10,000. Given that the Church is seeking funding and sponsorship from other sources and the restricted nature of the Flagship Events budget it is proposed to offer the Church assistance in the following form.

## ORDINARY MEETING

Meeting Date: 25 October 2016

Assistance	Value (\$)
Provision of stage including transport to and from	400
Contribution towards design and printing of celebration collateral	1,000
Provision of two promotional banners and banner pole hire fee	800
Cash contribution towards entertainment and refund of park booking fee.	2,000
<b>Total</b>	<b>4,200</b>

In return for the above allocation of funding and in-kind assistance, Council would require the following commitments from the event organisers:

- Council logo and recognition of support to be included on all promotional material, including but not limited to flyers, posters etc.
- invitations issued to Council representatives for official activities.

Council has previously adopted a 'Sponsorship Policy' to manage arrangements whereby Council may receive a sponsorship for an event or activity or consider granting a sponsorship to another party "*in money or in kind, to support an activity or event for the benefit of residents and visitors*".

Council's Policy defines the following in respect of a sponsorship the Council may provide:

*"Sponsorship is not an unconditional grant. In providing sponsorship Council expects to receive an outcome for the benefit of the community which is consistent with the aims and objectives of its strategic, operational and community plans."*

It is considered that the above proposal meets the above definition in that there is potential for overnight stays and increased economic benefit for the business community and particularly the tourism sector.

It is also considered that the proposal achieves a majority of the relevant 'Sponsorship Principles' contained within the applicable section of the Council's policy.

In the 2016/2017 adopted Operational Plan Council has allocated \$60,000 within the Corporate Communication budget for the support of major flagship events. It is expected that a similar amount would be allocated in the 2017/2018 financial year with \$30,000 already committed for the sponsorship of the Sydney Blues and Roots Festival.

### Conformance to the Hawkesbury Community Strategic Plan

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

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

and is also consistent with the nominated strategy in the CSP being:

- Differentiate, brand and promote the Hawkesbury as a tourism destination.

### Financial Implications

In the 2016/2017 adopted Operational Plan, Council has allocated \$60,000 within the Corporate Communication budget for the support of major flagship events. Should a similar amount be allocated in the 2017/2018 financial year funding would be available to support this request.

## **ORDINARY MEETING**

**Meeting Date:** 25 October 2016

### **RECOMMENDATION:**

That:

1. Council support the 2017 St Matthews 200<sup>th</sup> Birthday Bash with an allocation of funding in its 2017/2018 Operational Plan within the Corporate Communication budget for Civic and Community Events – flagship events budget for sponsorship of \$4,200 in cash and in-kind contribution as outlined in the report.
2. Council's standard Sponsorship agreement be executed.

### **ATTACHMENTS:**

**AT - 1** Letter from St Matthews Anglican Church requesting support for the 2017 Bicentennial event



## ORDINARY MEETING

Meeting Date: 25 October 2016

### AT - 1 Letter from St Matthews Anglican Church requesting support for the 2017 Bicentennial event

## Celebrating 200 years in 2017



Hawkesbury City Council  
George St  
Windsor NSW 2756

26<sup>th</sup> September 2016

Attention: Sophie Barrett  
[Sophie.BARRETT@hawkesbury.nsw.gov.au](mailto:Sophie.BARRETT@hawkesbury.nsw.gov.au)

Dear Sophie,

#### **200<sup>th</sup> Anniversary of Governor Lachlan Macquarie Laying the Foundation Stone of Francis Greenway's - St Matthew's Anglican Church**

On Wednesday 11<sup>th</sup> October 2017 St Matthews Anglican Church will celebrate the bicentennial of Governor Lachlan Macquarie laying the foundation stone of St Matthews Anglican Church Windsor.

The St Matthews Church Precinct (Cemetery 1810, church 1817, rectory and stables 1822) is one of the most historic colonial sites in Australia. It is listed as item SHR 00015 on the State Heritage Register of NSW. Its dates overlap with some of the most significant sites in the Sydney CBD (St James Kings Street 1819, World Heritage UNESCO – Hyde Park Barracks 1819 and The Mint 1816).

We are still in the early stages of planning for this celebration. I have formed a community bicentennial team who are helping me to plan our celebrations. The team comprises member of the wider community as well as church family members. We are planning some smaller concerts across the year. We are also talking to the arts and history community about displays of art featuring St Matthews. We are also talking to the Hawkesbury Regional Museum about a St Matthews display involving a number of items of high interest and value.

At this stage there are three major components to the celebration.

- |                                         |                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wednesday 11 <sup>th</sup> October 2017 | <b>A schools' service</b> where all local schools are invited to a service which celebrates our history and ministry.                                                                                                                                                                                    |
| Saturday 14 <sup>th</sup> October 2017  | <b>Celebration</b> – 10am – 3pm a whole of community celebration where we celebrate a St Matthew's 200 <sup>th</sup> Birthday Bash. We are seeking to book McQuade Park; have a stage as a significant focal point for a formal acknowledgement of history but where community organisations can perform |

Community Bicentennial Team  
1 Moses St Windsor NSW 2756 Ph (02) 4577 3193 [bicentenary@windsoranglican.asn.au](mailto:bicentenary@windsoranglican.asn.au)  
*A credible presence of Jesus Christ in the Hawkesbury.*

## ORDINARY MEETING

Meeting Date: 25 October 2016

across the day. We are seeking to connect with family history groups around Australia and to invite them to have small marquees around the site where they can connect with extended family and connections. We would like to provide family friendly activities such as jumping castle and animal petting zoo. We are hoping to involve service clubs to provide food.

Sunday 15<sup>th</sup> October 2017

**Worship** – A service of Christian worship in the St Matthew's church building and surrounds.

We anticipate various dignitaries in attendance at all events. Our aim is not to fundraise for church ministry activities but to celebrate and to be family / community friendly. We will promote our tax deductible National Trust Precinct Conservation Appeal throughout our celebration – which is for the ongoing conservation of the Precinct.

I am asking Council to consider contributing up to \$10 000 towards these events. This could be received as funding or in kind assistance. We think the larger costs will be associated with sound and staging in McQuade Park; also publicity, printing, banners etc; audio visual production; portable toilets.

We would plan to charge family history groups the costs of providing marquees. We would not plan to charge for jumping castle, performances, animal nursery etc. We would allow the service clubs to charge for food and refreshments that they provide.

We have invited well known personality Colin Buchanan to perform on the Saturday and await his reply. His charge is \$3500 which we would separately fundraise for. We imagine school bands, musical groups performing on the stage across the day.

We separately intend to apply to the NSW Government for one off Events funding and would advise council if that was granted.

We are also preparing a prospectus to seek support from businesses and groups in the wider community. This is being sought in funding and in kind.

A similar event for Ebenezer church attracted over two thousand people from the Hawkesbury and across Australia.

It is difficult to provide an exact budget at this stage. The table below is indicative.

Community Bicentennial Team  
1 Moses St Windsor NSW 2756 Ph (02) 4577 3193 [bicentenary@windsoranglican.asn.au](mailto:bicentenary@windsoranglican.asn.au)  
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## ORDINARY MEETING

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Income	\$
Earned Income (from entry fees or sales etc)	0
Donations (value of gifts or other sponsorship)	5000
Grants (from other government agencies)	10000
Other Income (sundry income)	2000
Contribution (from your organisation)	8000
Amount requested from Council	10000
<b>Total Income</b>	<b>33 000</b>

Expenses	\$
Salaries (including volunteer costs)	10000
Promotion, marketing and Advertising	6000
Materials and Program costs	5000
Venue, equipment or transport hire	7000
Childcare	
Other costs	5000
<b>Total Expenses</b>	<b>33 000</b>

My understanding is that Ebenezer church made \$32 000 from their celebration. While that is not our aim. Should we make a surplus we would not hold it as church funds but apply it to the National Trust Precinct Management Appeal for the Conservation of the precinct.

I have come to a view in my early days of ministry in Windsor that it is in the interests of the wider community and the church family for the Matthews Church Precinct to present itself in tip top condition. It is a major tourist drawcard forming an integral part of the historic Windsor precinct. That benefits the wider community as well as the worshipping community at church.

We seek to be a credible presence of Christ Jesus in the Hawkesbury.

Thank you for giving consideration to this request.

With warm wishes and thanks

Reverend Chris Jones  
Rector

Attached: Audited Financial Statements  
Certificate of currency of public liability.

Community Bicentennial Team  
1 Moses St Windsor NSW 2756 Ph (02) 4577 3193 [bicentenary@windsoranglican.asn.au](mailto:bicentenary@windsoranglican.asn.au)  
*A credible presence of Jesus Christ in the Hawkesbury.*

oooO END OF REPORT Ooo

**ORDINARY MEETING**

Meeting Date: 25 October 2016

**SUPPORT SERVICES**

Item: 229

**SS - Monthly Investments Report - September 2016 - (95496, 96332)****REPORT:****Executive Summary**

According to Clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

This report indicates that Council held \$47.10 million in investments at 30 September 2016.

It is recommended that this report be received and noted.

**Consultation**

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

**Background**

The following table indicates that Council held \$47.10 million in investments as at 30 September 2016. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
<b>On Call</b>								
CBA	A1+	AA-			1.25%	400,000	0.85%	
Tcorp	A1+	AA-			2.03%	3,004,853	6.38%	
<b>Total On-call Investments</b>								<b>3,404,853</b>
<b>Term Investments</b>								
ANZ	A1+	AA-	07-Sep-16	02-Mar-17	2.69%	2,500,000	5.31%	
ANZ	A1+	AA-	21-Sep-16	04-Apr-17	2.70%	1,200,000	2.55%	
ANZ	A1+	AA-	14-Sep-16	14-Jun-17	2.71%	1,000,000	2.12%	
ANZ	A1+	AA-	14-Sep-16	14-Jun-17	2.71%	1,000,000	2.12%	
ANZ	A1+	AA-	14-Sep-16	05-Jul-17	2.71%	1,500,000	3.18%	
Bankwest	A1+	AA-	24-Aug-16	02-Nov-16	2.55%	700,000	1.49%	
Bankwest	A1+	AA-	07-Sep-16	02-Nov-16	2.55%	500,000	1.06%	
NAB	A1+	AA-	31-May-16	23-Nov-16	2.95%	2,000,000	4.25%	
NAB	A1+	AA-	17-Aug-16	23-Nov-16	2.72%	1,000,000	2.12%	
NAB	A1+	AA-	18-May-16	14-Dec-16	2.95%	2,000,000	4.25%	
NAB	A1+	AA-	24-Aug-16	04-Jan-17	2.60%	2,000,000	4.25%	
NAB	A1+	AA-	16-Mar-16	08-Feb-17	3.09%	2,000,000	4.25%	
NAB	A1+	AA-	27-Apr-16	30-Mar-17	3.10%	1,000,000	2.12%	
NAB	A1+	AA-	27-Apr-16	27-Apr-17	3.10%	2,000,000	4.25%	
NAB	A1+	AA-	31-Aug-16	28-Jun-17	2.60%	2,000,000	4.25%	

# ORDINARY MEETING

Meeting Date: 25 October 2016

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	05-Aug-16	03-Aug-17	2.78%	1,000,000	2.12%	
NAB	A1+	AA-	17-Aug-16	16-Aug-17	2.75%	1,500,000	3.18%	
Westpac	A1+	AA-	02-Oct-15	05-Oct-16	3.00%	1,000,000	2.12%	
Westpac	A1+	AA-	02-Oct-15	05-Oct-16	3.00%	1,000,000	2.12%	
Westpac	A1+	AA-	07-Oct-15	19-Oct-16	3.00%	1,000,000	2.12%	
Westpac	A1+	AA-	07-Oct-15	19-Oct-16	3.00%	1,500,000	3.18%	
Westpac	A1+	AA-	10-Dec-15	14-Dec-16	3.00%	1,000,000	2.12%	
Westpac	A1+	AA-	20-Jul-16	18-Jan-17	3.05%	1,200,000	2.55%	
Westpac	A1+	AA-	06-Jul-16	01-Feb-17	3.05%	1,000,000	2.12%	
Westpac	A1+	AA-	06-Jul-16	08-Feb-17	3.05%	1,000,000	2.12%	
Westpac	A1+	AA-	03-Aug-16	22-Feb-17	3.00%	1,000,000	2.12%	
Westpac	A1+	AA-	30-Mar-16	30-Mar-17	3.10%	500,000	1.06%	
Westpac	A1+	AA-	06-Apr-16	14-Apr-17	3.10%	1,000,000	2.12%	
Westpac	A1+	AA-	04-May-16	04-May-17	3.05%	2,000,000	4.25%	
Westpac	A1+	AA-	17-Aug-16	12-Jul-17	3.00%	1,000,000	2.12%	
Westpac	A1+	AA-	03-Aug-16	03-Aug-17	2.90%	800,000	1.70%	
Westpac	A1+	AA-	05-Aug-16	03-Aug-17	3.00%	1,000,000	2.12%	
Westpac	A1+	AA-	24-Aug-16	24-Aug-17	3.00%	800,000	1.70%	
Westpac	A1+	AA-	31-Aug-16	07-Sep-17	3.00%	1,000,000	2.12%	
Westpac	A1+	AA-	07-Sep-16	07-Sep-17	3.00%	1,000,000	2.12%	
<b>Total Term Investments</b>								<b>43,700,000</b>
<b>TOTAL INVESTMENT AS AT 30 September 2016</b>								<b>47,104,853</b>

## Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	3,404,853	1.94%	Reserve Bank Cash Reference Rate	1.50%	0.44%
Term Deposit	43,700,000	2.90%	UBS 90 Day Bank Bill Rate	1.74%	1.16%
Total	47,104,853	2.83%			

## Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	6,618,594
External Restrictions - Other	5,542,433
Internal Restrictions	18,248,146
Unrestricted	16,695,680
Total	47,104,853

Unrestricted funds, whilst not subject to a restriction for a specific purpose, are fully committed to fund operational and capital expenditure in line with Council's adopted Operational Plan. As there are timing differences between the accounting for income and expenditure in line with the Plan, and the corresponding impact on Council's cash funds, a sufficient level of funds is required to be kept at all times to ensure Council's commitments are met in a timely manner. Council's cash management processes are based on maintaining sufficient cash levels to enable commitments to be met when due, while at the same time ensuring investment returns are maximised through term investments where possible.

## ORDINARY MEETING

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In addition to funds being fully allocated to fund the Operational Plan activities, funds relating to closed self-funded programs and that are subject to legislative restrictions cannot be utilised for any purpose other than that specified. Externally restricted funds include funds relating to Section 94 Contributions, Domestic Waste Management, Sewerage Management, Stormwater Management and Grants.

Funds subject to an internal restriction refer to funds kept aside for specific purposes, or to meet future known expenses. This allows for significant expenditures to be met in the applicable year without having a significant impact on that year. Internally restricted funds include funds relating to Tip Remediation, Workers Compensation, and Elections.

### ***Investment Commentary***

The investment portfolio decreased by \$0.40 million for the month of September 2016. During September 2016, income was received totalling \$6.60 million, including rate payments amounting to \$4.20 million, while payments to suppliers and staff costs amounted to \$7.50 million.

The investment portfolio currently involves a number of term deposits and on-call accounts. Council's current investment portfolio is not subject to share market volatility.

Council has a loan agreement for an amount of \$5.26 million under the Local Government Infrastructure Renewal Scheme (LIRS). The full amount was drawn down upon signing the agreement in March 2013, with funds gradually being expended over the period during which the program of works is being delivered. The loan funds have been placed in term deposits, with interest earned on unexpended invested loan funds being restricted to be used for works relating to the LIRS Program projects.

As at 30 September 2016, Council's investment portfolio is all invested with major Australian trading banks or wholly owned subsidiaries of major Australian trading banks and in line with Council's Investment Policy.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Independent advice is sought on new investment opportunities, and Council's investment portfolio is independently reviewed by Council's investment advisor each calendar quarter.

Council's investment portfolio complies with Council's Investment Policy, adopted on 31 May 2016.

### ***Investment Certification***

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

### **Conformance to the Hawkesbury Community Strategic Plan**

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

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

### **Financial Implications**

Funds have been invested with the aim of achieving budgeted income in Service 121 – Investments within the 2016/2017 Adopted Operational Plan.

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**RECOMMENDATION:**

The report regarding the monthly investments for September 2016 be received and noted.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 25 October 2016

**Item: 230**                      **SS - Code of Meeting Practice - (95496, 96333)**

**Previous Item:**        179, Ordinary (9 August 2016)  
                              65, Ordinary (12 April 2016)  
                              21, Ordinary (2 February 2016)  
                              174, Ordinary (27 August 2013)

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### REPORT:

#### Executive Summary

At its Ordinary meeting on 9 August 2016, Council considered a report regarding the outcome of the public exhibition of Council's Code of Meeting Practice. At that meeting, Council resolved to defer consideration of the report to the newly elected Council.

In accordance with Council's resolution, the report, attached as Attachment 1 to this report, is submitted for Council's consideration.

In addition to the resubmission of the report above, this report also advises Council of recent legislative changes of relevance to the consideration of matters relating to Council's Code of Meeting Practice.

#### Consultation

Public consultation in respect of this report is not required unless Council decides to amend its Code of Meeting Practice. In that event, prior to formally adopting any such amendments, the draft Code must be placed on public exhibition for a period of not less than 28 days; with a period of not less than 42 days after the date on which the draft Code was exhibited, during which submissions may be made to Council.

Council must then consider any submissions received prior to adopting any proposed amendments.

#### Background

At its meeting on 9 August 2016, Council considered a report regarding the public exhibition of the Council's Code of Meeting Practice that was carried out in accordance with Council's resolution dated 12 April 2016, and resolved as follows:

*"That the matter be deferred and the report be referred to the newly elected Council."*

The report submitted on 9 August 2016, including attachments, is included as Attachment 1 to this report. In accordance with this resolution, this report is being re-submitted for Council's consideration.

In considering the matter, it is to be noted that the recently enacted Local Government Amendment (Governance and Planning) Act 2016 has made a number of changes to the Local Government Act 1993 (the Act), one of which specifically provided for the prescription of a Model Code of Meeting Practice for the conduct of council meetings.

Section 360 of the Act, after the amendment, is as follows:

**"360        Conduct of meetings of councils and committees**

- (1)    *The regulations may prescribe a model code of meeting practice for the conduct of meetings of councils and committees of councils of which all the members are councillors.*
- (2)    *The model code may contain both mandatory and non-mandatory provisions.*



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- (3) *A council must, not later than 12 months after an ordinary election of councillors, adopt a code of meeting practice that incorporates the mandatory provisions of the model code prescribed by the regulations. The adopted code may also incorporate the non-mandatory provisions and other provisions.*
- (4) *A code adopted or amended by the council must not contain provisions that are inconsistent with the mandatory provisions.*
- (5) *A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it."*

At this stage, the timing of the issue of a Model Code of Meeting Practice is not known, but in light of the requirement for councils to adopt a Code within twelve months after an ordinary election of councillors, the issue of such document would be expected to occur in the next few months.

In light of the recent legislative changes referred to in this report, and taking into consideration that no public submissions were received, it may be prudent at this time to delay making any changes to Council's current Code of Meeting Practice as exhibited, until a Model Code is prescribed.

The Council's Code of Meeting Practice applicable at the time a Model Code is issued, will be revised, to be consistent with the Model Code, as issued and submitted to Council for consideration.

### **Conformance to the Hawkesbury 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 the nominated strategy in the CSP, being:

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

### **Financial Implications**

There are no financial implications arising from this report.

### **RECOMMENDATION:**

That the information in relation to the Council's Code of Meeting Practice, contained in this report, be received and noted.

### **ATTACHMENTS:**

- AT - 1** Item 179, Ordinary Meeting – 9 August 2016: SS – Public Exhibition of Code of Meeting Practice - (95496, 96333)

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### AT - 1 Item 179, Ordinary Meeting – 9 August 2016:

#### SS – Public Exhibition of Code of Meeting Practice - (95496, 96333)AT - 1

## ORDINARY MEETING

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**Item: 179**      **SS - Public Exhibition of Code of Meeting Practice - (95496, 96333)**

**Previous Item:**      65, Ordinary (12 April 2016)  
21, Ordinary (2 February 2016)  
174, Ordinary (27 August 2013)

#### **REPORT:**

##### **Executive Summary**

At its Ordinary Meeting on 12 April 2016, Council considered a report regarding changes to Council's Code of Meeting Practice relating to public speakers that were made on 27 August 2013 and resolved to place the Adopted Code of Meeting Practice on public exhibition, seeking submissions for any amendments to the Policy.

In accordance with Council's resolution, the Adopted Code of Meeting Practice was placed on public exhibition.

The purpose of this report is to advise Council of the outcome of the public exhibition process.

##### **Consultation**

In accordance with Section 361 of the Local Government Act, 1993, the Adopted Code of Meeting Practice was placed on public exhibition for a period of not less than 28 days; with a period of not less than 42 days after the date on which the Code was exhibited, during which submissions may be made to Council.

Should there be no changes to the document as exhibited, there is no requirement for further public consultation. If, however, Council resolves to make significant changes to the document placed on exhibition, the public consultation requirements in accordance with the Local Government Act, 1993, will apply.

##### **Background**

At its meeting on 12 April 2016, Council considered a report, attached as Attachment 1 to this report, regarding changes to Council's Code of Meeting Practice relating to public speakers that were made on 27 August 2013, and resolved, in part:

"That:

2. *The existing Policy be placed on public exhibition in accordance with the Local Government Act 1993, seeking submissions for any amendments to the Policy."*

In accordance with this resolution, the Adopted Code of Meeting Practice was placed on public exhibition commencing on Thursday, 5 May 2016 to Friday, 3 June 2016, with submissions being received up to Friday, 17 June 2016.

As at the closing time for submissions, no submissions were received.

Consequently, no changes are proposed, and the Code of Meeting Practice adopted on 27 August 2013 remains in force.

##### **Conformance to the Hawkesbury 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;

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and is also consistent with the nominated strategy in the CSP, being:

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

**Financial Implications**

There are no financial implications arising from this report.

**RECOMMENDATION:**

That the report in relation to the public exhibition of Council's Code of Meeting Practice be received and noted.

**ATTACHMENTS:**

**AT - 1** Hawkesbury City Council report - SS - Code of Meeting Practice - (95496, 96333) - Item 65, Ordinary Meeting - 12 April 2016.

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### AT - 1 Hawkesbury City Council report - SS - Code of Meeting Practice - (95496, 96333) -

#### Item 65, Ordinary Meeting - 12 April 2016

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Item: 65 SS - Council's Code of Meeting Practice - (95496, 96333)

Previous Item: 174, Ordinary (27 August 2013)  
21, Ordinary (2 February 2016)

### REPORT:

#### Executive Summary

This report addresses a decision taken at the Council Meeting on 2 February 2016, seeking a report regarding changes to Council's Code of Meeting Practice relating to public speakers that were made on 27 August 2013.

#### Consultation

At this stage, the issues raised in this report do not concern matters that require community consultation under Council's Community Engagement Policy. However, if Council proposes to make any substantial amendments to the current Code of Meeting Practice, the amended Code would be required to be placed on exhibition for a minimum period of 28 days, with submissions being received not less than 42 days after the date on which the Code is placed on public exhibition.

#### Background

Council, at its meeting on 2 February 2016, considered a rescission motion regarding amendments to Council's FFTF proposal, rating structure and Code of Meeting Practice. At that meeting, Council resolved, in part, as follows:

*"That Council:*

- 2. Receive a report regarding the amendment of Council's Code of Meeting Practice to consider the changes made to clauses relating to public speakers at Council meetings as made on 27 August 2013 and as outlined in the Business Paper on 27 August 2013."*

The Council's decision on 27 August 2013 effectively amended the then Code of Meeting Practice that was adopted on 12 October 2010.

Those clauses relating to public speakers in the current Code of Meeting Practice that was adopted on 27 August 2013 are at Part 3.3.7. They are as follows:

#### **"3.3.7 Mode of Addressing Council by the Public**

*Hawkesbury City Council actively encourages participation of residents in the decision making process and is happy to hear from people regarding matters raised in the Business Paper.*

*Members of the public may address Council on any items in the business paper other than the Confirmation of Minutes; Mayoral Minutes; Responses to Questions from Previous Meeting; Notices of Motion (including Rescission Motions); Mayoral Elections; Deputy Mayoral Elections; Committee Elections and Annual Committee Reports.*

*The procedure for addressing Council is as follows:*

- 1. All persons wishing to speak on an item in the business paper must make an application to do so. Each speaker is required to complete an application form indicating whether they are speaking 'for' or 'against' a recommendation in the business paper by 3.00pm on the day of the meeting.*

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*The application form will include an undertaking, to be signed by the person wishing to speak, to comply with their stated intention, i.e. to speak for or against a recommendation in the business paper, and with the provision to: refrain from any insult, allegation or personal reflection against any person, present or not, during the course of their address to Council and any answers they give to questions from Councillors.*

*Persons intending to apply for approval to address Council must lodge an application form online/email, in person, or by facsimile, by 3.00pm on the day of the meeting to enable scheduling of items. Persons without access to online or facsimile facilities may contact Council by telephone to discuss their application to speak at the meeting.*

*Notwithstanding the above, the applicant/owner or nominated representative is entitled to speak if an application is made in accordance with this Code and will be granted permission as one of the three positions allocated for or against a recommendation.*

2. *A maximum of three speakers 'for' and three speakers 'against' a recommendation are given three minutes each to address Council to support their position. No extensions of time will be given.*
3. *Speakers representing an organisation or group must provide written consent from the identified organisation or group (to speak on its behalf) when registering to speak, specifically by way of letter to the General Manager within the registration timeframe.*
4. *All speakers must state their name, organisation if applicable (after producing written authorisation from that organisation) and their interest in the matter before speaking.*
5. *Speakers who do not speak in accordance with their stated intentions, i.e. 'for' or 'against' shall forfeit the right to continue speaking. If the speaker fails to cease speaking or fails to resume their seat, the Mayor/Chairperson may adjourn the meeting.*
6. *Items subject to public address will be heard in the order in which the Item is listed in the business paper.*
7. *An applicant to a Planning Decision Item is given the right to respond to any new material raised only, for a period of two minutes.*
8. *At meetings where applications for more than 20 addresses to Council have been received, a person should speak only on one item unless granted permission by the Chairperson who will have regard to the circumstances of each case taking into account such factors as the nature of the interest in the matter eg applicant, neighbour, and the number of speakers on the item or collectively on the agenda.*
9. *At the conclusion of an address by a member or members of the public on an item on the agenda, the Council will then proceed to discuss and determine that item and this procedure shall be repeated for each of these items that are subject to an address by a member or members of the public, unless determined otherwise by Council.*
10. *In the case of Extraordinary Meetings (but for the exceptions outlined previously in this Section), Council may resolve to increase the number of speakers permitted to address Council and to amend the normal three minute maximum speaking time, provided that the total amount of time allocated for speakers does not exceed 30 minutes for speakers in favour (for) and 30 minutes for speakers against, in addition to no more than 10 minutes provided for speakers on each side to answer questions from Councillors and no more than five minutes for a right of reply from each side.*
11. *The Chairperson may deal with issues concerning the relevance in debate in accordance with 4.3.2.*

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12. Councillors may ask questions of members of the public who address Council in order to clarify their understanding of the speaker's view or to seek specific additional information. All Councillor questions to, and answers from speakers, are limited to a total time of two minutes per speaker.

*Similar to 3.2.7, Councillors should have the same regard for members of the public and put all such questions to speakers directly, succinctly and without argument."*

In the Code of Meeting Practice adopted on 12 October 2010, the relevant clauses relating to public speakers were at Part 3.3.8. These are reproduced below:

### **"3.3.8 Mode of Addressing Council by the Public**

*Hawkesbury City Council actively encourages participation of residents in the decision making process and is happy to hear from people regarding matters raised in the Business Paper subject to the provisions of Clause 3.3.7 in respect of Questions With Notice. The provisions of this clause shall apply to Ordinary and, subject to resolution of Council as referred to in (7) below, to Extraordinary Meetings of the Council.*

*The procedure for addressing Council is as follows:*

1. *All proponents and respondents wishing to speak must make application on the relevant form indicating whether they are for or against the item prior to the commencement of the meeting. The application form will include a detailed explanation of the provisions of this code relating to maintaining order at meetings. The application form will include an undertaking, to be signed by the person wishing to speak, to comply with these provisions and to refrain from any insult, allegation or personal reflection against any person, present or not, during the course of their address to Council and any answers they give to questions from councillors. Persons intending to apply for approval to address Council must contact the Council by telephone, email, facsimile or in person to indicate their intention prior to 3pm on the day of the meeting to enable appropriate scheduling of items. Where possible persons wishing to address Council are requested to lodge their completed application form with the General Manager by this time. Notwithstanding the above, the applicant/owner or nominated representative is entitled to speak if an application is made in accordance with this Code and will be granted permission as one of the three positions allocated for proponents and supporters.*
2. *The proponent or applicant, supporters or other interested parties to a maximum of three are given five minutes to address Council to support their position. At meetings where applications for fewer than 20 addresses to Council have been received, the Chairperson may, with the consent of the members, grant a two minute extension.*
3. *Respondents are given the opportunity to address Council and are allowed a maximum of three speakers are given up to a maximum of five minutes speaking time each. At meetings where applications for fewer than 20 addresses to Council have been received, the Chairperson may, with the consent of the members, grant a two minute extension.*
4. *The proponent or applicant is given the right to respond to any new material raised only, for a period of two minutes.*
5. *At meetings where applications for more than 20 addresses to Council have been received, a person should speak only on one item unless granted permission by the Chairperson who will have regard to the circumstances of each case taking into account such factors as the nature of the interest in the matter eg applicant, neighbour, and the number of speakers on the item or collectively on the agenda.*

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6. *At the conclusion of an address by a member or members of the public on an item on the agenda, the Council will then proceed to discuss and determine that item and this procedure shall be repeated for each of these items that are subject to an address by a member or members of the public, unless determined otherwise by Council.*
7. *In the case of Extraordinary Meetings, Council may resolve to increase the number of speakers permitted to address Council and to amend the normal five minute maximum speaking time, provided that the total amount of time allocated for speakers does not exceed 30 minutes for speakers in favour and 30 minutes for speakers against, in addition to no more than 10 minutes provided for speakers on each side to answer questions from Councillors and no more than five minutes for a right of reply from each side.*
8. *The Chairperson may deal with issues concerning the relevance in debate in accordance with 4.3.2.*
9. *Councillors may ask questions of members of the public who address Council in order to clarify their understanding of the speaker's view or to seek specific additional information. Similar to 3.2.7, Councillors should have the same regard for members of the public and put all such questions to speakers directly, succinctly and without argument.*

*Council may wish to deal with the matters that involve speakers prior to dealing with other matters on the agenda for the convenience of interested parties."*

The changes to the Code of Meeting Practice relating to public speakers that were made as a consequence of Council's decision on 27 August 2013 were briefly as follows:

- No speakers on Confirmation of Minutes, Mayoral Minutes, Responses to Questions from Previous Meetings, Notices of Motions (including Rescission Motions), Mayoral Elections, Deputy Mayoral Elections, Committee Elections or Annual Committee Reports
- Speakers restricted to three minutes duration (reduced from five minutes)
- No extensions of time given for speakers
- Speakers representing organisations or groups must provide written authority from the organisation or group when requesting to speak
- Speakers who do not speak in accordance with their stated intention (either "for" or "against") shall forfeit the right to continue
- Items which have persons listed to speak will be dealt with in the order in which the item is listed in the Business Paper
- Councillors may ask questions of members of the public who address Council, with all Councillor questions to, and answers from speakers, being limited to a total time of two minutes per speaker.

The above details are provided as resolved by Council on 2 February 2016.

### Conformance to the Hawkesbury 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 the nominated strategy in the CSP, being:

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

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**ORDINARY MEETING**  
**Meeting Date: 9 August 2016**

**ORDINARY MEETING**  
**Meeting Date: 12 April 2016**

**Financial Implications**

There are no financial implications arising from this report.

**RECOMMENDATION:**

That the report regarding the clauses in Council's Code of Meeting Practice relating to public speakers be received and noted.

**ATTACHMENTS:**

There are no supporting documents for this report.

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## ORDINARY MEETING

Meeting Date: 25 October 2016

Item: 231

SS - Pecuniary Interest Return - Designated Person - (95496, 96333)

### REPORT:

#### Executive Summary

The Local Government Act 1993 details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This report provides information regarding a Return recently lodged with the Acting General Manager by a Designated Person. It is recommended that Council note that the Disclosure of Pecuniary Interests and Other Matters Return, lodged with the Acting General Manager, has been tabled.

#### Consultation

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

#### Background

Section 450A of the Local Government Act, 1993 relates to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

- "1. *The General Manager must keep a register of returns required to be lodged with the General Manager under section 449.*
2. *Returns required to be lodged with the General Manager under section 449 must be tabled at a meeting of the council, being:*
  - (a) *In the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or*
  - (b) *In the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or*
  - (c) *In the case of a return otherwise lodged with the general manager—the first meeting after lodgement."*

With regard to Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons, in accordance with Section 449 of the Act, is currently kept by Council as required by this part of the Act.

With regard to Section 450A(2), all Returns lodged by Councillors and Designated Persons, under Section 449 of the Act, must be tabled at a Council Meeting, as outlined in subsections (a), (b) and (c).

With regard to Section 450(2)(a), the following Section 449(1) Return has been lodged:

Position	Return Date	Date Lodged
Compliance Officer	18 July 2016	5 October 2016

The above Designated Person has lodged their Section 449(1) Return prior to the due date (being three months after the Return Date), as required by the Act for the receipt of the Returns.

The above details are now tabled in accordance with Section 450A(2)(a) of the Act, and the abovementioned Return is available for inspection, if requested.

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### **Conformance to the Hawkesbury Community Strategic Plan**

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

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

### **Financial Implications**

No financial implications applicable to this report.

### **RECOMMENDATION:**

That the information be received and noted.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

ordinary

section 4

reports  
of committees

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

**ORDINARY MEETING**  
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**SECTION 4 - Reports of Committees**

**ROC                      Local Traffic Committee Meeting Minutes - 10 October 2016 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on 10 October 2016, commencing at 3pm.

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**Present:**                      Mr Christopher Amit (Chairman)  
                                     Councillor Peter Reynolds  
                                     Ms Tina Kaur, Roads and Maritime Services  
                                     Mr Shah Kshitij, Roads and Maritime Services  
                                     Mr James Suprain, Roads and Maritime Services  
                                     Mr Steve Grady, Busways

**Apologies:**                      Inspector Ian Woodward, NSW Police Force

**In Attendance:**                Ms Cathy Mills, Personal Assistant, Infrastructure Services  
                                     Ms Judy Wong, Community Safety Coordinator  
                                     Ms Natasha Martin, Events Coordinator

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Mr Christopher Amit advised the Committee that the position of chair is to be undertaken in accordance with the RMS (formerly RTA) Guidelines "Delegation to Councils for Regulation of Traffic" Section 5.3 which states that the meeting is to be convened by a Council Representative, either voting or non-voting. On this basis Mr Amit is to take up the position of the Chair for this meeting as agreed to with Councillor Reynolds.

RESOLVED on the motion of Mr James Suprain, seconded by Mr Christopher Amit that the apologies be accepted.

**SECTION 1 - Minutes**

**Item 1.1                      Confirmation of Minutes**

The Committee resolved on the motion of Mr James Suprain seconded by Mr Christopher Amit that the minutes from the previous meeting held on Monday, 12 September 2016 be confirmed.

**Item 1.2                      Business Arising**

There was no Business Arising.

**SECTION 2 - Reports for Determination**

**Item: 2.1      LTC - Ironman 70.3 Western Sydney 2016 - Richmond/Agnes Banks (Hawkesbury) - (80245, 73621, 123265, 128733)**

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**REPORT:**

An application has been received seeking approval (in traffic management terms) to conduct the Ironman 70.3 Western Sydney 2016 event, on Sunday, 27 November 2016.

The event organiser has advised;

- The Ironman 70.3 Western Sydney event is based at the Sydney International Regatta Centre, Penrith and will highlight aspects of the stunning Penrith Valley.
- The event is being held predominantly with the Penrith Council LGA, with a small section of the Cycling route contained within the Hawkesbury Council LGA;
- This is the third year the event is being run. The 2016 course follows the same route as the 2015 course;
- The event will be conducted between 6:15am and 2:45pm. The set up and pack down times are between 3am and 5pm;
- Approximately 1,500 participants are expected for the event;
- Approximately 5,800 spectators are expected;
- The Ironman event is a race and involves participants swimming, cycling and running:
  - Swimming: 1.9 kilometres clockwise lap of the Sydney International Regatta Centre competition lake.
  - Cycling: 90 kilometres (2 laps of 45 kilometres) incorporating the major arterial roads of both Penrith City Council and Hawkesbury City Council from the Sydney International Regatta Centre to McCarthys Lane to Castlereagh Road, Brooks Lane, Wilshire Road, Jockbett Road, The Driftway (Hawkesbury) and returning via Hinxman Avenue, Post Office Road, Castlereagh Road and McCarthys Lane. The course consists of two laps in a clockwise direction with a number of road closures.
  - Running: 21.2 kilometres incorporating paths within and out of the Sydney International Regatta Centre. The run course heads out of the Sydney International Regatta Centre along Old Castlereagh Road, turning off Leland Street, Lugard Street, Borec Road and heading to the Great River Walk via Cassola Place before heading back to the Sydney International Regatta Centre and completing 1.5 laps around the competition lake.
- To facilitate the event build and competition a comprehensive schedule of Road Closures has been designed. The majority of road closures are within the Penrith LGA. The only road closure required within the Hawkesbury LGA is The Driftway between Londonderry Road and Castlereagh Road;
- The safety of the event will be improved with the removal of through traffic along the course;
- Authorised Traffic Controllers will be used at all road closure points along the course, with motorists directed around the site;

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- Road Closures will be valid during the cycling and running components of the event. In exceptional circumstances, should a resident or emergency service require access to a closed section of road, arrangements will be made to ensure access of the authorised vehicle under escort;
- Residents directly impacted by the road closures will be advised of the traffic conditions. Special arrangements will be in place should a resident require to exit their property under exceptional circumstances;
- The detours will be advertised in advance by Variable Message Boards (VMS). The VMS will be in place in advance to advertise the road closures and applicable detours;
- Parking will be facilitated by the existing parking facilities of the Regatta Centre (southern side) with allowance for overflow parking at the grass field of the Centre (east from the main parking areas – sealed). There is capacity for approximately 1,300 vehicles and parking will be free;
- Special Event Clearways are not required for this event. Existing kerbside parking conditions will be adequate;
- The residents along Hawkesbury roads: The Driftway, Bonner Road and Markwell Place have been consulted. Initial information available is that the residents have responded in a positive manner and are supportive of the event in a similar manner to the 2015 event. Not all residents have responded.

Details of the Event Route Plan, Road Closure Plan – Hawkesbury LGA, and Road Closure Schedule are contained in Attachments 1, 2 and 3.

#### Discussion:

The event is a cross regional event as it will traverse across two Local Government Areas and cross/traverse classified roads.

The 2016 course follows the same route as the 2015 course. The 2015 event was approved by Penrith Council which inadvertently included The Driftway (Hawkesbury), as this is a bordering road. To ensure the event could proceed in 2015, upon discussion and concurrence by Police and RMS, conditional approval was provided to the event organiser to undertake the event affecting the Hawkesbury roads.

Advice received from Roads and Maritime Services - RMS (formerly RTA) is that Penrith Council has classified the 2016 event as a Class 2 event. To be consistent, the event within the Hawkesbury LGA should also be classified as a Class 2 event, even though there is the proposal to undertake Road Closures and Speed Zone reductions along a State Road within the Penrith Council LGA.

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 disrupt minor traffic and transport systems along the specified route, which includes the proposed road closures, and there may be a low scale disruption to the non-event community.

The following details in relation to the proposed road closure, within the Hawkesbury LGA, are listed below;

- Road Closure along The Driftway is proposed for Sunday, 27 November 2016, between 4:30am and 1pm.
- Road Closure along The Driftway, Richmond/Agnes Banks, is between Castlereagh Road and Londonderry Road; which includes its intersections with Bonner Road, Jockbett Road and Markwell Place, with access provided for residents in Markwell Place from the Castlereagh Road end of The Driftway.
- The length of the road closure along The Driftway is approximately 2,750 metres.
- The speed limit along The Driftway is 80kph, with a road seal width ranging from 10.3 to 11.0 metres.
- Traffic volume recorded in 2001 indicates an ADT=1,635.

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- There are approximately 65 properties along the proposed route within the Hawkesbury LGA affected by the Road Closure of The Driftway. These properties are in the vicinity of The Driftway, Bonner Road and Markwell Place. The properties are a mix of residential and rural properties.
- The majority of adjoining property owners have been consulted and are supportive of the event in a similar manner to the 2015 event.

Castlereagh Road (State Road) within the Penrith LGA is to be closed at its northern point in the vicinity of Springwood Road and Brooks Lane. Traffic within the Hawkesbury LGA will be detoured via Southee Road and Londonderry Road. The event organiser is to ensure that all major traffic routes leading to the road closures are adequately signposted to warn motorists of the road closures and advise them of the available traffic detour routes.

The event organiser has submitted the following items in relation to the event: Attachment 4 (ECM Document Set ID No: 5524190):

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. Draft Traffic Operations Plan and Draft Risk Management Plan,
5. Event Route and Road Closure Plan,
6. Copy of Resident Consultation extent for the proposed road closures.

The Transport Management Plan (TMP) and the associated Traffic Control Plans (TCP) are to be submitted to the Transport Management Centre (TMC) for authorisation due to the proposed road closures.

### RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer 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 comply with the contents and requirements of this information which includes 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.
2. The Ironman 70.3 Western Sydney 2016 event, which is a cross regional event and will traverse across two Local Government Areas, with the Hawkesbury LGA component being within the Richmond/Agnes Banks area, planned for Sunday, 27 November 2016 between 3am and 5pm 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).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. 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 road closures and traffic control measures;



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- Road Closure; The Driftway, Richmond/Agnes Banks, between Castlereagh Road and Londonderry Road; which includes its intersections with Bonner Road, Jockbett Road and Markwell Place, with access provided for residents in Markwell Place from the Castlereagh Road end of The Driftway.
- Road Closure only permitted for Sunday, 27 November 2016, between 4:30am and 1pm.
- No other road closures are permitted.
- Due to the Road Closure of Castlereagh Road (State Road) within the Penrith LGA, Detour Routes and relevant Signage are to be provided within the Hawkesbury LGA and surrounding area to ensure alternate traffic routes are available and signposted.
- The event organiser is to ensure that all major traffic routes leading to the road closures are adequately signposted to warn motorists of the road closures and advise them of the available traffic detour routes.

and the following conditions:

#### **Prior to the event:**

- 4a. 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 and 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);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to the event;
- 4c. 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;**
- 4d. the event organiser is to obtain approval from the **Transport Management Centre – TMC** as road closures are proposed; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP)** which needs to include details such as the specific position of barriers, signs etc, required for the proposed road closures and traffic diversions **to Council, the Roads and Maritime Services - RMS and the Transport Management Centre (TMC)** 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;

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- 4f. 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**;
- 4g. as the event involves the closure and the traverse of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4h. the event organiser is to obtain approval from Penrith Council for the use of their roads and obtain any other necessary approvals from Penrith Council; **a copy of this approval to be submitted to Council**;
- 4i. 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, road closures, detour routes 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);
- 4j. 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**;
- 4k. 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, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4l. 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, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**;
- 4m. 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:**

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. the participants are to be made aware of and are to follow all the general road user rules whilst participating on public roads;
- 4r. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the event and detour route (including the road closure points and detour routes), during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);

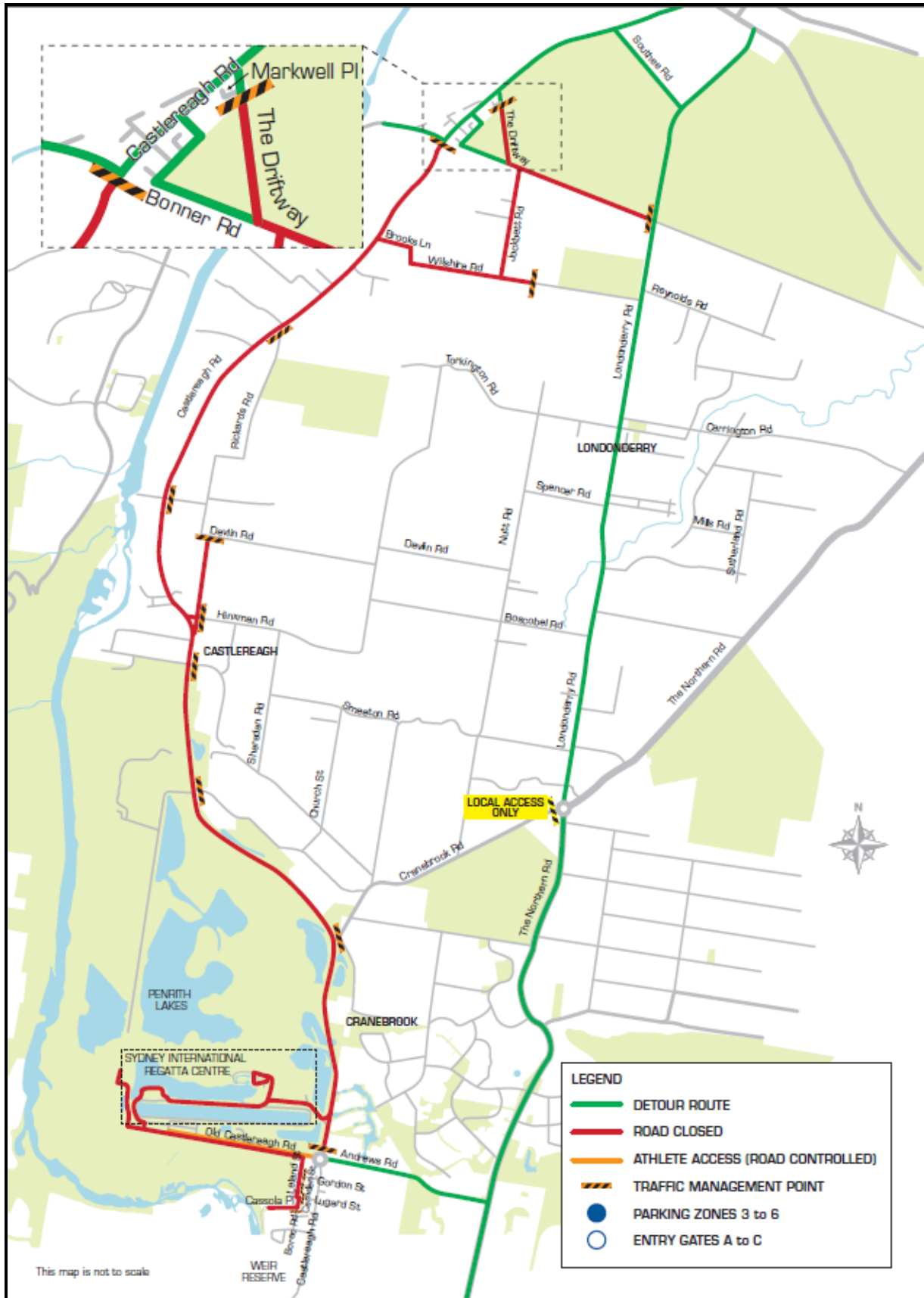
**ORDINARY MEETING**  
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- 4s. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4t. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

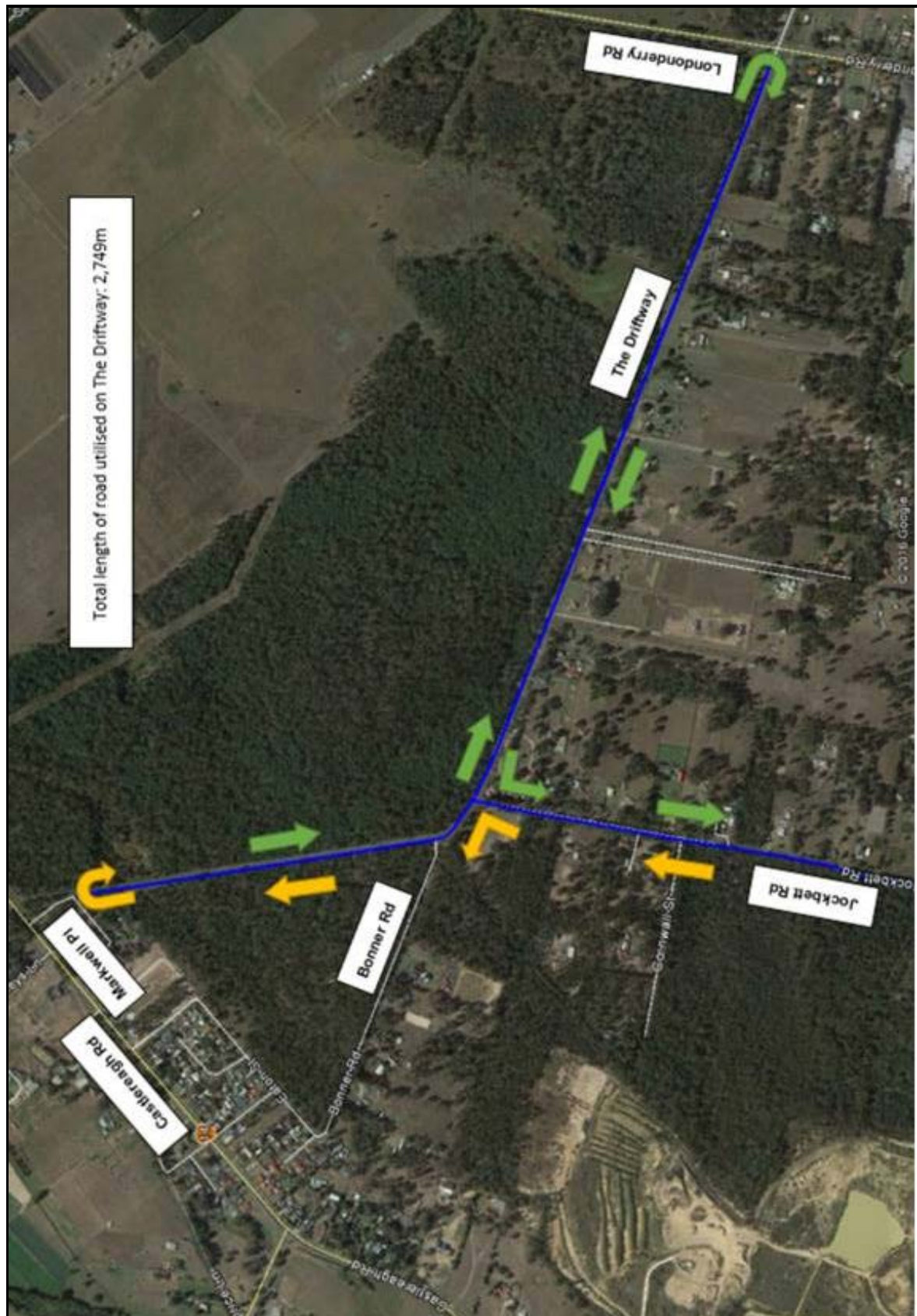
**APPENDICES:**

- AT – 1** Ironman 70.3 Western Sydney 2016 - Event Route Plan
- AT – 2** Ironman 70.3 Western Sydney 2016 - Road Closure Plan – Hawkesbury LGA
- AT – 3** Ironman 70.3 Western Sydney 2016 - Road Closure Schedule
- AT – 4** Special Event Application - (ECM Document Set ID No: 5524190) - *see attached*

AT – 1 Ironman 70.3 Western Sydney 2016 - Event Route Plan



AT – 2 Ironman 70.3 Western Sydney 2016 - Road Closure Plan – Hawkesbury LGA





## AT – 3 Ironman 70.3 Western Sydney 2016 – Road Closure Schedule



**IRONMAN®  
70.3® WESTERN SYDNEY**

SUNDAY, 27 NOVEMBER 2016

**Changed Traffic Conditions**  
- we ask for your feedback

**CHANGED TRAFFIC CONDITIONS TO BE APPLIED ON SUNDAY, 27 NOVEMBER 2016**

Dear Resident,

As part of the event proceedings, road closures and restriction of vehicle road use are necessary to create a safe event for athletes. We have provided information in this brochure about the proposed road closures and timeframes.

Community residing within the red road closure areas will have restricted access within the allocated timeframes and need to gain approval and instruction from IRONMAN and NSW Police. Residents located on green roadways will not be restricted from leaving their property, but will need to utilise the detours in effect if required to travel south as shown on the map.

We always welcome feedback and take everything into consideration while planning future events. We ask that you take the time to read through the information provided and if you wish to offer further comment, please submit by 4:00pm Friday, 16 September 2016 to the below contact details.

**IRONMAN 70.3 Western Sydney**  
1300 761 384 or (+61) 7 5430 6700  
or email us at [westernsydney@ironman.com](mailto:westernsydney@ironman.com)

**CHANGED TRAFFIC CONDITIONS**

ROAD CLOSED	WHERE	TIME
McCarthy's Lane	Closed between Pipe Gate to Castlereagh Rd	4:30am to 1:00pm
Old Castlereagh Road*	Closed between SIRC and Castlereagh Rd	3:30am to 2:00pm
Castlereagh Rd	Closed between Andrews Rd and Brook's Ln	4:30am to 1:00pm
Hinman Rd	Closed between Castlereagh Rd and Post Office Rd	4:30am to 1:00pm
Post Office Rd	Closed between Castlereagh Rd and Deakin Rd	4:30am to 1:00pm
Brookes Ln	Closed between Castlereagh Rd and Wilshire Rd	4:30am to 1:00pm
Wilshire Rd	Closed between Brook's Ln and Jockbett Rd	4:30am to 1:00pm
Jockbett Rd	Closed between Wilshire Rd and The Driftway	4:30am to 1:00pm
The Driftway	Closed between Castlereagh Rd and Londonderry Rd	4:30am to 1:00pm
Leland St	Closed between Lugard St and Old Castlereagh Rd	3:30am to 2:00pm
Lugard St	Closed between Camden St and Leland St	3:30am to 2:00pm
Borec Rd	Closed between Cassola Pl and Lugard St	3:30am to 2:00pm
Cassola Pl	Closed from Borec Rd	3:30am to 2:00pm

\* Athletes and spectators will be able to access SIRC via Old Castlereagh Rd all day.







**EVENT CAR PARKING**

Event car parking located at the Sydney International Regatta Centre, 1600 vehicles on Old Castlereagh Road. Open from 3:30pm.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr Shah Kshitij, seconded by Mr James Suprain.

Support for the Recommendation:            Unanimous support

That

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer 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 comply with the contents and requirements of this information which includes 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.
2. The Ironman 70.3 Western Sydney 2016 event, which is a cross regional event and will traverse across two Local Government Areas, with the Hawkesbury LGA component being within the Richmond/Agnes Banks area, planned for Sunday, 27 November 2016 between 3am and 5pm 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).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. 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 road closures and traffic control measures;
  - Road Closure; The Driftway, Richmond/Agnes Banks, between Castlereagh Road and Londonderry Road; which includes its intersections with Bonner Road, Jockbett Road and Markwell Place, with access provided for residents in Markwell Place from the Castlereagh Road end of The Driftway.
  - Road Closure only permitted for Sunday, 27 November 2016, between 4:30am and 1pm.
  - No other road closures are permitted.
  - Due to the Road Closure of Castlereagh Road (State Road) within the Penrith LGA, Detour Routes and relevant Signage are to be provided within the Hawkesbury LGA and surrounding area to ensure alternate traffic routes are available and signposted.
  - The event organiser is to ensure that all major traffic routes leading to the road closures are adequately signposted to warn motorists of the road closures and advise them of the available traffic detour routes.

and the following conditions:

**Prior to the event:**

- 4a. 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 and 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);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to the event;
- 4c. 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;**
- 4d. the event organiser is to obtain approval from the **Transport Management Centre – TMC** as road closures are proposed; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP)** which needs to include details such as the specific position of barriers, signs etc, required for the proposed road closures and traffic diversions **to Council, the Roads and Maritime Services - RMS and the Transport Management Centre (TMC)** 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;
- 4f. 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;**
- 4g. as the event involves the closure and the traverse of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4h. the event organiser is to obtain approval from Penrith Council for the use of their roads and obtain any other necessary approvals from Penrith Council; **a copy of this approval to be submitted to Council;**
- 4i. 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, road closures, detour routes 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);



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- 4j. 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;**
- 4k. 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, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4l. 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, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4m. 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:**

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. the participants are to be made aware of and are to follow all the general road user rules whilst participating on public roads;
- 4r. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the event and detour route (including the road closure points and detour routes), during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4s. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4t. 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.

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

**Item: 2.2      LTC - NYE at the Sebel Hawkesbury Resort & Spa 2016 - Windsor (Hawkesbury) - (80245, 81440)**

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**REPORT:**

An application has been received seeking approval (in traffic management terms) to conduct the NYE at the Sebel Hawkesbury Resort & Spa 2016 event, between Saturday, 31 December 2016 and Sunday, January 01 2017.

The event organiser has advised;

- This is a family friendly community based New Year's Eve (NYE) event.
- The main aspect of the event is at the Sebel Hawkesbury Resort & Spa, located at 61 Hawkesbury Valley Way, Windsor.
- The event on site will be conducted between 3pm (31 December 2016) and 1am (1 January 2017).
- The event includes bands, fireworks, petting zoos and jumping castles.
- The event attracts a large crowd from the local community and provides activities for children.
- A fireworks display will take place on the Hotel grounds at 9pm.
- Due to the nature of this family friendly event, a large number of guests are expected to leave the premises after the fireworks display.
- It is a ticketed event and all information regarding parking and shuttle buses will be issued on the purchase of the ticket.
- This is the fourth year the event is being run and is the first instance an application relating to traffic management has been provided to Council.
- A TMP has been prepared to provide details of the management of the event guests, shuttle buses and parking areas associated with the proposed event.
- A 'No Stopping' zone will be erected outside the Hotel ground along Hawkesbury Valley Way to prevent locals stopping on the road side to watch the fireworks display.
- The Hotel will maintain a 30 metre driveway from the road shoulder edge to the vehicle exclusion zone which will allow for any stopping of buses and Hotel guests.
- Only Hotel guests with vehicles will be permitted to park on the Hotel grounds. All other attendees will be instructed before the event to park at the designated car parks and use the shuttle bus to transfer to the Hotel.
- Pedestrian access to and from the Hotel is not permitted and all attendees will be informed of this before the event.
- A vehicle exclusion zone will be setup in the event area and controlled by Marshalls ensuring vehicles cannot enter and pedestrians cannot exit on foot. The vehicle exclusion zone will be maintained by using pedestrian or crowd control barriers.

## ORDINARY MEETING

### Reports of Committees

- Free shuttle buses will be provided to and from the designated car parks throughout the event from 2:30pm to 1:30am. The pick-up/drop-off points will be located within each car park. The designated car parks will be located at Deerubbin Park, Cornwallis and McQuade Park, Windsor.
- All car parks will be monitored by Marshalls. Signage and Marshalls will direct guests to wait at the designated pick-up point for the shuttle bus. Signage will be erected at car parks informing guests that there is no pedestrian access to the Hotel. This will be reinforced by the Marshalls. Each car park will have different requirements and management plans.
- Details of the Shuttle Buses include:
  - Bus 1 – 53 Seat Charter Bus will operate from the Hotel to Deerubbin Park to McQuade Park and return to the Hotel between 2:30pm and 10pm. The bus is expected to reach each pick-up/drop-off point every 15 minutes.
  - Bus 2 – 41 Seat Low Floor Wheelchair Access Bus will operate from the Hotel to Clarendon Railway Station and return to the Hotel between 2:30pm and 10pm. The bus is expected to reach each pick-up/drop-off point every 15 minutes.
  - Bus 3 – 53 Seat Charter Bus will operate from the Hotel to Deerubbin Park to McQuade Park to Clarendon Railway Station (western side of Racecourse Road adjacent to the Ham Common) and return to the Hotel between 10pm and 1:30am. The bus is expected to reach each pick-up/drop-off point every 30 minutes.
- Road closures are not required.

Details of the Site Plan including the Parking and Bus Route Plan with pick-up/drop-off points are contained in Attachments 1, 2 & 3.

#### Discussion:

It would be appropriate to classify the event as a “**Class 2**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may impact minor traffic and transport systems and there may be a low scale disruption to the non-event community.

The event organiser needs to ensure that pedestrians do not access the venue site using Hawkesbury Valley Way (State Road). Whilst measures have been outlined in the TMP to mitigate this, the event organiser needs to ensure that these actions are followed.

The Transport Management Plan (TMP) and the associated Traffic Control Plans (TCP) are to be submitted to the Transport Management Centre (TMC) for authorisation due to the proposed ‘No Stopping’ zone along Hawkesbury Valley Way, Windsor.

The event organiser has submitted the following items in relation to the event: Attachment 4 (ECM Document Set ID No: 5544844):

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 Traffic Management Plan (TMP) and Traffic Control Plans (TCP).
5. Event Site, Parking and Bus Route Plans,

**RECOMMENDATION TO COMMITTEE:**

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer 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 comply with the contents and requirements of this information which includes 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.
2. The NYE at the Sebel Hawkesbury Resort & Spa 2016 event, planned from Saturday, 31 December 2016 to Sunday, January 01 2017 utilising Deerubbin Park and McQuade Park as car parks 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).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. 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 traffic control measures;
  - No Pedestrian Access is permitted along Hawkesbury Valley Way, Windsor to access the venue site at the Sebel Hawkesbury Resort & Spa, located at 61 Hawkesbury Valley Way, Windsor.
  - Shuttle Bus pick-up/drop-off points at the car parks located at Deerubbin Park, Cornwallis and McQuade Park, Windsor must be located within each car park site.
  - Shuttle Bus pick-up/drop-off point at Clarendon Railway Station is to utilise the existing Night Ride Bus Stop on the western side of Racecourse Road adjacent to the Ham Common, Clarendon.
  - The provision of the proposed 'No Stopping' zone along Hawkesbury Valley Way, Windsor, is subject to approval from the Transport Management Centre (TMC).
  - No road closures are permitted.

and the following conditions:

**Prior to the event:**

- 4a. 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);
- 4b. the event organiser is to assess the risk and address the suitability of the entire site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to the event;
- 4c. 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;**
- 4d. the event organiser is to obtain approval from the **Transport Management Centre – TMC** as a 'No Stopping' zone is proposed along Hawkesbury Valley Way, Windsor, adjacent to the venue site located at 61 Hawkesbury Valley Way, Windsor; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. 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;**
- 4f. as the event requires traffic control on public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain written approval from Council's Parks and Recreation Section for the use of McQuade Park;
- 4h. the event organiser is to obtain written approval from Hawkesbury Sports Council Inc. for the use of their section of McQuade Park and Deerubbin Park; **a copy of the correspondence to be submitted to Council;**
- 4i. 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);
- 4j. 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;**
- 4k. 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, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**

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

- 4l. 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, 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;**
- 4m. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

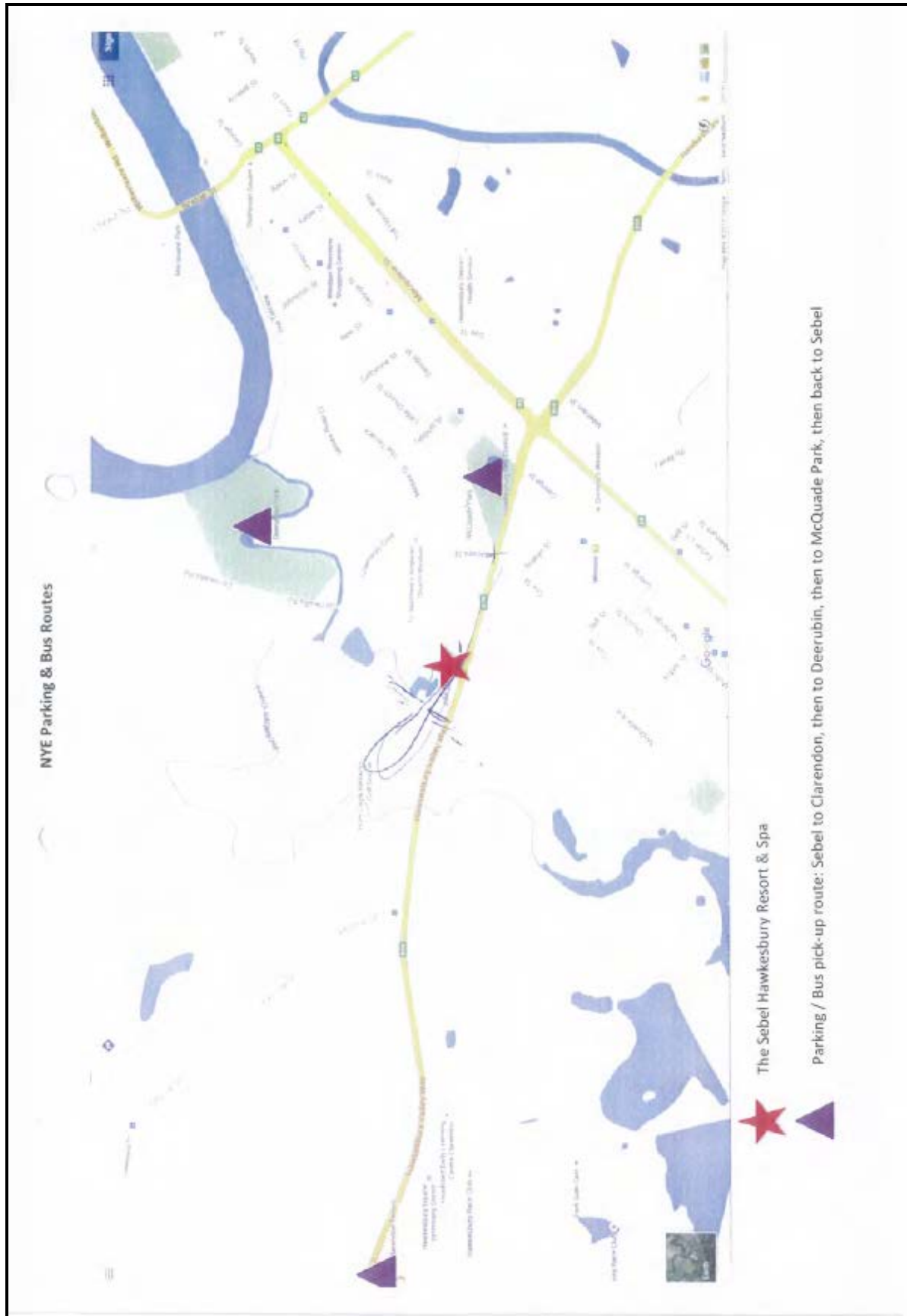
**During the event:**

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4s. 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** NYE at the Sebel Hawkesbury Resort & Spa 2016 – Site Plan
- AT – 2** NYE at the Sebel Hawkesbury Resort & Spa 2016 – Shuttle Bus Routes 1 & 2
- AT – 3** NYE at the Sebel Hawkesbury Resort & Spa 2016 – Shuttle Bus Route 3.
- AT – 4** Special Event Application - (ECM Document Set ID No: 5544844) - *see attached*

AT – 1 NYE at the Sebel Hawkesbury Resort & Spa 2016 – Site Plan

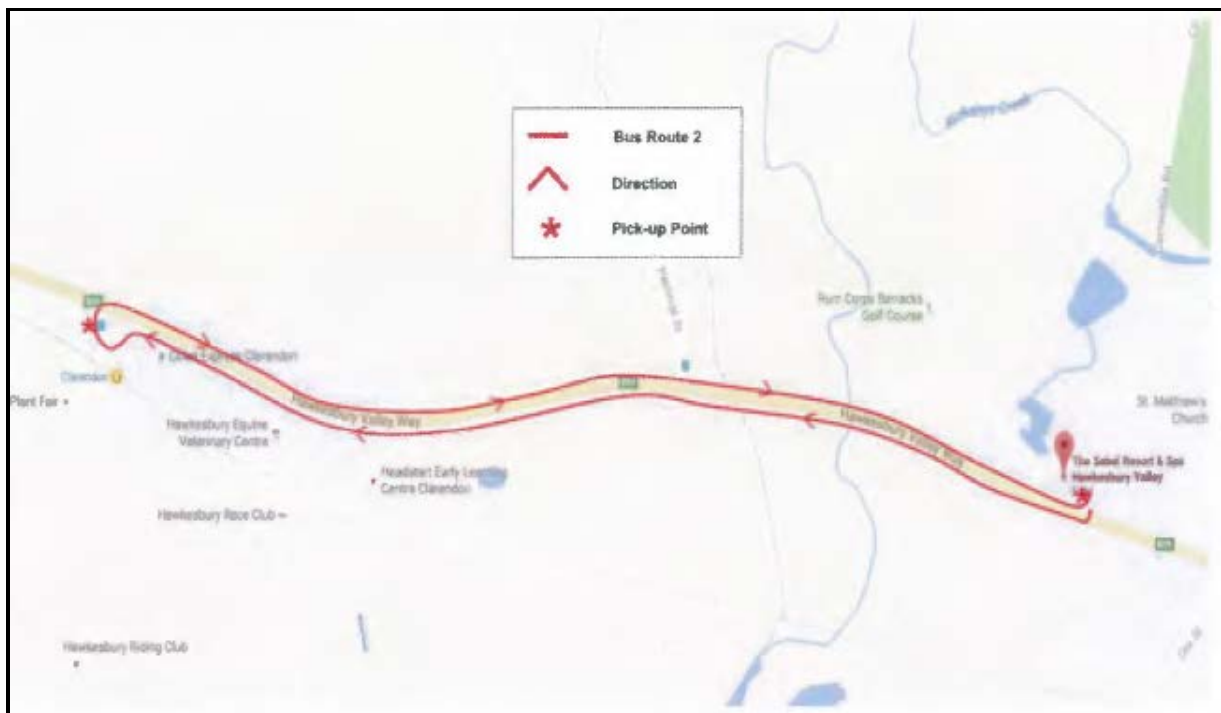


**AT – 2 NYE at the Sebel Hawkesbury Resort & Spa 2016 – Shuttle Bus Routes 1 & 2**

**Bus Route 1:**



**Bus Route 2:**





**AT – 3 NYE at the Sebel Hawkesbury Resort & Spa 2016 – Shuttle Bus Route 3**



**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Shah Kshitij.

Support for the Recommendation:          Unanimous support

That

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer 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 comply with the contents and requirements of this information which includes 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.
2. The NYE at the Sebel Hawkesbury Resort & Spa 2016 event, planned from Saturday, 31 December 2016 to Sunday, January 01 2017 utilising Deerubbin Park and McQuade Park as car parks 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).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. 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 traffic control measures;
  - No Pedestrian Access is permitted along Hawkesbury Valley Way, Windsor to access the venue site at the Sebel Hawkesbury Resort & Spa, located at 61 Hawkesbury Valley Way, Windsor.
  - Shuttle Bus pick-up/drop-off points at the car parks located at Deerubbin Park, Cornwallis and McQuade Park, Windsor must be located within each car park site.
  - Shuttle Bus pick-up/drop-off point at Clarendon Railway Station is to utilise the existing Night Ride Bus Stop on the western side of Racecourse Road adjacent to the Ham Common, Clarendon.
  - The provision of the proposed 'No Stopping' zone along Hawkesbury Valley Way, Windsor, is subject to approval from the Transport Management Centre (TMC).
  - No road closures are permitted.

and the following conditions:

**Prior to the event:**

- 4a. 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);
- 4b. the event organiser is to assess the risk and address the suitability of the entire site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to the event;
- 4c. 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;**
- 4d. the event organiser is to obtain approval from the **Transport Management Centre – TMC** as a 'No Stopping' zone is proposed along Hawkesbury Valley Way, Windsor, adjacent to the venue site located at 61 Hawkesbury Valley Way, Windsor; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. 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;**
- 4f. as the event requires traffic control on public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain written approval from Council's Parks and Recreation Section for the use of McQuade Park;
- 4h. the event organiser is to obtain written approval from Hawkesbury Sports Council Inc. for the use of their section of McQuade Park and Deerubbin Park; **a copy of the correspondence to be submitted to Council;**
- 4i. 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);
- 4j. 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;**

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

- 4k. 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, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4l. 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, 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;**
- 4m. 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:**

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4s. 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.

**SECTION 3 - Reports for Information**

**Item: 3.1      LTC - Local Traffic Committee 2017 Calendar - (Hawkesbury) - (80245)**

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**REPORT:**

The current format for the Local Traffic Committee (LTC) meetings is to meet on the second Monday of the month, commencing at 3pm in the Large Committee Room, Council Offices at 366 George Street, Windsor.

Proposed is a list of dates, outlined below, for 2017 in the current Monday format (second Monday of the month) with the exception of June which is proposed to be held on the third Monday due to the Queen's Birthday public holiday on 12 June 2017.

- 09 January 2017
- 13 February 2017
- 13 March 2017
- 10 April 2017
- 08 May 2017
- 19 June 2017 (third Monday due to Queen's Birthday Holiday on 12 June 2017)
- 10 July 2017
- 14 August 2017
- 11 September 2017
- 09 October 2017
- 13 November 2017

**RECOMMENDATION TO COMMITTEE:**

That the 2017 Local Traffic Committee Meetings be undertaken from January to November on the second Monday of the month with the exception of June which will be undertaken on the third Monday.

**APPENDICES:**

There are no supporting documents for this report.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur.

Support for the Recommendation:      Unanimous support

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

That the 2017 Local Traffic Committee Meetings be undertaken from January to November on the second Monday of the month with the exception of June which will be undertaken on the third Monday.

**SECTION 4 - General Business**

There was no General Business.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Monday, 14 November 2016 at 3pm in the Large Committee Room.

The meeting terminated at 3:35pm.

**oooO END OF REPORT Oooo**

ordinary

section 5

notices of motion

**ORDINARY MEETING**

Notices of Motion



## ORDINARY MEETING

### Notices of Motion

#### SECTION 5 - Notices of Motion

##### **NM1                      Establishing a Hawkesbury Tourism Committee - (79351, 105109, 80106)**

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**Submitted by:** Councillor Rasmussen

#### **NOTICE OF MOTION:**

That:

1. A report be provided to Council on establishing a Hawkesbury Tourism Committee of Council, with the intention of incorporating the purpose and members of the extant Hawkesbury Tourism Working Group into that Committee.
2. The report address matters relevant to the set up and operation of the Committee, such as the Council's intention, corporate strategic planning, best-practice approach, governance, purpose, scope, membership, resources and budget.
3. An additional Councillor, Councillor Richards, be added to the extant Tourism Working Group.

#### **BACKGROUND:**

1. Council adopted the Hawkesbury Tourism Strategy on 25 August 2015 which had as a priority action the establishment of a Hawkesbury Tourism Working Group.
2. The extant HTWG was established on 10 May 2016 comprising Councillors (2), members of the community (8) and staff. The HTWG is also assisted and guided by a tourism consultant – The Stafford Group. HTWG has met on several occasions and met just recently prior to the Council elections. That meeting carried forward a number of action items yet to be dealt with.
3. At recent discussions between Councillors it was concluded that a Hawkesbury Tourism Committee should be established with a broader remit than the extant HTWG and that the HTWG would, as far as feasible, be 'rolled into' the new Hawkesbury Tourism Committee.
4. The HTS and the work done to date by the extant Hawkesbury Tourism Working Group remain valid and useful, and should be integrated into the scope and remit of the new Hawkesbury Tourism Committee.
5. Moreover, the extent to which Council's Visitor Information Centre at Clarendon should be considered by the HTC is pertinent as is the purview and remit of the Hawkesbury Tourism Working Group being established by the State Member for the Hawkesbury, The Hon. Dominic Perrottet, MP.
6. Councillor Richards has requested that she be included on the extant Hawkesbury Tourism Working Group which would necessitate the increase of the number of Councillor Representatives from two to three.

#### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

## ORDINARY MEETING

### Notices of Motion

**NM2**

**Comprehensive Hawkesbury Traffic Study - (79351, 105109, 138880)**

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**Submitted by:** Councillor Reynolds

#### **NOTICE OF MOTION:**

That Council:

1. Request an urgent meeting with the Member for Hawkesbury, The Hon. Dominic Perrottet and the Member for Macquarie, Susan Templeman to discuss the establishment of a comprehensive regional traffic study of river crossings and road links including options for funding such a study.
2. Establish a sub-committee with specific instructions to draw up a brief and seek submissions from a selected short list of companies. The proposed sub-committee to consist of the Directors of Planning and Infrastructure, two Councillors and one qualified community representative.

#### **BACKGROUND:**

The objective of the study is to develop a holistic traffic strategy for the Hawkesbury including recommendations regarding achievable short term outcomes, including bypasses and alternative crossings to mitigate the districts traffic crisis and allow for strategic growth and development.

Council has a unique opportunity to receive professional advice and supervision via the proposed sub-committee at no cost to ratepayers.

#### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

## ORDINARY MEETING

### Notices of Motion

**NM3**

**Windsor Bridge - (79351, 105109, 138885)**

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**Submitted by:** Councillor Ross

#### **NOTICE OF MOTION:**

That:

1. Council request the Premier urgently order the cessation of the project known as the Option 1 replacement bridge at Windsor.
2. Council request allocated funding be committed to the renovation of historic Windsor Bridge for light and local traffic and the construction of an additional river crossing near Windsor which can appropriately meet current and future traffic needs of the wider community while allowing preservation and enhancement of the natural and heritage landmarks of Windsor.
3. The location of the new, additional river crossing or a town bypass be determined in consultation with Council and the Community; and recognise and integrate with the Government's longer term plans for another bridge and associated road corridor connecting to the Motorway network.

#### **BACKGROUND:**

In 2011, the NSW Government decided, despite overwhelming expert advice to the contrary, to proceed with a \$100 million project which fails to deliver any measurable improvements to traffic conditions associated with travel across the Hawkesbury River at Windsor and Richmond. This Motion acknowledges and responds to the legitimate and widely held concerns about this project.

#### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

## ORDINARY MEETING

### Notices of Motion

**NM4**

**Establishment of an Infrastructure Committee - (79351, 105109, 80106)**

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**Submitted by:** Councillor Rasmussen

#### **NOTICE OF MOTION:**

That a report be prepared regarding the establishment of a committee of Council to support and advance at a strategic level the planning and delivery of key infrastructure for the community.

#### **BACKGROUND:**

1. The provision of infrastructure for the community is undertaken by the State and Commonwealth Governments and their agencies as well as by Council itself.
2. Whilst Council is able to direct its own resources to its priorities, the ability to influence and lobby other tiers of government requires strategic and political strength in approach.
3. This can be achieved by developing a broad understanding of infrastructure needs by Councillors through a committee structure, with a view to representing the community's needs through representation and lobbying.
4. It is envisaged that such a committee would receive and consider reports on strategic infrastructure issues that align with Council's new Community Strategic Plan.
5. It is also envisaged that the committee would establish a prioritised list of major infrastructure that could be progressively addressed, and could invite, as required, community expertise and input on specific issues.

#### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

**ORDINARY MEETING**  
Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions from Previous Meetings and Responses - (79351)**

**REPORT:**

**Questions - 11 October 2016**

#	Councillor	Question	Response
1	Reynolds	Requested information regarding the Expression of Interest for the river dredging project.	<p>The Director City Planning advised it was resolved by Council at its Meeting on 27 October 2015:</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Receive and note the Navigation Dredging of the Hawkesbury River between 'The Breakaway' and Sackville Ferry Business Case - Draft Report by Worley Parsons dated 31 July 2015.</i></li> <li>2. <i>Call for expressions of interest for undertaking the requirements for and ultimate dredging of the Hawkesbury River in the seven locations referred to in the report, including any return or royalties to Council for dredge material.</i></li> </ol> <p>Given the announcement of the merger proposal between Hawkesbury City Council, and part of the Hills Shire Council, action was not able to be undertaken in this respect given the limitations placed on local authorities who were part of a merger proposal in terms of various matters, including financial matters.</p> <p>Following the decision by the NSW State Government in May 2016 to not proceed with the merger proposal, Council no longer had those same limitations and was able to commence acting upon the Council resolution. An Expression of Interest (EOI) for Hawkesbury River Dredging at Seven Priority Locations between Windsor Bridge and Sackville Ferry was prepared and advertised by mid June 2016 and closed in July 2016 with a number of EOI's having been received.</p>

# ORDINARY MEETING

## Questions for Next Meeting

#	Councillor	Question	Response
			<p>As highlighted within the EOI documentation, given Council was to enter a caretaker period ahead of the local government elections in September 2016 where there were certain limitations placed on local authorities, including financial, an assessment of the EOI's was not able to be considered by Council until after the local government elections.</p> <p>As Council is now in a position to consider the EOI's received, it is proposed the matter will be included as an agenda item at a future Briefing Session to Councillors.</p>
2	Wheeler	Enquired as to reasons why Berger Road Reserve Bligh Park is being poorly maintained.	<p>The Director Infrastructure Services advised that Berger Road Bligh Park has two reserve areas being Berger Road Reserve and Berger Road Lake Reserve.</p> <p>Berger Road Reserve has regular maintenance carried out as part of Council's Parks and Recreation Maintenance Program. Berger Road Lake Reserve is classed as a bushland reserve with only minor maintenance including slashing of the Lake Reserve carried out for fire protection.</p> <p>Whilst there are no plans at this stage or funds available to develop Berger Road Lake Reserve, improvements can be considered subject to future funding.</p>
3	Tree	Enquired whether there was interest in the site at Bligh Park, near Tinningi Community Centre, where are the negotiations up to and what time frames before Council sees any action.	The Acting Director Support Services advised that Council is currently in discussion with a number of interested parties regarding the possible sale of this property. The outcome of the discussions will be reported to Council upon reaching a stage where a Council decision is required. This is expected to occur by the end of this year.
4	Tree	Enquired about the cost and time frame of Council's current contract for graffiti removal and if Council uses Rotary for graffiti removal on Council and privately owned properties, as Council has provided trailers to Rotary for that purpose.	The Director Infrastructure Services advised that details would be provided to all Councillors outlining the arrangements currently in place and other options for graffiti removal within the Hawkesbury.

oooO END OF REPORT Oooo

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**CONFIDENTIAL REPORTS**

**Item: 232**                      **CP - Acquisition - Drainage Purposes - 44 Mitchell Road, Pitt Town - (95498, 39070) CONFIDENTIAL**

**Previous Item:**            19, Ordinary 23 February 2016

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**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 acquisition 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**  
**CONFIDENTIAL REPORTS**

**Item: 233**                      **IS - Easement Acquisition - Extension of Easement - Part of 45 Bowen Mountain Road, Bowen Mountain - (95495, 35135) CONFIDENTIAL**

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**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 acquisition 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**  
**CONFIDENTIAL REPORTS**

**Item: 234**                      **IS - Hawkesbury City Waste Management Facility Lease from Western Sydney University - (95495, 112179)    CONFIDENTIAL**

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**Reason for Confidentiality**

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to the currently leased parcel of Crown land for which part of the waste management facility sits (Lot 192, DP 729625), under the care and control of the Western Sydney University (WSU) specifically the 2013 / 14 Landfill Rent payable to Western Sydney University in accordance with the lease and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

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

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**Item: 235**                      **SS - Property Matter - Lease to Hawkesbury Area Women's and Kids Services Inc. - 22 Bosworth Street, Richmond - (95496, 112106, 73506, 80358)**  
**CONFIDENTIAL**

**Previous Item:**            204, Ordinary (29 August 2006)  
                                 349, Ordinary (15 November 2005)  
                                 319, Ordinary (1 November 2005)

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**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**  
**CONFIDENTIAL REPORTS**

Item: 236

**SS - Property Matter - Lease of 496 Wilberforce Road, Wilberforce - Australian Pioneer Village - (95496, 112106, 80175, 118860) CONFIDENTIAL**

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**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**  
**CONFIDENTIAL REPORTS**

**Item: 237                      SS - Property Matter - Offer for Purchase - 246 Windsor Road, Vineyard -  
(95496, 112106, 105560)   CONFIDENTIAL**

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**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 the potential sale of a Council property and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

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

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**Item: 238**                      **SS - Property Matter - Lease of 1a Wilberforce Road, Freemans Reach - (95496, 112106, 130186, 130695)    CONFIDENTIAL**

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**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**  
**CONFIDENTIAL REPORTS**

Item: 239                      **SS - Property Matter - Lease of 325 George Street, Windsor - (95496, 112106, 73916, 80476, 74199)    CONFIDENTIAL**

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**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

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