



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 08 June 2010

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

Planning Decision

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

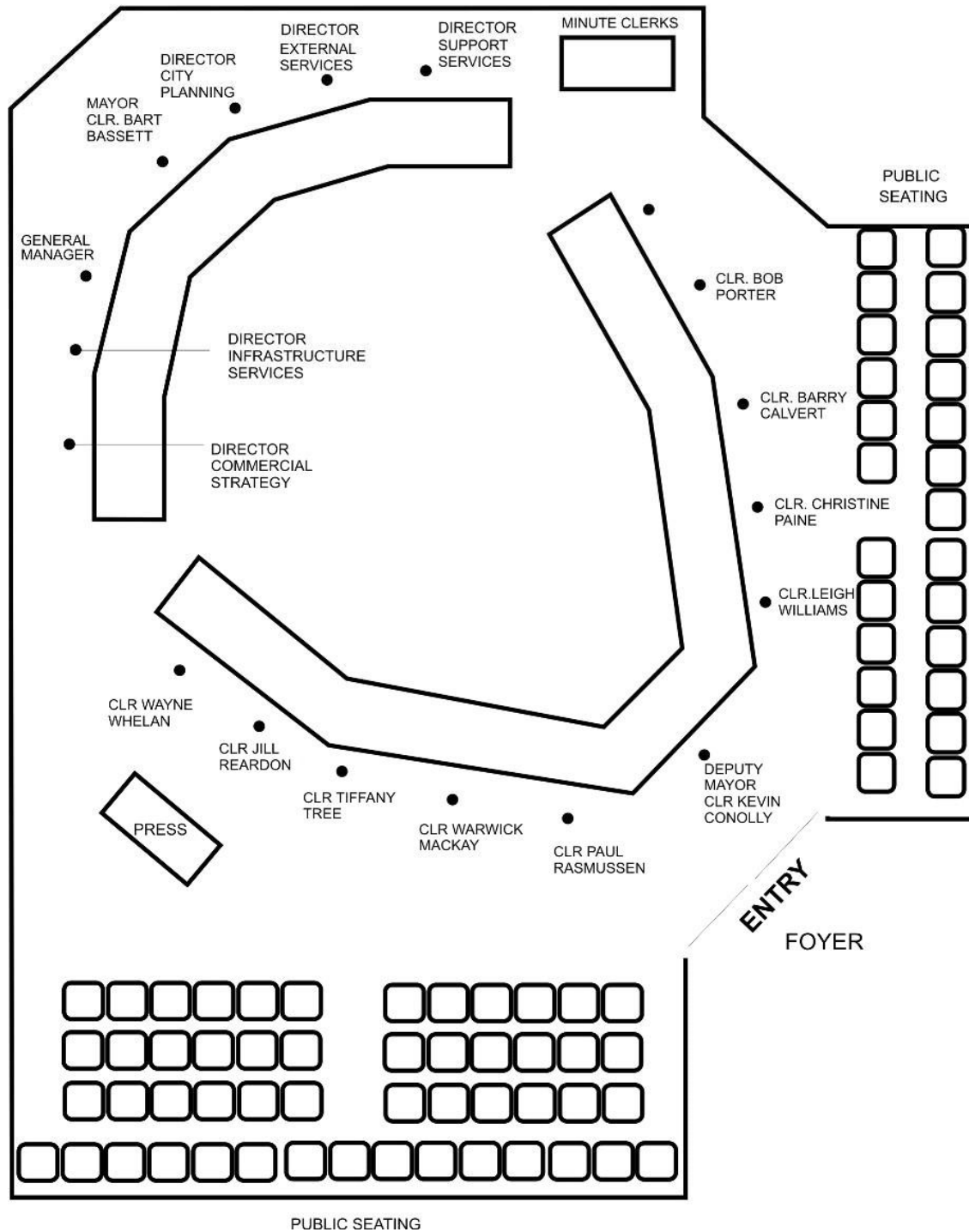
Website

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

Further Information

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

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CITY PLANNING

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

Development Information

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

Key Issues:

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

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

REPORT:

Introduction

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

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

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

Description of Proposal

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

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

Comment:

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

Council Policies, Procedures and Codes to Which the Matter Relates

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

Section 79C Matters for Consideration

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

a. The provisions (where applicable) of any:

i. Environmental Planning Instrument:

The relevant environmental planning instruments are:

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

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

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

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

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

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

The objectives of the Mixed Agriculture zone are as follows:

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

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- e) *To ensure that agricultural activities occur in a manner:*
 - (i) *That does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*
 - (ii) *That satisfies best practice guidelines and best management practises*
- f) *To promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation,*
- g) *To ensure that development retains or enhances existing landscape values that include a distinctive agricultural component,*
- h) *To prevent the establishment of traffic generating development along main and arterial roads,*
- i) *To control outdoor advertising so that it does not disfigure the rural landscape,*
- j) *To ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

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

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

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

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

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

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

Comment:

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

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

State Environmental Planning Policy No. 1 – Development Standards

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

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

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

Comment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan

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

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Subdivision Chapter

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

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

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

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Element	Rule	Complies
	ground water assessment. (e) Contaminated Land shall be remediated prior to the issue of the Subdivision Certificate.	N/A
Rural Lot Size and Shape	<p>(a) The minimum allotment size for land within rural and environmental protection zones are contained within Hawkesbury Local Environmental Plan 1989.</p> <p>(b) Lots should be able to accommodate a building envelope of 2000m² with a minimum dimension of 20 metres. Building envelopes should be located a minimum of 30 metres from significant trees and other significant vegetation or landscape features. Building envelopes will contain the dwelling house, rural sheds, landscaping, and on-site effluent treatment and disposal areas, and bushfire mitigation.</p> <p>(c) In calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle axe handle should be included.</p> <p>(d) The width to depth ratio of allotments should not exceed 1:5.</p> <p>(e) Lot layout shall consider the location of watercourse vegetation and other environmental features.</p>	<p>No (See SEPP 1 comments)</p> <p>No. Unable to demonstrate compliance</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
Effluent Disposal	<p>(a) An effluent disposal report prepared by a suitably qualified person is required to accompany any development application for rural and rural-residential subdivisions.</p> <p>(b) Any system proposed other than a Household Aerated Wastewater Treatment System is required to be installed prior to release of Subdivision Certificate.</p>	<p>No details submitted.</p> <p>No details submitted.</p>
Rural Road and Access Way Design	<p>(a) The design specifications in Figure 4 at the end of this clause are to be met.</p> <p>(b) Where the road width is insufficient or unsatisfactory, an applicant should dedicate or provide land required for local road widening or new roads at no cost to Council.</p>	<p>N/A</p> <p>N/A</p>

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

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

Potential for Landuse Conflict

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

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

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

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

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

There are no planning agreements applicable to the proposed development.

v. Matters prescribed by the Regulations:

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

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

Context & Setting

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

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

Access, Transport & Traffic

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

Utilities

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

Flora & Fauna

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

Natural Hazards

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

Cumulative Impacts

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

c. Suitability of the site for the development:

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

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

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

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

e. The Public Interest

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

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

Conclusion

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

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

Developer Contributions

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

Community Strategic Plan

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

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

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

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

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

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

Planning Decision

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

RECOMMENDATION:

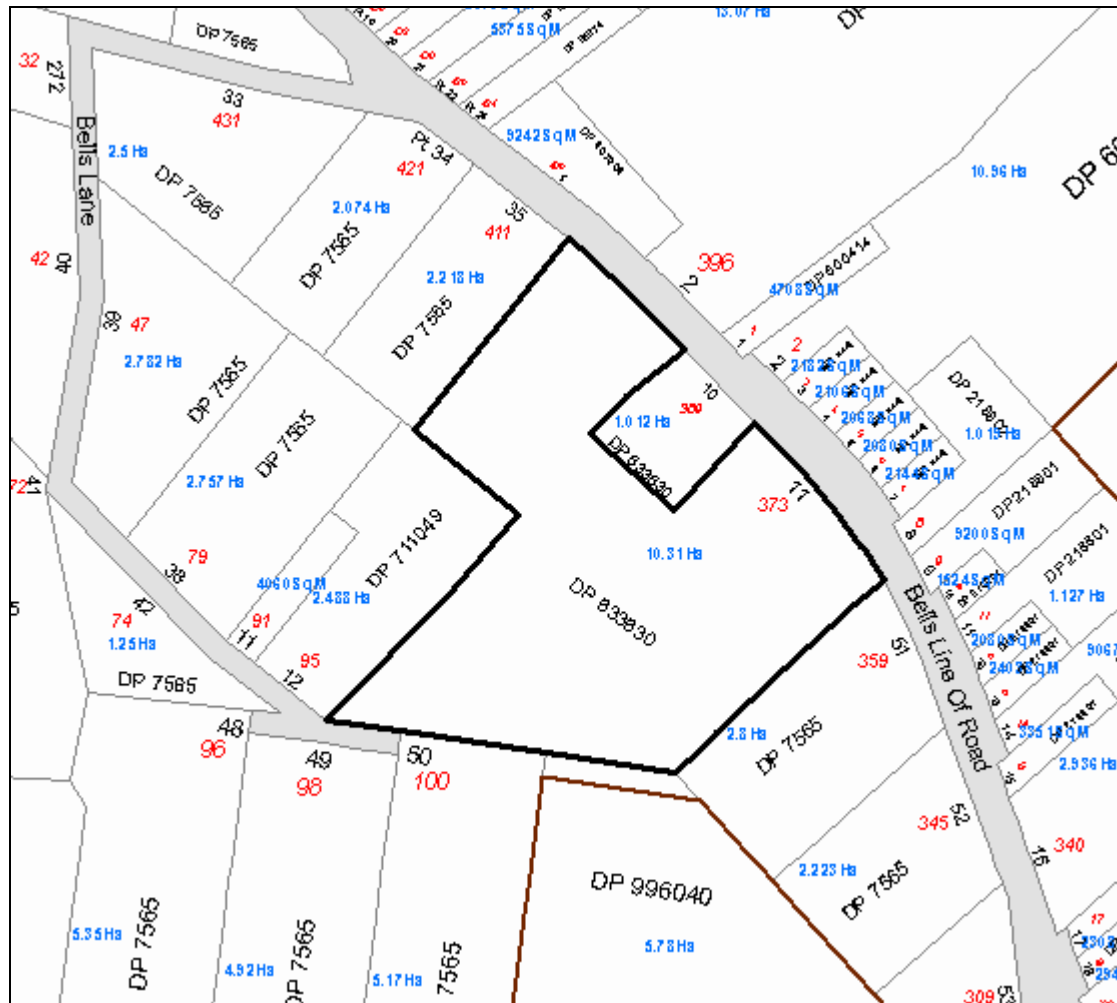
That:

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

ATTACHMENTS:

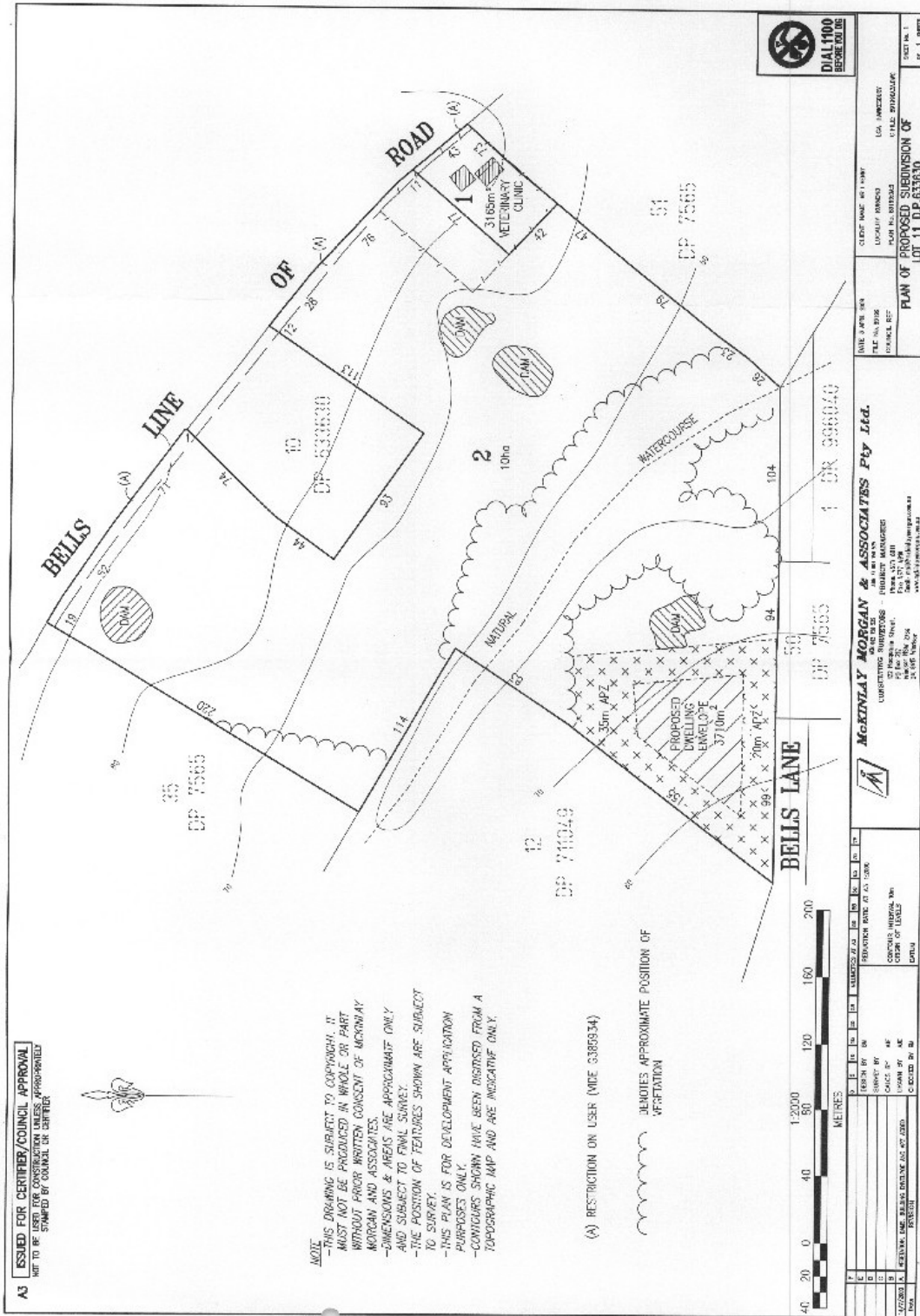
- AT - 1** Locality Plan
AT - 2 Plan of Subdivision

AT - 1 Locality Plan



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AT - 2 Plan of Subdivision



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

Development Information

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

Key Issues:

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

Recommendation: Approval, subject to conditions

REPORT:

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

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

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

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

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

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

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

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

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

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

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

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

Background

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

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

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

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

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

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Description of Proposal

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

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

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

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

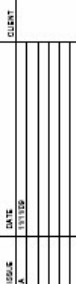
The applications are detailed in the following table and subsequent diagrams:

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

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

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

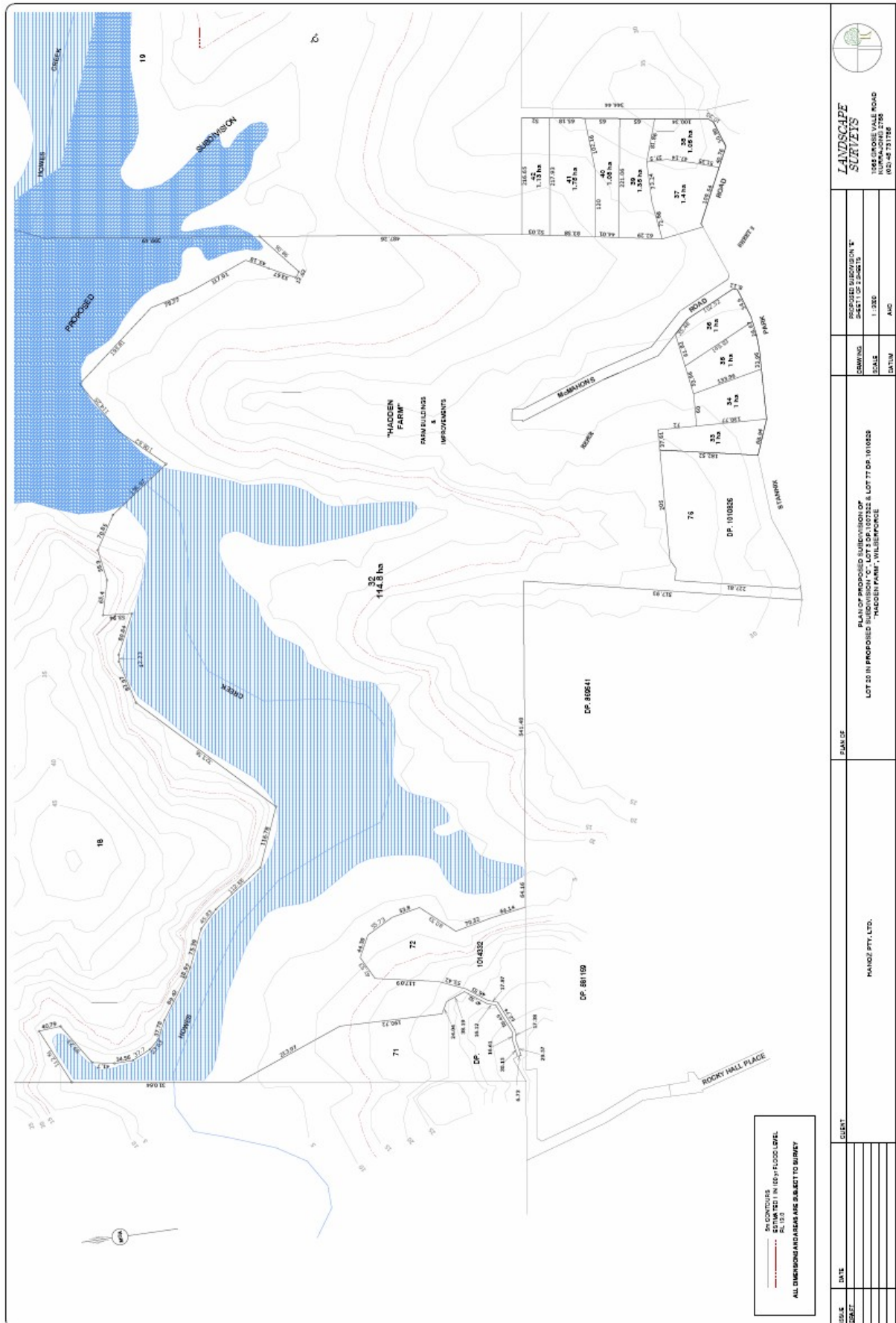
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Development Application DA0052/10 – 47 McMahons Road, Wilberforce		
Original Lots	Area (ha)	Comments
Lot 3 DP 1007322	28.52	Contains part of wetland
Lot 77 DP 1010829	10	
Lot 70 DP 1014332	80.84	Contains part of wetland
Part 32 DP 1028460	7.2	
Total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

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

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

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

Council Policies, Procedures and Codes to Which the Matter Relates

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

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

Section 79C Matters for Consideration

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

a. The provisions (where applicable) of any:

I Environmental Planning Instrument:

The relevant Environmental Planning Instruments are considered below:

Environmental Planning and Assessment Act, 1979 and Regulations 2000

S.80(A) (1)(b) and (5) of the Environmental Planning and Assessment Act 1979 permits the imposition of a condition of consent requiring the surrender or modification of a previous consent granted in relation to land to which the development applications relates. With the imposition of a condition, the applicant is required to provide a Notice of modification or surrender of a development consent under Section Clause 97 of the Environmental Planning and Assessment Regulations 2000.

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

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

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

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

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

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

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

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

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

State Environmental Planning Policy No. 55 - Remediation of Land

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

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

It is therefore considered unlikely that the land is contaminated as to cause harm and prevent the future development of the land. The land is considered suitable for the proposed development and a Preliminary

site investigation is not required. The application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

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

General Provisions of HLEP 1989

Clause 2 - Aims, objectives etc,

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

Clause 8 - Zones indicated on the map

The land is zoned Mixed Agriculture.

Clause 9A - Zones Objectives

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

The objectives of the Mixed Agriculture zone are:

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

Comment:

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

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

Comment:

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

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

Comment:

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

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

Comment:

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

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

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

Comment:

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

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

Comment:

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

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

Comment:

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

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

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

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

Comment:

The proposed development is not considered to be traffic generating.

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

Comment:

The proposal does not include advertising signs.

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

Comment:

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

Specific Provisions of HLEP 1989

Clause 10 - Subdivision - general

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

Clause 11 - Rural subdivision - general provisions

Relevant extracts are:

(1) *In this clause:*

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

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

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

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

(b) by 4, if the land is in the rural Living zone.

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

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

(2) N/A

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

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

Comment:

The depth to frontage ratio of the 1 hectare allotments is satisfactory given the intended rural-residential use. Likewise the depth to frontage ratio of the residual farm lots is considered satisfactory.

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

Comment:

It is considered that, with the incorporation of the recommendations contained within the flora and fauna assessments into the development and the implementation of a Wetland Management Plan, Stormwater Management Plan, Farm Management Plan and Vegetation Management Plan, the proposed subdivision and subsequent development of the lots will have no adverse impacts on threatened species, populations or endangered ecological community, on wetlands, watercourses, the use of the land for agriculture or increased bush fire threat.

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

Comment:

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

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

Comment:

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

- (4) *A subdivision of land within the Mixed Agriculture or Rural Living zone complies with this clause only if:*

- (a) *the number of allotments proposed for dwelling houses does not exceed the number of allotments that could have been created for dwelling-houses by a subdivision of the land immediately prior to the commencement day, and*

Comment:

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

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

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

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

Comment:

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

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

Lot/DP	Size of Lot (ha)	Area of Wetland (ha)	% of Lot
Part of Lot 32 DP 1028460	134.9	29.32	21.7%
Lot 70 DP 1014322	80.84	28.51	35.3%
Lots 9-13 DP 803222	50.00	14.43	28.9%
Lot 2 DP 1007322	63.18	12.88	20.4%

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Lot 1 DP 1007322	10.00	2.88	28.8%
Lot 77 DP 1010829	10.0	0	0%
Lot 3 DP 1007322	28.52	0	0%
Total	377.44	88.02	23.3%

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

Comment:

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

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

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

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

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

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

Comment:

The applicant advises:

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

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

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

Comment:

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

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

Comment:

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

(4A) N/A

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

Comment:

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

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

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

- (6) *Consent must not be granted to a subdivision of land within Zone No 1(a), 1(b), 1(c), 1(c1), 7(d) or 7(d1) that creates an allotment (otherwise than for use for a public purpose) unless the Council is satisfied that there is an area of land above the 1-in-100 year flood level on the allotment that is:*
- (a) *sufficient for the erection of a dwelling-house, and*
 - (b) *at natural surface level or at a level achieved by filling carried out with the consent of Council.*

Comment:

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

(7) N/A

(8) N/A

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

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

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

Comment:

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

Clause 25 - Development on flood liable land

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

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

Comment:

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

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

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

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

Comment:

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

Clause 28 - Development in the vicinity of a heritage item

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

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

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

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

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

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

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

iii Development Control Plan applying to the land:

Hawkesbury Development Control Plan

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

Subdivision Chapter

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

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

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

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Element	Rule	Complies
	<p>(b) Access to the subdivision shall be located above the 1% AEP flood level.</p> <p>(c) Where a subdivision proposal is on land identified as being potentially subject to landslip, the applicant shall engage a geotechnical consultant to prepare a report on the viability of subdivision the land and provide recommendations as to the siting and the type of buildings which could be permitted on the subject land.</p> <p>(d) In the event the Council deems that there is the potential that land subject to a subdivision application is contaminated then the applicant shall engage a suitably qualified person to undertake a soil and ground water assessment.</p> <p>(e) Contaminated Land shall be remediated prior to the issue of the Subdivision Certificate.</p>	<p>Yes</p> <p>N/A</p> <p>Not considered to be contaminated .</p> <p>N/A</p>
Rural Lot Size and Shape	<p>(a) The minimum allotment size for land within rural and environmental protection zones are contained within Hawkesbury Local Environmental Plan 1989.</p> <p>(b) Lots should be able to accommodate a building envelope of 2000m² with a minimum dimension of 20 metres. Building envelopes should be located a minimum of 30 metres from significant trees and other significant vegetation or landscape features. Building envelopes will contain the dwelling house, rural sheds, landscaping, and on-site effluent treatment and disposal areas, and bushfire mitigation.</p> <p>(c) In calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle axe handle should be included.</p> <p>(d) The width to depth ratio of allotments should not exceed 1:5.</p> <p>(e) Lot layout shall consider the location of watercourse vegetation and other environmental features.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Effluent Disposal	<p>(a) An effluent disposal report prepared by a suitably qualified person is required to accompany any development application for rural and rural-residential subdivisions.</p> <p>(b) Any system proposed other than a Household</p>	<p>Yes</p> <p>N/A</p>

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

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

Notification Chapter

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

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

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

v Matters prescribed by the Regulations:

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

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

Context And Setting

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

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

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

Access, Transport and Traffic

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

Flora and Fauna

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

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

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

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

Each Report provides recommendations in respect to their respective subdivisions:

DA0036/10 Recommendations (Royerdale Place)

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

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

DA0037/10 Recommendations (Stannix Park Road)

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

DA0052/10 Recommendations (McMahons Road)

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

Comment:

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

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

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

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

Waste

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

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

Comment:

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

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

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

Water

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

Natural Hazards

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

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

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

Comment:

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

Heritage

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

Two Archaeological Reports have been provided with the applications:

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

Comment:

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

Cumulative Impact

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

c. Suitability of the site for the development:

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

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

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

Integrated Development

NSW Rural Fire Services

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

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

These conditions will be incorporated within any consent.

Office of Water

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

Public Submission

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

All Applications

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

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

Comment:

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

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

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

DA0036/10 (Royerdale Place)

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

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

Comment:

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

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

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

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

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

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

DA0037/10 (Stannix Park Road)

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

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

Comment:

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

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

DA0052/10 (McMahons Road)

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

e. The Public Interest:

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

Hawkesbury Community Strategic Plan

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

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

and Goals:

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

as well as the Caring for our Environment directions:

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

and Goals

- Healthy and sustainable Hawkesbury River and waterways.

Developer Contributions

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

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

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

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

Conclusion

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

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

Planning Decision

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

RECOMMENDATION:

That:

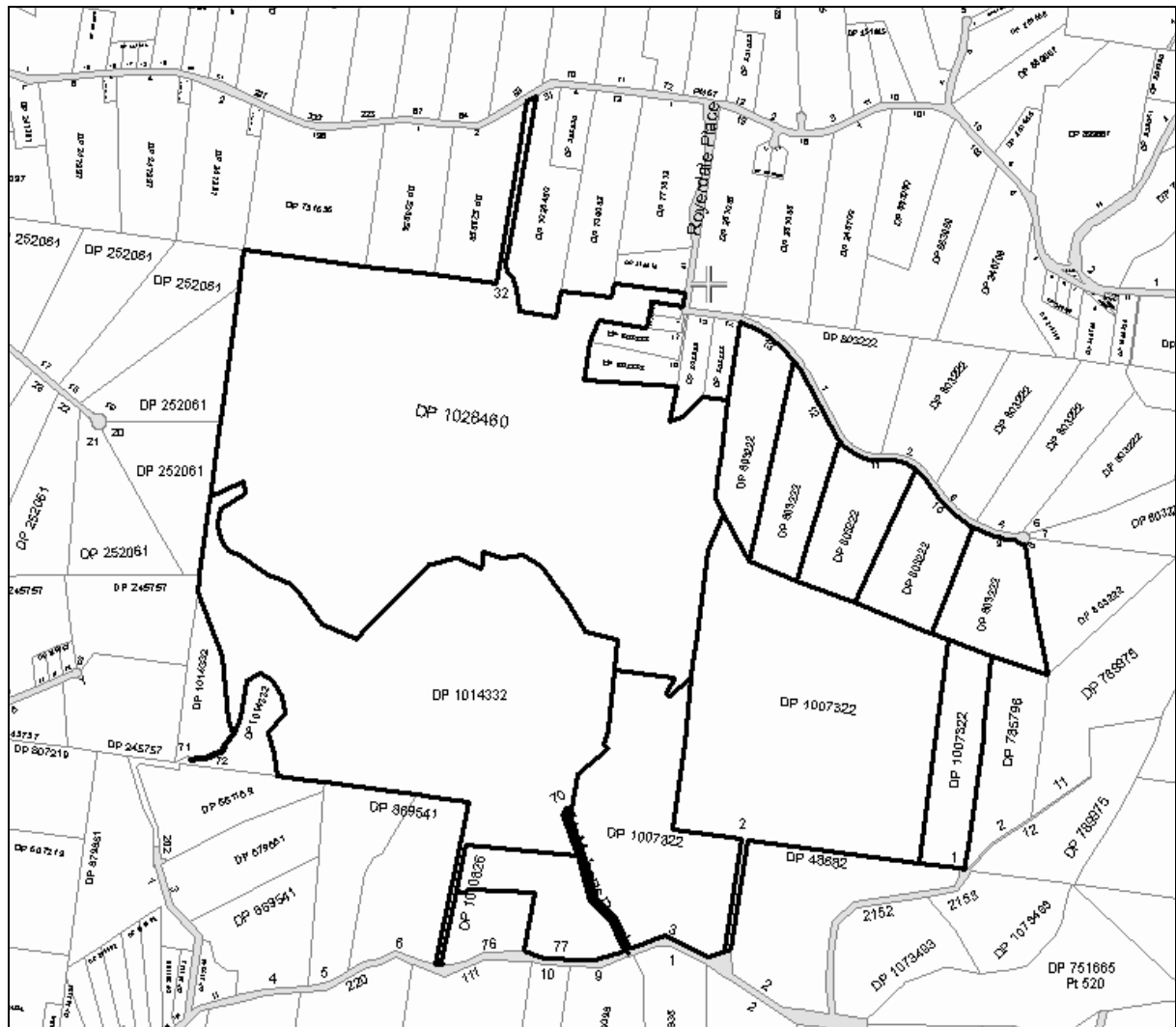
1. Development Application DA0036/10 at Lots 9, 10, 11, 12 & 13, DP 803222, No. 80 Royerdale Place, East Kurrajong, Lot 2 DP 1007322, Lot 70 DP 1014322, No. 47 McMahons Road, Wilberforce and Part of Lot 32 DP 1028460, No. 288 Bull Ridge Road, East Kurrajong for Subdivision – 20 lot subdivision be approved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

ATTACHMENTS:

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

Reports of Committees

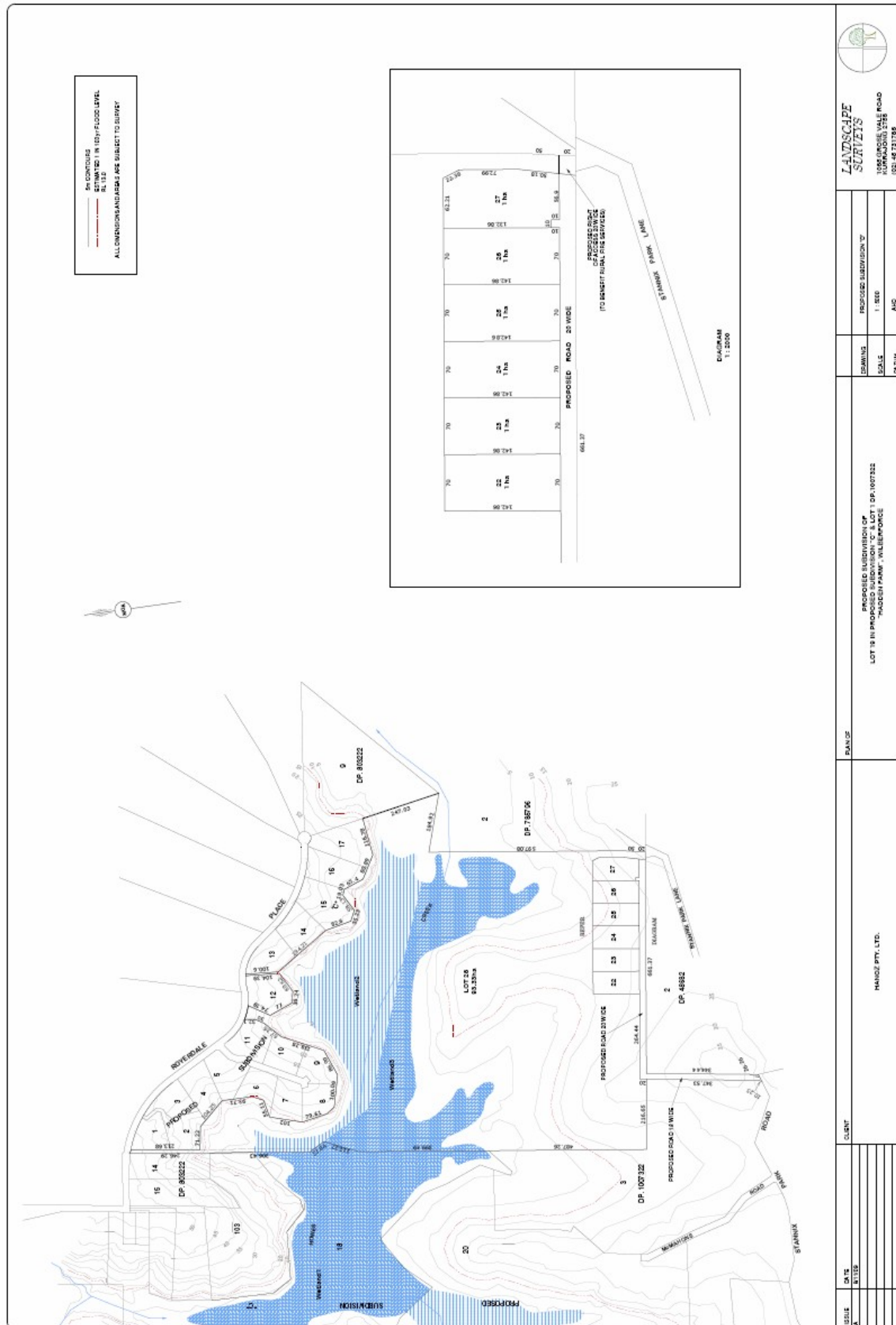
**Lots 9, 10, 11, 12 & 13, DP 803222, 80 Royerdale Place, East Kurrajong
 Lots 1, 2 & 3, DP 1007322, Lot 70 DP 1014332, Lot 77 DP 1010826, 47 McMahons Road, Wilberforce
 Lot 32 DP 1028460, 288 Bull Ridge Road, East Kurrajong.**



<p style="text-align: center;">ORDINARY MEETING</p> <p style="text-align: center;">Reports of Committees</p>

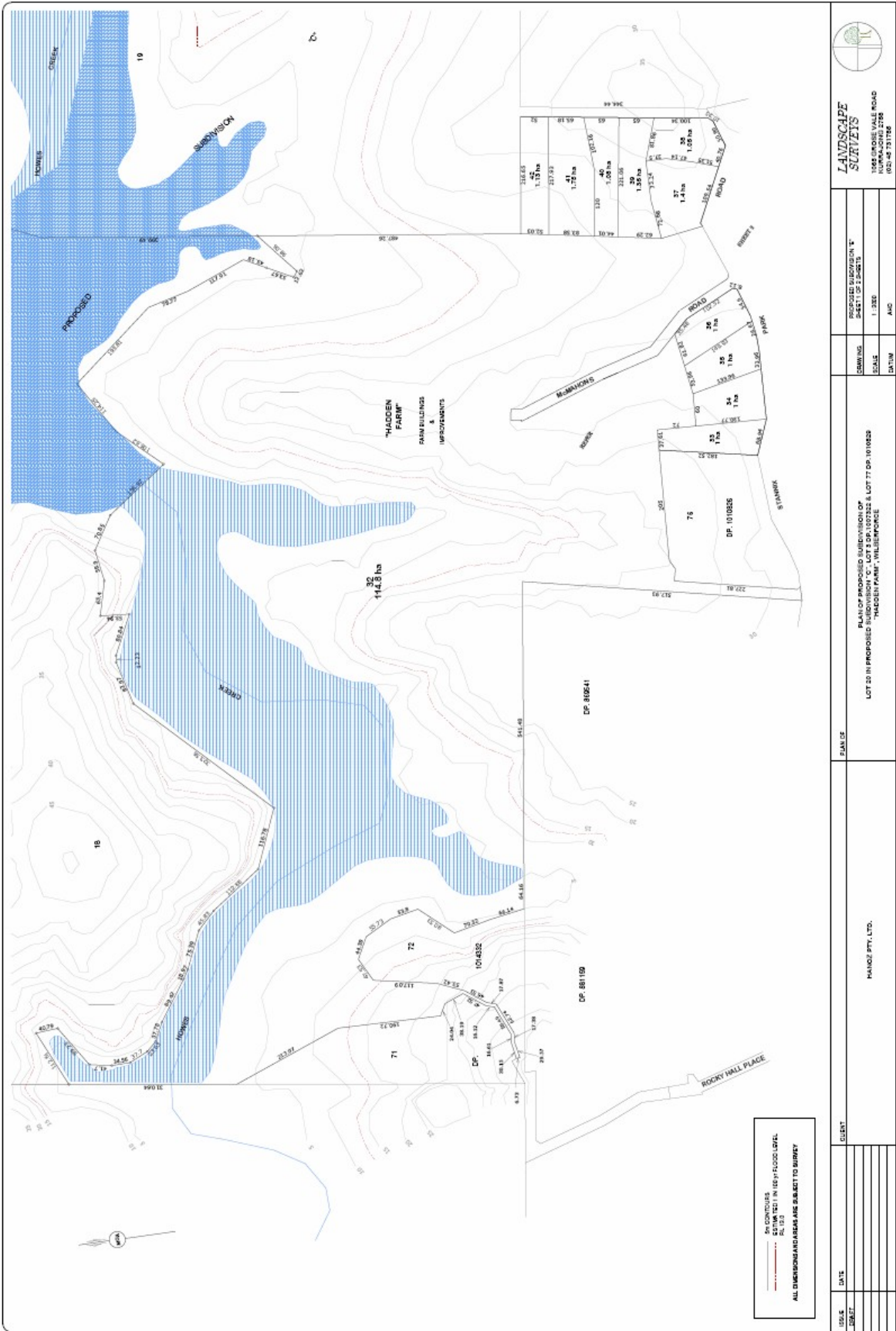
ORDINARY MEETING
Reports of Committees

AT - 3 Subdivision Plan DA0037/10



<p align="center">ORDINARY MEETING</p> <p align="center">Reports of Committees</p>

AT - 4 Subdivision Plan DA0052/10



AT - 5 Development Consent Conditions for DA0036/10

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

Rural Fire Services General Terms of Approval

Asset Protection Zones

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

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

Water and Utilities

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

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

Access

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

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

Hawkesbury City Councils Conditions

General

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

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

Prior to the Issue of Construction Certificate

4. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

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

5. Construction of the road, access and drainage are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
6. Under the provisions of the Roads Act [NSW] 1993, all works within the road reserve are to be approved and inspected by Hawkesbury City Council as the roads authority.

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

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

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

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

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

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

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

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

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

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

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

Prior to Commencement of Works

13. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
14. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
15. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
16. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
17. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of site works. Such facility shall be located wholly within the property boundary.

During Construction

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

ORDINARY MEETING
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- a. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b. Construction waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
27. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
28. The construction of stormwater management devices in accordance with the approved stormwater management plan and construction certificate plans.
29. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
30. The road shoulders and full width sealed pavement of the new road shall be constructed generally as shown on the approved plan.

The following construction standards are required:

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

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

Driveway gradient shall not exceed 25% in any section.

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

Prior to Issue of Subdivision Certificate

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

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

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

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

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

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

Advisory

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

*** The applicant is advised to consult with:

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

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

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

AT - 6 Development Consent Conditions for DA0037/10

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

Rural Fire Services General Terms of Approval

Asset Protection Zones

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

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

Water and Utilities

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

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

Access

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

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

Hawkesbury City Councils Conditions

General

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

Prior to the Issue of Construction Certificate

4. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing

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of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

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

5. Construction of the road, access and drainage are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
6. Under the provisions of the Roads Act [NSW] 1993, all works within the road reserve are to be approved and inspected by Hawkesbury City Council as the roads authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Prior to Commencement of Works

13. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
14. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
15. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
16. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
17. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of site works. Such facility shall be located wholly within the property boundary.

During Construction

18. The topsoil shall be stripped and stockpiled and used to cover the batters.
19. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stoneflagging or terracing shall be constructed.
20. No excavated material, including soil shall be removed from the site. No fill materials shall be imported to the site without separate approval from Council.
21. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
23. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
24. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
25. Site and construction works (including the delivery of materials/equipment to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.

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26. The site shall be kept clean and tidy during the construction period and all unused materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b. Construction waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
27. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
28. The construction of stormwater management devices in accordance with the approved stormwater management plan and construction certificate plans.
29. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
30. The road shoulders and full width sealed pavement of the new road shall be constructed generally as shown on the approved plan.

The following construction standards are required:

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

Prior to Issue of Subdivision Certificate

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

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

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

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

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

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

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

Advisory

- *** Should any Aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- *** The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

AT - 7 Development Consent Conditions for DA0052/10

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

Rural Fire Services General Terms of Approval

Asset Protection Zones

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

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

Water and Utilities

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

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

Design and Construction

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

Hawkesbury City Councils Conditions

General

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

Prior to the Issue of Construction Certificate

4. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing

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of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

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

5. Construction of the road, access and drainage are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
6. Under the provisions of the Roads Act [NSW] 1993, all works within the road reserve are to be approved and inspected by Hawkesbury City Council as the roads authority.

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

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

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

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

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

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

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

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

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

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

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

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

Prior to Commencement of Works

13. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
14. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
15. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
16. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of site works. Such facility shall be located wholly within the property boundary.

During Construction

17. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
18. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
19. Site and construction works (including the delivery of materials/equipment to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
20. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- a. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b. Waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
21. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
22. The construction of stormwater management devices in accordance with the approved stormwater management plan and construction certificate plans.
23. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
24. All works shall be carried out in accordance with the recommendations within Flora and Fauna Assessment Proposed Subdivision Hadden Farm (South-West) Stannix Park Road, Wilberforce, Travers bushfire & ecology, January 2010, Ref: 9098F'

Prior to Issue of Subdivision Certificate

25. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
26. A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
27. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
28. To ensure that appropriate legal access is available to all lots in the subdivision, the road approved by DA0037/10 shall be constructed and dedicated. The road shoulders and full width sealed pavement of the new road shall be constructed generally as shown on the approved plan.

The following construction standards are required:

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

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

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

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

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

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

35. The dwelling site and asset protection zones as shown on the approved plans shall be defined on the final plan of subdivision.
36. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:
 - a. Requiring that all development, including but not limited to, the house site, disposal and buffer areas are to those areas defined on final plan of subdivision.
 - b. Requiring that a Wastewater Feasibility Assessment be submitted with any future development application involving on site disposal of effluent on the lots.
 - c. Prohibiting clearing of native vegetation other than for maintenance of bushfire asset protection zones as identified on the subdivision plan.
 - d. Requiring the implementation of the approved Wetland Management Plan, Farm Management Plan and Vegetation Management Plan in perpetuity on Lot 32.
 - e. Requiring that future development of the lots is carried out having regard to the recommendations contained within Flora and Fauna Assessment Proposed Subdivision Hadden Farm (South-West) Stannix Park Road, Wilberforce, Travers bushfire & ecology, January 2010, Ref: 9098F
37. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
38. Payment of a Linen Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

Advisory

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

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

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

oooO END OF REPORT Oooo

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

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

REPORT:

Executive Summary

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

Consultation

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

Background

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

Community Sponsorship Program 2009/2010

Budget for Community Sponsorship Program

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

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

Current Situation

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Successful applicants were advised of the approval of their sponsorship grants. Subsequent to this advice, the organisers of the Scheyville Trashed Sculpture Competition (which was funded under Round 3 of the CSP) have advised staff that the \$500 approved is no longer required as the Competition will not be proceeding. In addition, the \$1,700 provided to the Friends of the Hawkesbury Art Community and Regional Gallery for the replacement of an Artists Trail sign (funded under Round 2 of the CSP) was in excess of the actual amount required to complete this project. In total an amount of \$1,700 is available for re-allocation.

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

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

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

MA = Minor Assistance

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

Conformance to Strategic Plan

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

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

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

- Develop and implement a community partnership and participation program

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

- Support community initiatives and volunteers

and assist Council to achieve the following CSP measure:

- Level of support to community organisations

Funding Implications

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

RECOMMENDATION:

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

ATTACHMENTS:

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

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

Attachment 1 - Assessment of Applications under additional round Community Sponsorship Program 2009/2010

Applicant	Sponsorship Type (1)	Description	Assessment Criteria								Amount requested (or previously approved for ES Sponsorship)	Amount recommended	Comments
			Local service	Not-for-profit	State/Federal	Co-contribution provided	Reflects agreed community priority	Meets sponsorship criteria	Financially sustainable	Documentation provided			
Macquarie Towns Scottish Society	MA	Annual Scottish Ball at Macedonian Hall, Londonderry	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements for Minor Assistance category
Jake Abela	MA	NSW Representative karate – 2010 National Championships, Sydney	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements for Minor Assistance category
Matt Abela	MA	NSW Representative karate – 2010 National Championships, Sydney	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements for Minor Assistance category
Courtney Wright	MA	NSW Representative swimming – 2010 National Championships, Brisbane	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements for Minor Assistance category
Cameron Ezzy	MA	NSW Representative karate – 2010 National Championships, Sydney	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements for Minor Assistance category
Harry Thomas	MA	PSSA Representative swimming - Brisbane	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements for Minor Assistance category
Kurrajong-Colo RSL Sub-branch	MA	Hire of chairs for ANZAC Day and Remembrance Day 2010	✓	✓	✓	✓	✓	✓	n/a	✓	485	485	Meets requirements for Minor Assistance category
		TOTAL										1485	

(1) MA = Minor Assistance ES = 3 Year Event Sponsorship SO = Seeding Grant CF = Access to Community Facilities CF= Improvement to Community Facilities

oooO END OF REPORT Oooo

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

Previous Item: 102. Ordinary (26 May 2009)

REPORT:

Executive Summary

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

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

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

Consultation

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

Background

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

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

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

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

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

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

Review of JRPP Operations and Proposed Changes

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

1. Return of Modification Applications to Council

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

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

The Minister's letter states the following:

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

The three circumstances are:

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

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

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

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

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

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

Conformance to Community Strategic Plan

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

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

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

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

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

Financial Implications

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

RECOMMENDATION:

That:

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

ATTACHMENTS:

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

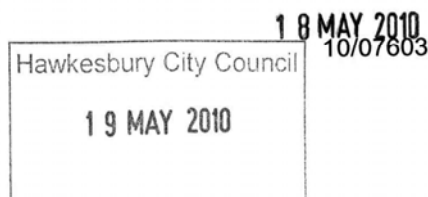
ORDINARY MEETING
Reports of Committees

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



Hon Tony Kelly MLC
Minister for Planning
Minister for Infrastructure
Minister for Lands
Deputy Leader of the Government in the Legislative Council
Leader of the House in the Legislative Council

Clr Bart Bassett
Hawkesbury City Council
PO Box 146
Windsor NSW 2756



Dear Clr Bassett

I am pleased to advise that the Joint Regional Planning Panels (Regional Panels), established on 1 July 2009, are now a successful part of the New South Wales planning system. The Government is committed to working collaboratively with Council, industry and the community to build a better planning system for New South Wales.

I am writing to ask your Council to join in a further initiative that will see a range of applications currently dealt with by the Regional Panels, determined by council officers under delegation.

The Department of Planning recently completed an Interim Review of Operation for the Regional Panels, which can be found on the Regional Panels website at www.jrpp.nsw.gov.au. As part of the review, the Department is considering opportunities to improve determination times of certain types of applications which currently require determination by a Regional Panel, without compromising the need for an assessment processes based entirely on merit.

Return of Modification Applications to Council

I am pleased to advise that amendments are currently underway for State Environmental Planning Policy (Major Development) 2005, to return to Councils the consent authority role for section 96(1A) modification applications under the EP&A Act, where the relevant development consent has been determined by a Regional Panel. The Department will advise you when this amendment takes place.

Proposed Delegations

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

Level 34, Governor Macquarie Tower
1 Farrer Place, Sydney NSW 2000
T (02) 9228 3999 F (02) 9228 3988

Room 809 Parliament House
Macquarie Street, Sydney NSW 2000
T (02) 9230 2528 F (02) 9230 2530

- **Straightforward Applications**

The proposed delegation will allow Council to determine regionally significant applications where there have been no objections received, and the assessment report recommends approval (either with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

- **Designated Development**

The proposed delegation will allow Council to determine designated development with a Capital Investment Value of \$5 million or less, which is currently determined by a Regional Panel. The delegation would apply regardless of whether there have been objections received, provided the assessment report recommends approval (with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

- **Areas and precincts**

The proposed delegation will allow Council to determine regionally significant applications located in particular areas and precincts where detailed planning has occurred, regardless of whether there have been objections received, provided the proposed development is strictly in accordance with identified key planning controls, and where the assessment report recommends approval (with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

The Department requests Council to identify and provide details on areas within Council's local government area, such as Business Parks, which have detailed planning controls that clearly outline what development is appropriate. Where such controls are in place, the Department will consider delegating regionally significant applications to Council to determine. Council should include details of past and possible future applications in these precincts or areas to illustrate the utility of this delegation.

All regionally significant applications must be registered with the Panel Secretariat within seven days of lodgement at Council. The Panel Secretariat would still need to be informed of notification dates and of any submissions received. The Panel Secretariat would continue to coordinate Panel briefing meetings in some instances.

Delegation to Officer Level

In order to effectively utilise the proposed delegations, consistent with the common goals of depoliticising the planning system and improving determination timeframes, the delegations will only apply to councils which have themselves delegated the authority to make decisions for these classes of applications to an appropriate officer of the Council.

Determination

The delegated Council officers will be able to refuse an application even though the assessment report recommends approval, however a refusal in such circumstances is unlikely and would need to be supported by sound planning reasons. The delegations will apply to Development Applications and section 96(2) modification applications under the Environmental Planning and Assessment Act 1979 (EP&A Act).

Trial Period

It is envisaged that the proposed delegations will be in operation for a 12 month trial period, after which they will be reviewed to determine what further opportunities and measures may be justified and put into place.

Implementation

A written commitment to confer the delegations to an appropriate level of officer, and information on applicable precincts and areas as outlined above, is requested by the Department within 21 days of the date of this letter.

The Chair of Council's Regional Panel will then write to Council with further details on the delegations, such as commencement date.

The Department is seeking to work with Council throughout the finalisation and preparation of these delegations. I look forward to a continued strong working relationship between your Council the Regional Panel, and the Department.

You may call Mr Shayne Watson, Director Assessment Systems and Strategies, directly on (02) 9228 6302 or by e-mail shayne.watson@planning.nsw.gov.au should you require any further information.

Thank you for your co-operation on this important initiative.

Yours sincerely,



Tony Kelly MLC
Minister for Planning

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meeting

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business
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