



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 30 September 2014

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

Ordinary Meetings of Council are generally held on the second Tuesday of each month (except January), and the last Tuesday of each month (except December), meeting dates are listed on Council's website. The meetings start at 6:30pm and are scheduled to conclude by 11pm. These meetings are open to the public.

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the items to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager by 3pm on the day of the meeting, of those items they wish to discuss. A list of items for discussion will be displayed at the meeting for the public to view.

At the appropriate stage of the meeting, the Chairperson will move for all those items which have not been listed for discussion (or have registered speakers from the public) to be adopted on block. The meeting then will proceed to deal with each item listed for discussion and decision.

Public Participation

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

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

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

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

Voting

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

Planning Decision

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

Business Papers

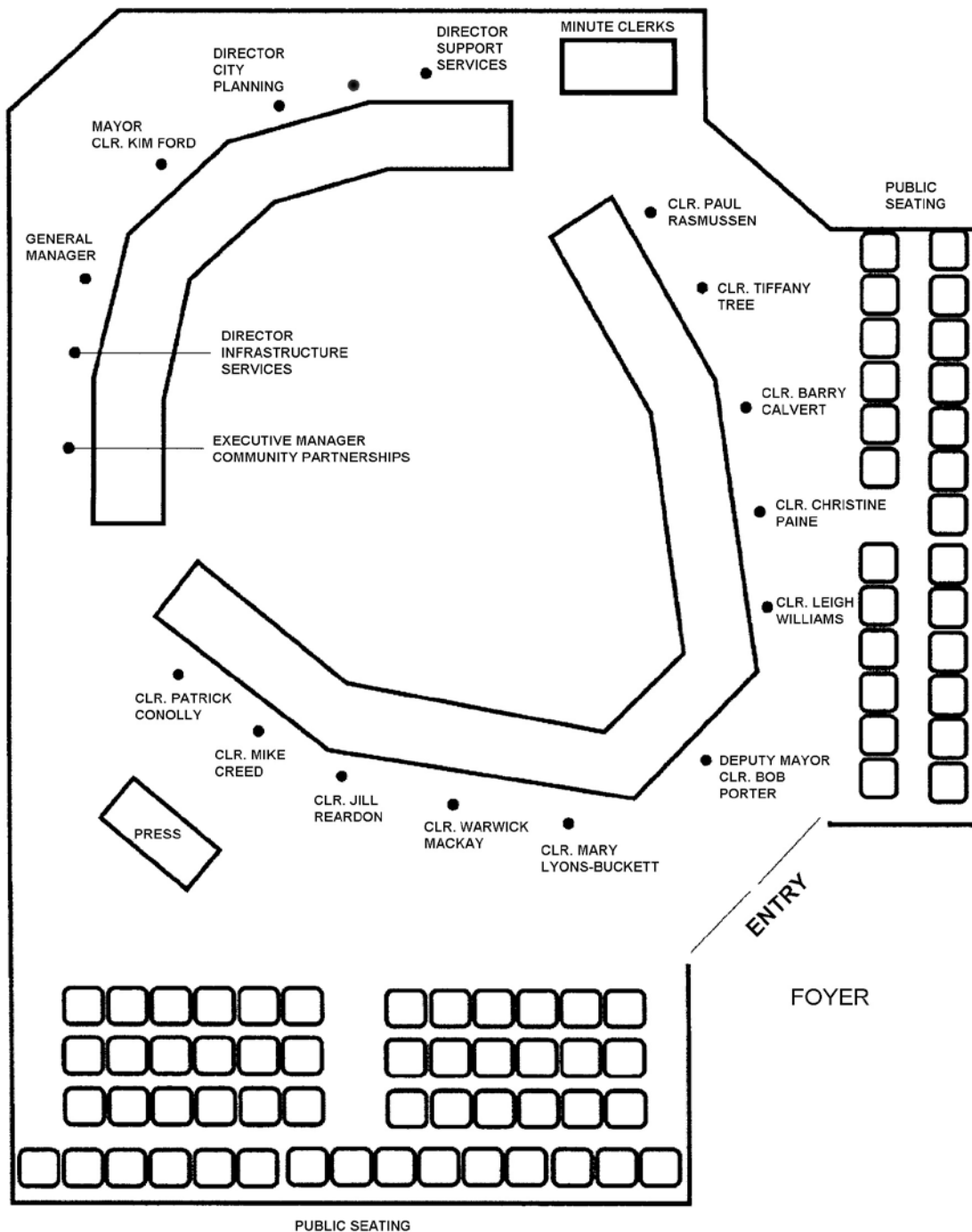
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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

Further Information

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone (02) 4560 4444.

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- **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**
- **SECTION 2 - Mayoral Minutes**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 3 - Reports for Determination**
 - Planning Decisions**
 - General Manager**
 - City Planning**
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SECTION 1 - Confirmation of Minutes

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 175 **CP - Development Report - DA0175/14 - Lot 6 DP242319 - 2 Wolseley Road, McGraths Hill - Removal of existing garage and construction of shed - (95498, 37033, 13277)**

Development Information

File Number: DA0175/14
Property Address: 2 Wolseley Road, McGraths Hill
Applicant: Yvonne Anne Janson
Owner: Mr RJ Shaw
Proposal Details: Structure Ancillary to the dwelling - Removal of existing garage and construction of shed
Estimated Cost: \$19,657
Zone: R2 Low Density Residential
Date Received: 4/04/2014
Advertising: Not required to be notified

Key Issues:

- ◆ Height of the structure
- ◆ Ability to maintain the character of the streetscape

Recommendation: Refusal

REPORT:

Executive summary

Council is in receipt of an application proposing the demolition of an existing ancillary structure to an existing dwelling and the construction of a new ancillary structure being a shed on Lot 6, DP 24319, 2 Wolseley Road, McGraths Hill. The purpose of the proposal is to provide secure storage space for the owner's classic and project cars and general maintenance equipment.

The subject site (Lot 6) is a battle-axe allotment and is 1360 square metres in area and currently contains a dwelling, swimming pool, carport and shed (proposed to be demolished). The total floor area of the proposed shed is 64.80 square metres. The proposed height of the ancillary structure is 5.6 metres. The height is required to allow for the installation of a car stacker.

This matter is being reported to Council at the request of Councillor Porter.

The application is recommended for refusal.

Description of Proposal

Council is in receipt of a development application proposing the demolition of an existing ancillary structure (garage) and the construction of a new ancillary structure (shed), to provide a secure storage space for the owner's classic and project cars and general maintenance equipment. The existing garage occupies a portion of the area where the proposed ancillary structure is to be built.

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The subject site is currently occupied by a single storey dwelling, a cabana, a swimming pool, a double fibro garage and a carport. It is proposed to utilise the existing slab. The proposed shed will have a total floor area of 64.80 square metres with a maximum height of 5.78 metres. The proposed shed will be setback 11.96 metres from the front boundary, 1.0 metre from the rear boundary and 0.9 metres from the nearest side boundary.

The subject site is surrounded by mainly residential development comprising a mix of double and single storey dwellings with ancillary structures and ancillary services such as a medical surgery. The ancillary structures (sheds, detached garages and carports) are modest in height and size.

Recommendation

Refusal.

Issues Relevant to the Decision:

- The size of the shed is considered excessive given its location and context
- The application does not address the objectives of the R2 Low Density Residential zone.

Council Policies, Procedures and Codes to Which the Matter Relates

Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
Sydney Regional Environmental Plan No 20 (SREP 20)
Hawkesbury Development Control Plan 2002 (HDCP 2002)

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

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

- a. **The provisions (where applicable) of any:**
i. **Environmental Planning Instrument:**

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

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

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 of SREP No. 20.

Hawkesbury Local Environmental Plan 2012

Hawkesbury Local Environmental Plan 2012 (LEP2012) applies to the land.

Clause 1.2 – Aims of the Plan

The aim of Clause 1.2 (2)(a) of LEP2012 is to provide for the management, orderly and economic development and conservation of land in Hawkesbury.

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Land Use Table

The subject land is zoned R2 – Low Density Residential under Hawkesbury Local Environmental Plan 2012.

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

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To protect the character of traditional residential development and streetscapes.
- To ensure that new development retains and enhances that character.
- To ensure that development is sympathetic to the natural environment and ecological processes of the area.
- To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale.
- To ensure that water supply and sewage disposal on each resultant lot of a subdivision is provided to the satisfaction of the Council.
- To ensure that development does not create unreasonable demands for the provision or extension of public amenities or services.

Comment: The proposed development is considered to be an 'ancillary structure to the dwelling' under this Plan. However, given the size of the ancillary building, it is considered that it does not meet the restrictions of the State Environmental Planning Policy (Exempt and Complying Development) 2009 and therefore requires Development Consent.

The applicant provided further information dated 27 July 2014 responding to the objective of the zone outlined above as follows:

- The existing property, with an area of 1055m², provides for the housing needs of a certain section of the community who desire to live in a residential area and have hobbies or interests which required a larger than usual residential lot. The proposed development satisfies this objective.
- The proposal is ancillary to the residential use of the dwelling on the land. This objective does not apply.
- The proposed shed is located some 52m from Wolseley Road. It will not be visible from the road, and therefore has no impact on the residential character or streetscape.
- The proposed shed has no impact in relation to this objective.
- The locality comprises a fully developed residential area. The proposal has no impact.
- The proposal is ancillary to the residential use of the dwelling on the land. The objectives do not apply.
- The objective does not apply to the proposal.
- The proposal is to replace an existing shed. There is no additional demand for public amenities or services.

Discussion:

It is considered that the proposed development is not consistent with the objectives for the R2 Low Density Residential zone in that the proposal does not maintain the characteristics of a low density residential environment, is not in keeping with the established streetscape values and character of the area.

Whilst the structure is ancillary to the dwelling and is for residential use, the existing garage and carport provide parking to 2 vehicles for the use of the occupants as required under the provisions of the Hawkesbury Development Control Plan 2002. The existing on-site car parking facilities are considered to adequately provide for the day to day needs of the occupants.

The proposed arrangement of providing a car stacker will allow for additional parking for vehicles which are not used as the primary vehicles of the occupants used to meet the day to day needs. Due to the height required to operate the car stacker the overall height of the ancillary building will be increased. This height increase will have a significant effect on the streetscape from Pitt Town Road and Wolseley Road.

The applicant has made a submission that the character of Wolseley Road is retained as the proposed ancillary building will not be visible from Wolseley Road. However, it is considered that the impact of the ancillary building is quite significant from Pitt Town Road, as discussed further in the report.

Furthermore the further information provided fails to recognise the proximity of a nearby heritage item (see Attachment 4 to this report) which is a low scale single storey dwelling. The size of the ancillary building with a height of 5.6m will have visual impact on the heritage item.

ii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

Part A Chapter 2 - General Information

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

Part A Chapter 3 - Notification

In accordance with the provisions of the HDCP, the application was not required to be notified to adjacent property owners.

The proposal is generally consistent with the provisions of the Development Control Plan with the following exceptions as discussed below:

Part D - 1.3 Height

a) Part D Clause 1.3 - Height

The proposed ancillary building significantly encroaches into the Building Height Plane due to the proposed height of 5.6 metres.

For the ancillary building to achieve compliance with the setbacks; the setbacks of the ancillary building would need to be 3m on the North Eastern Elevation and 6m on the South Eastern Elevation.

Comment: In its current form the proposal is not considered to be acceptable due to the significant building height plane intrusion.

b) Clause 1.3(e) of the DCP permits walls to be built on a side or rear boundary where:

- (i) it can be demonstrated that building to the boundary does not reduce the privacy of neighbouring dwellings and their private open space and does not reduce their existing solar access; and
- (ii) the continuous length of the wall does not exceed 10 metres.

Comment: With regard to privacy the proposal is considered to be acceptable as there is no loss of privacy associated with the development and the wall length is less than 10 metres.

With regard to Clause 1.3(e)(ii) the proposal is compliant.

Part D – 1.6 Landscaped Areas

- a) Part D Clause 1.6 Landscaped Areas requires the site to contain soft landscaped areas to 30% of the site area (inclusive of private open space) which is achievable with the current proposal.

Part D – 1.9 Vehicle Access and Car Parking

- a) Clause 1.9(e) provides that Garage and Carports must not visually dominate the street façade, should occupy less than 50% of the building façade and must be compatible with the building design.

Comment: It is considered that given the height of the proposed new structure it will visually dominate the street façade when viewed from Wolseley Road.

iii. 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.

iv. Matters prescribed by the Regulations:

The proposed development is consistent with the provisions of the Environmental Planning and Assessment Regulation, 2000. There are no relevant matters that are prescribed by the Regulations that affect this development.

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:

The proposal is considered to have demonstrable adverse impacts upon the built environment due to the visual impact that the ancillary building will have on the streetscape from both Pitt Town & Wolseley Roads.

The McGraths Hill area is characterised by a mix of development types being single and two (2) storey dwellings together with ancillary structures.

Larger ancillary structures within the suburb are located within the vicinity of Pitt Town Road. These ancillary structures are located towards the rear of larger blocks with an estimated setback of greater than 70 metres from Pitt Town Road. The proposed ancillary building of this application is proposed to be located approximately less than 40 metres from Pitt Town Road. The height of the proposed structure being 5.6m is higher than the height of a single storey dwelling and similar in height to the underside of the eaves of a two storey dwelling.

The proposed development will have an adverse visual impact to the streetscape of Pitt Town Road and the scenic quality of the landscape and neighbouring properties due to its size and location.

c. Suitability of the site for the development:

The subject site does not contain any significant constraints that would make this development prohibitive. The site is suitable for the development.

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

The Hawkesbury Development Control Plan has no requirements for the application to be notified to adjacent property owners.

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Conclusion

The location of the shed fails to demonstrate that it is in character and keeping with the established streetscape values of the area. The proposed development cannot be supported in this instance.

Planning Decision

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

RECOMMENDATION:

That development application DA0175/14 at Lot 6 DP 242319 Vol 12130 Fol 16, 2 Wolseley Road, McGraths Hill for the demolition of an existing garage and construction of an ancillary building to a dwelling, be refused for the following reasons:

1. The proposed development is contrary to the objectives of the R2 Low Density Residential Zone in the Hawkesbury Local Environmental Plan 2012.
2. The proposed development fails to demonstrate compliance with the provisions of Hawkesbury Development Control Plan 2002 by not being in keeping with the established streetscape values and character of the area.
3. The proposed development is likely to have an adverse visual impact upon the scenic quality of the landscape and neighbouring properties due to its size and location.
4. Approval of the development would create an undesirable precedent for similar inappropriate development which would not be in the public interest.

ATTACHMENTS:

AT - 1 Locality Map

AT – 2 Aerial Map

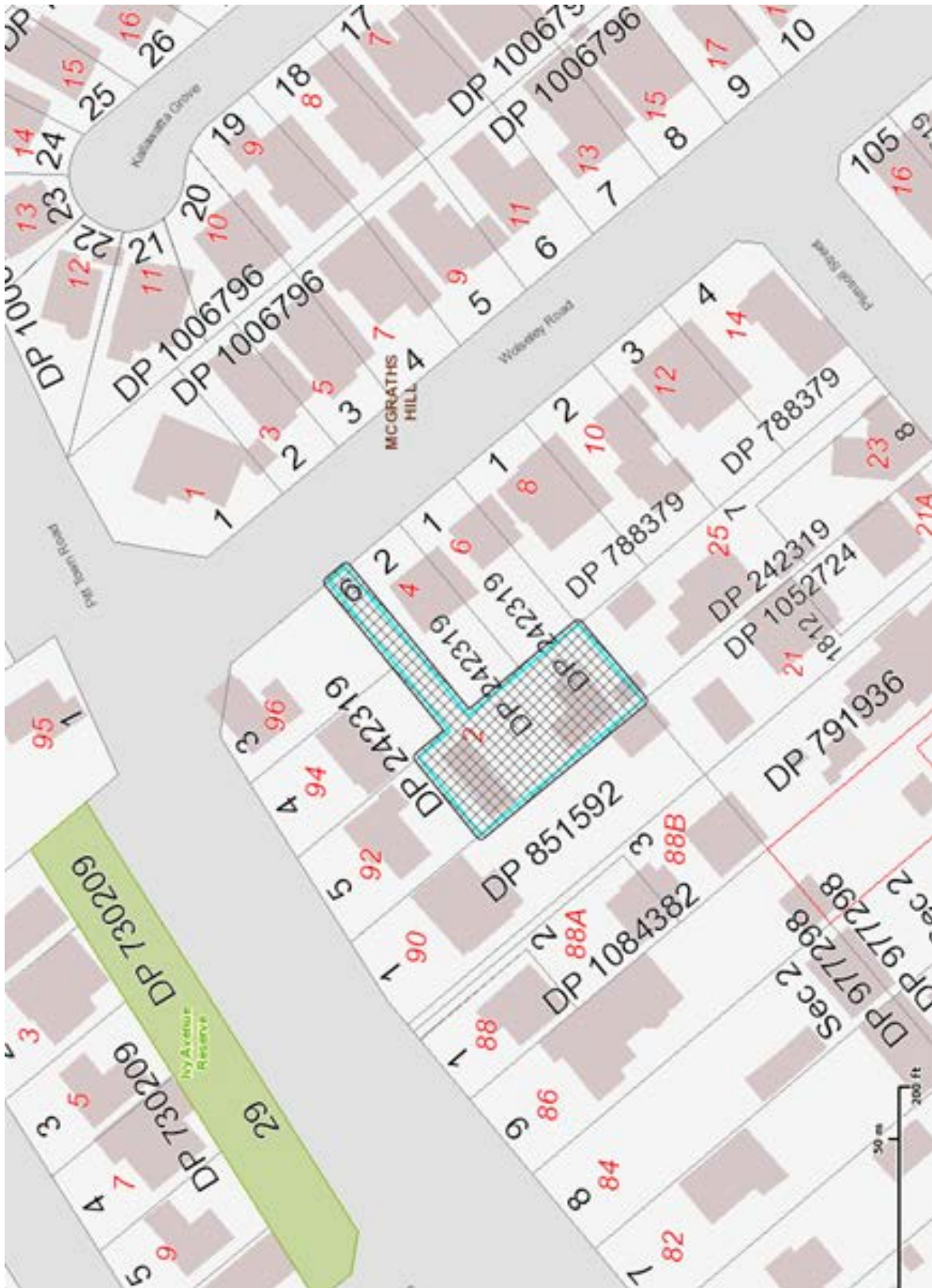
AT – 3 Plans

AT – 4 Location of Heritage Item

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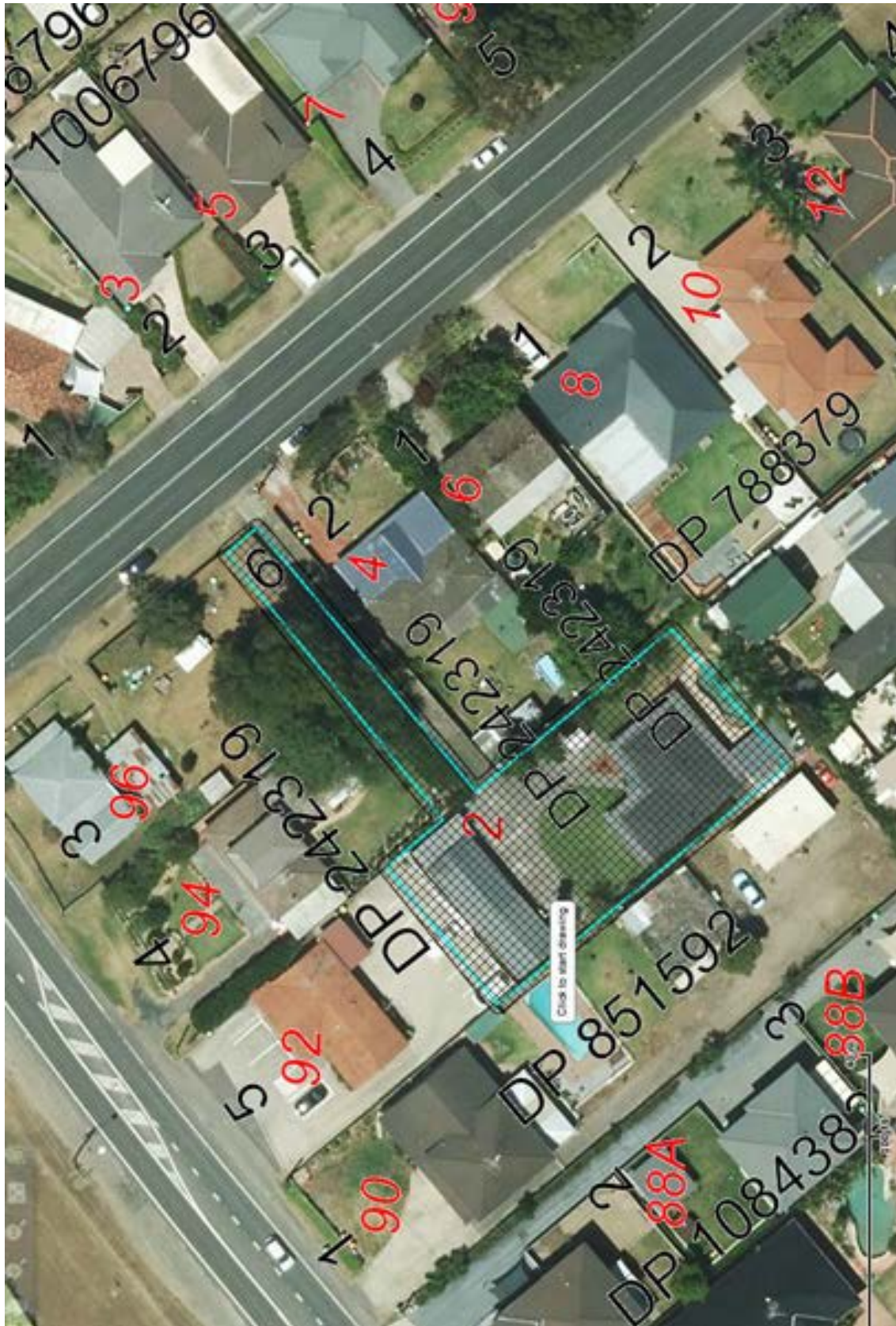
AT - 1 Locality Map



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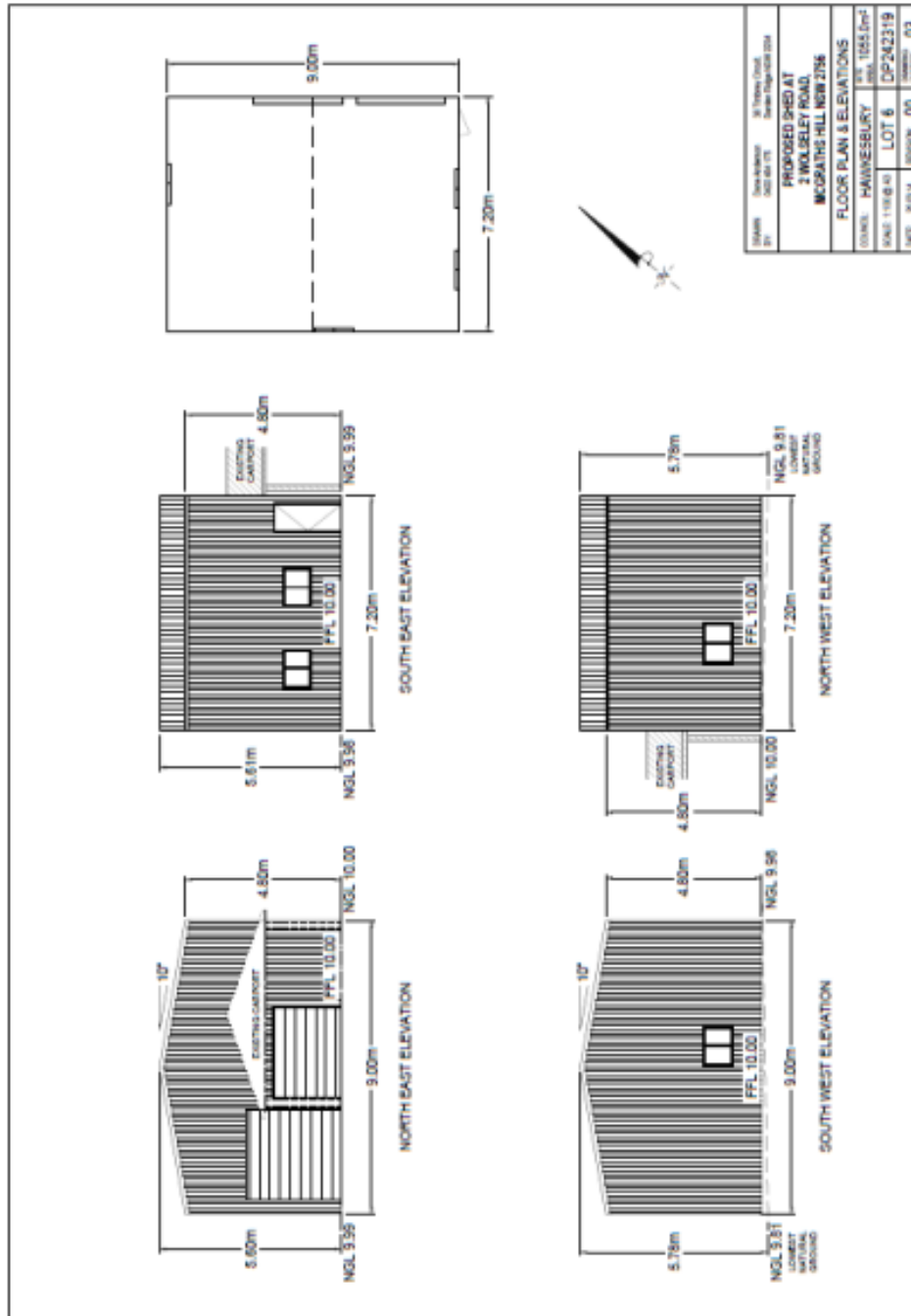
AT – 2 Aerial Map



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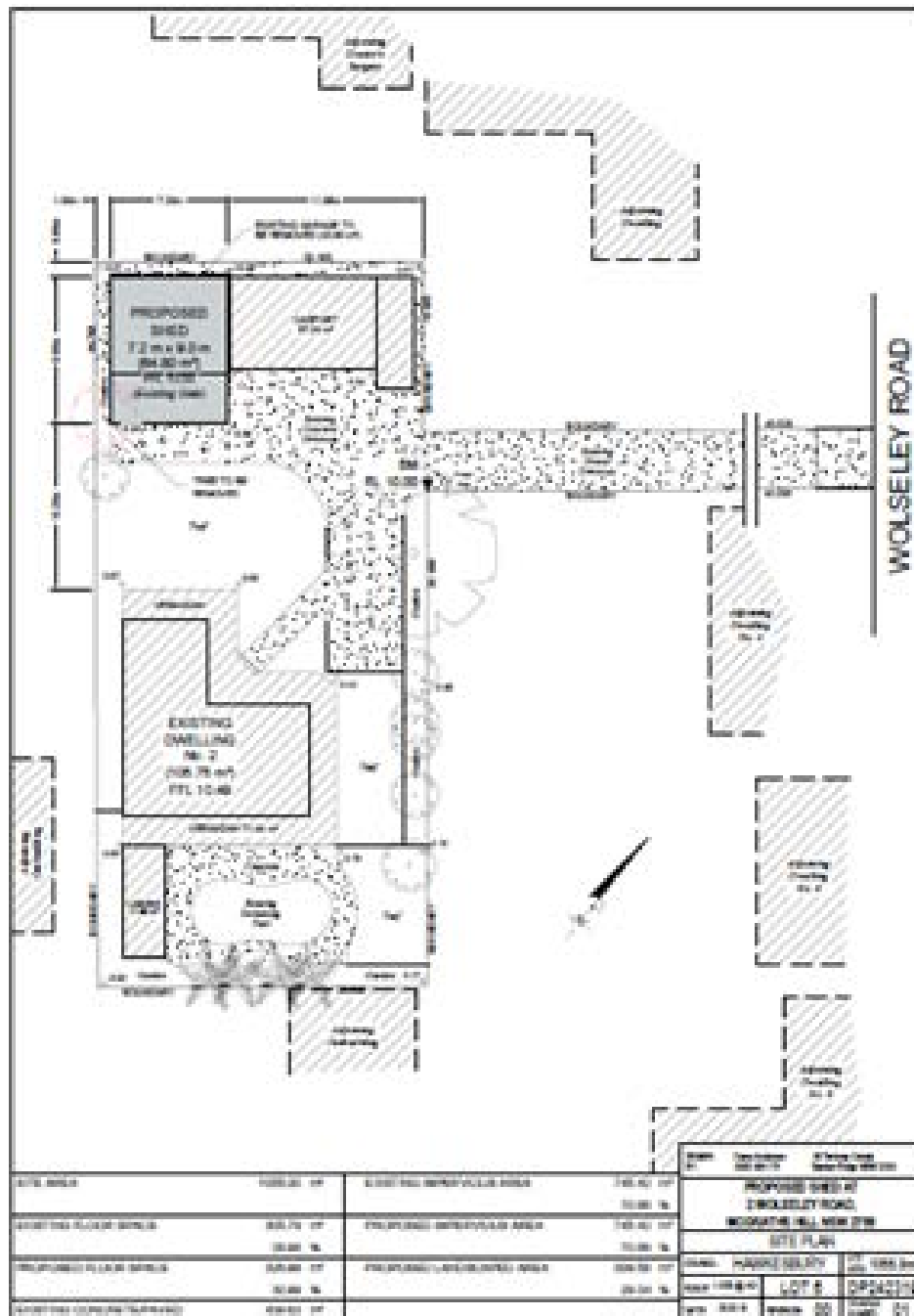
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AT - 3 Plans



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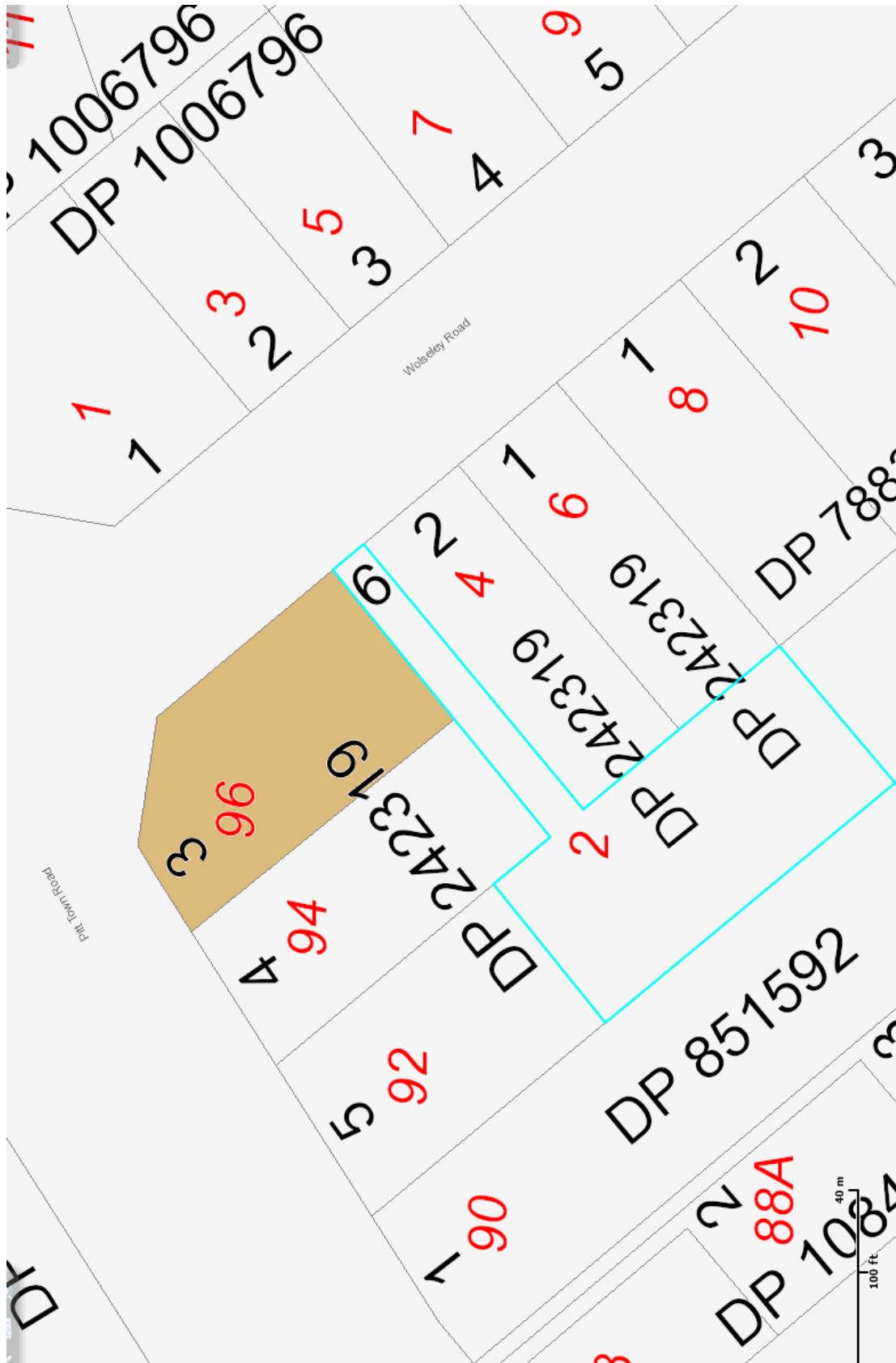
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AT – 4 Location of Heritage Item



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Item: 176 **CP - Development Report - DA0310/14 - Lot 880 DP24029 - 12 Clarke Avenue, Hobartville - Dwelling House - Alterations and Additions - (95498, 111924, 111925)**

Development Information

File Number: DA0310/14
Property Address: 12 Clarke Avenue, Hobartville
Applicant: Graham Arthur Font and Rachelle Leslie Font
Owner: Graham Arthur Font and Rachelle Leslie Font
Proposal Details: Dwelling House - Alterations and Additions
Estimated Cost: \$150,000
Zone: R3 Medium Density Residential
Date Received: 3/06/2014
Advertising: 11/06/2014 - 25/06/2014

Key Issues:

- ◆ Non-compliance with Hawkesbury Development Control Plan
- ◆ Overshadowing of photovoltaic panel (solar collector)

Recommendation: Approval

REPORT:

Executive Summary

Council is in receipt of a development application proposing a first floor addition to an existing dwelling. The addition encroaches into the Building Height Plane requirement contained within Hawkesbury Development Control Plan (HDCP). The intent of the Building Height Plane is to limit adverse impacts arising from development in terms of design, visual impact, loss of privacy and overshadowing.

Another provision of HDCP is that new development shall not overshadow an existing solar collector on an adjoining property. The adjoining property has a solar collector that will be overshadowed by the proposed first floor addition. The applicant has agreed to pay for the cost of relocation of the solar collector on the neighbouring property. The adjoining property owner is prepared to accept this arrangement.

It is considered that the proposal is in keeping with typical residential development in an urban setting and that the variations to HDCP are acceptable in this instance.

The proposal is recommended for approval.

This application is being reported to Council at the request of the Mayor, Councillor Ford.

Description of Proposal

Council is in receipt of a development application seeking consent for a first floor addition to an existing dwelling on the subject property. The first floor addition is proposed to be constructed over the majority of the ground floor portion of the existing dwelling and will be clad with material to match the existing dwelling. The addition will consist of two bedrooms each with an ensuite as well as a generous landing area at the top of the stairs (this area could possibly be used as a second family room, study nook or retreat area).

The architectural style is simple incorporating gable ends which mimics the style of, and is in keeping with, that of the existing dwelling.

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The overall height of the proposal will be 7.6 metres which is below the maximum height limit of ten metres. The shadow cast by the addition will restrict solar access to an existing photovoltaic panel located on the roof of the adjoining property to the South-East – No. 10 Clarke Street. In this regard the proposed first floor addition does not comply with Hawkesbury Development Control Plan Chapter 6 – Energy Efficiency.

However, an arrangement has been negotiated between the affected parties where the developer will pay the costs associated with relocating the solar collector.

Recommendation

Approval.

Issues Relevant to the Decision - In Point Form

- Non-compliance with Hawkesbury Development Control Plan
- Overshadowing of photovoltaic panel (solar collector)

Council Policies, Procedures and Codes to Which the Matter Relates

Sydney Regional Environmental Plan No 20
Hawkesbury Local Environmental Plan 2012
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:

Sydney Regional Environmental Plan No 20

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

The proposal is not considered to have any significant adverse environmental impacts on water quality or scenic amenity. The proposal will not have an impact on the water table or result in the formation of acid sulphate soils.

The proposed works are over an existing development. It is considered that there will be no significant adverse impact on flora and fauna species, populations or habitats.

The proposal is generally consistent with the matters for consideration, specific planning policies and recommended strategies and development controls contained within the Plan.

Hawkesbury Local Environmental Plan 2012 (LEP 2012)

Hawkesbury Local Environmental Plan 2012 applies to the land.

Clause 1.2 - Aims of Plan

The aim of Clause 1.2 (2)(a) of LEP 2012 is to provide for the management, orderly and economic development and conservation of land in Hawkesbury;

This Clause requires that the orderly development of land is to occur and be managed through the implementation of the remainder of the LEP provisions.

Land Use Table

The subject land is zoned R3 Medium Density Residential.

The objectives of the R3 zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide a wide range of housing choices in close proximity to commercial centres and railway stations.
- To ensure that development is sympathetic to the natural amenity and ecological processes of the area.
- To ensure that development does not create unreasonable demands for the provision or extension of public amenities or services.

Comment: The proposal is generally consistent with the objectives of the zone.

The proposal is defined under LEP 2012 as being a Dwelling House. The land use is residential and Dwelling Houses are permitted in the R3 zone with consent. The application seeks consent for alterations and additions to the dwelling house.

Clause 4.3 – Height of Buildings

The overall height of the proposal will be 7.6 metres from ground level to the ridge which is below the maximum height limit of ten metres in accordance with Clause 4.3 of LEP2012.

The proposal is also consistent with the remaining provisions of LEP2012 in that the land is not affected by flooding, aircraft noise, acid sulphate soils, biodiversity controls or a heritage listing.

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

There are no draft environmental planning instruments that are applicable to the land or the development.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (DCP) 2002 applies to the land.

The proposal is generally consistent with the provisions of the Development Control Plan with the following exceptions as discussed below.

Chapter 2 – Car-parking and Access

The DCP requires two undercover car-parking spaces to be provided for this development. One undercover car-parking space exists in the rear yard.

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The development as proposed does not restrict or prevent the placement of a covered car-parking structure behind the primary building line. It is considered that there is sufficient room to provide for undercover car-parking either in the rear yard or adjacent to the dwelling in the future should the owners of the property require additional undercover car-parking.

Chapter 6 – Energy Efficiency

The DCP contains objectives and provisions regarding the impact of overshadowing of new development upon existing development.

With regard to this development and solar access the relevant requirements are as follows:

"Objectives

- *Full solar access is to be maintained to solar hot water or photovoltaic panels.*
- *Design so that all north facing solar collectors have in front of them a volume bounded by an imaginary inclined plane, angled up at 30 degrees to the horizontal and two vertical planes 45 degrees either side of the centre line which is clear of all shadow-forming objects such as trees, garages and neighbouring dwellings.*
- *Step building heights and setbacks to permit solar access requirements.*
- *Position solar collectors in areas where no shadows fall (determine through site analysis).*

Rules

- (c) *Sunlight is available to at least 50% of required private open space for at least two (2) hours between 9am and 3pm on June 21. Where existing overshadowing is greater than the above, it should not be further reduced.*
- (d) *Any new development will not reduce the solar access of solar collector(s) of an adjoining property to less than 4 hours per day in mid-winter except solar hot water panels to which full access must be maintained."*

Comment: There is a photovoltaic panel on the roof of the adjoining property to the east which is affected by the shadow that will be cast by the proposed addition.

Council staff advised the applicant of this non-compliance. The applicant did not wish to amend the proposal and Council staff then negotiated with the applicant and the owner of the adjoining property a potential resolution to the matter.

The applicant agrees to pay for the cost of re-positioning the solar collector to a suitable position to the satisfaction of the owner of the adjoining property. The owner of the adjoining property is prepared to agree to the development occurring but does not wish to pay for any costs associated with the relocation of the solar collector.

Should the application be supported, it is appropriate that the conditions of development consent reflect this arrangement in the event that ownership for either property changes before the development is carried out.

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:

No Planning Agreement has been entered into nor is there a Planning Agreement existing on this land.

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v. Matters prescribed by the Regulations:

The relevant prescribed matters may be dealt with via conditions of consent should the proposal be worthy of Council support.

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

It is considered the impacts associated with this development are primarily surrounding the impact of the shadow cast by the proposed addition upon the solar panel of the adjoining property. If the panel were to remain in its current position, its effectiveness as a solar collector would be diminished. This issue has been discussed above.

There are no other likely adverse impacts associated with the development. The development is not out of character with surrounding residential development and a development of this type is expected in residential zones.

c. Suitability of the site for the development:

The land already contains a dwelling house. The proposal involves utilising the existing structure and adding a first floor. The footprint of the building will not alter as a result of this proposal. There are no other constraints that would make development of the site unsuitable.

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

The application was placed on public exhibition for a two week period. No submissions were received as a result of that notification period.

e. The Public Interest:

The proposal is not considered to be contrary to the public interest.

Conclusion

The proposal is not out of scale or character with surrounding residential development and is typical of development in the locality. There is an adverse impact upon the adjoining property due to the shadow of the proposed first floor addition falling across an existing solar collector. The matter appears to have been resolved through the applicant's agreement to pay for the cost of re-locating the solar collector to a more suitable location.

Development Contributions

The following Section 94A development contributions apply to this development, \$750. Accordingly, a condition of consent is required to be imposed in this regard.

Planning Decision

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

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RECOMMENDATION:

That development application DA0310/14 at Lot 880 DP 240249, 12 Clarke Avenue, Hobartville for - Dwelling House - Alterations and Additions be approved subject to the following conditions:

General

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions or in red on the plans.

Plans are listed as follows:

- Drawing No's. 2016/1675/1/4, 2016/1675/2/4, 2016/1675/3/4, 2016/1675/4/4 dated May 2013;
- Basix Certificate No. A190289 dated 30 May 2014;
- Waste Management Plan.

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. Within a period of 12 months from the completion of the development (or a lesser period with the agreement of the owners of both No. 10 Clarke Street and No. 12 Clarke Street, Hobartville) the owners of No. 12 Clarke Street Hobartville are to arrange the re-positioning of the solar collector on No. 10 Clarke Street, Hobartville. The solar collector is to be re-located to a suitable position on No. 10 Clarke Street so that solar access to the solar collector is not reduced to less than four hours per day in mid-winter.

All costs associated with the relocation of the solar collector are the sole responsibility of the owners of No. 12 Clarke Street, Hobartville unless otherwise agreed to in writing by the owner of No. 10. Clarke Street, Hobartville.

4. The approved use shall not commence until all conditions of this Development Consent have been complied with.
5. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
6. The development shall comply with the provisions of the Building Code of Australia.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
8. The commitments listed in the BASIX certificate for this development must be fulfilled.

Prior to Issue of Construction Certificate

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

9. 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 \$750.00 shall be paid to Hawkesbury City Council.

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

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

10. A qualified Structural Engineer shall inspect and certify the adequacy of the existing footings/slab, the existing flooring and load bearing frame for suitability of carrying the new proposed loadings created by the proposed upper storey addition.

Prior to Commencement of Works

11. 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.
12. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
13. 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.
14. 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.
15. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
16. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.

During Construction

17. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.
18. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
19. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.

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20. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
21. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
22. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site.
 - d) All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
23. At all times during any demolition work, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - a) Adjoining owners are given 24 hours notice, in writing, prior to commencing demolition.
 - b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
 - c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings.
 - h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
 - j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
 - k) No material is to be burnt on site.
24. The roofwater shall be drained to the existing roofwater drains.

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25. Compliance certificates (known as Part 4A Certificates) as are to be issued for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority .

Prior to Issue of Interim Occupation Certificate

26. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- a) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
 - b) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
 - c) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.

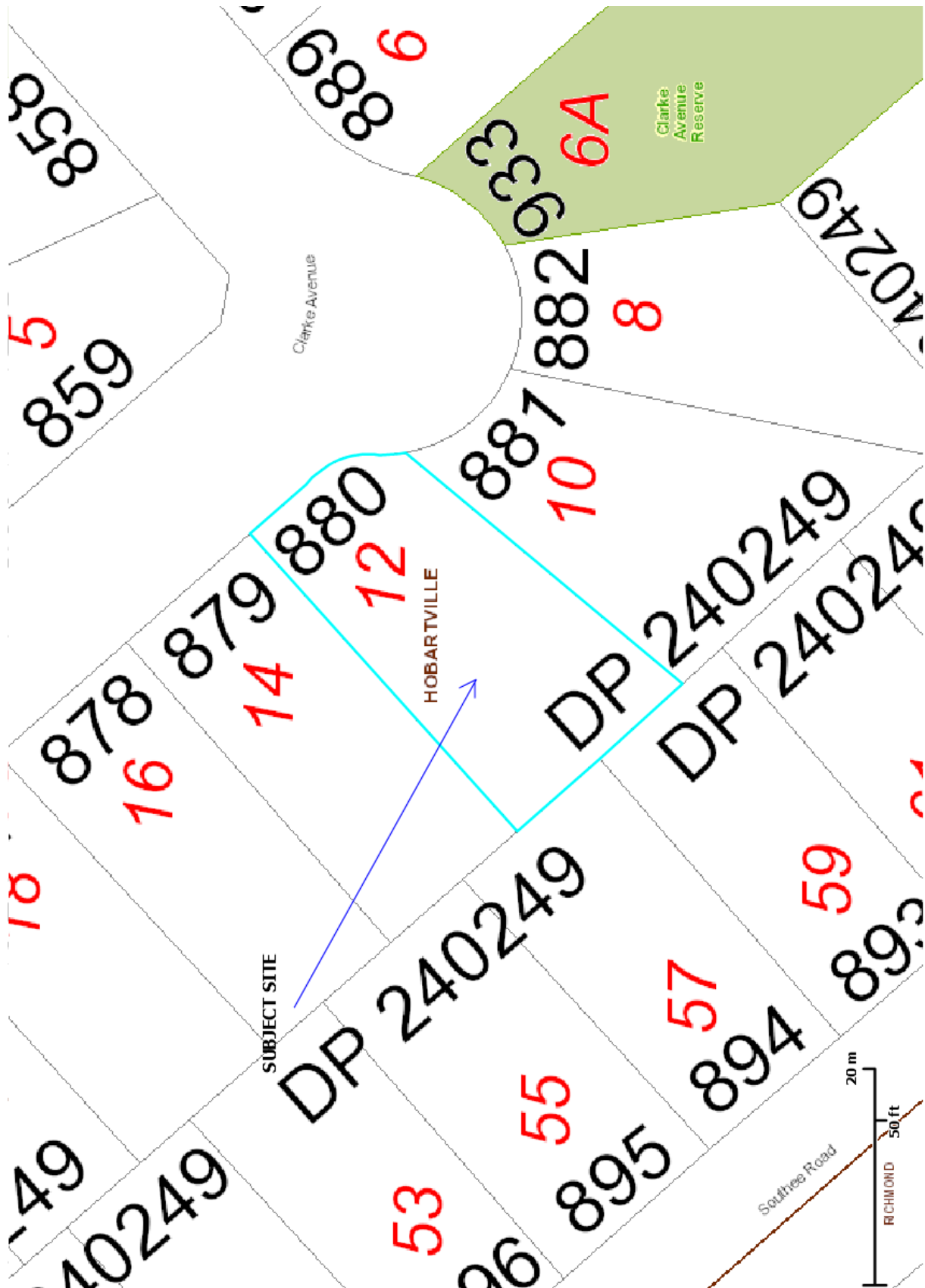
ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Aerial Photograph
- AT - 3** Site Plan
- AT - 4** Floor Plan and Elevations
- AT - 5** Shadow Diagram

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AT - 1 Locality Plan



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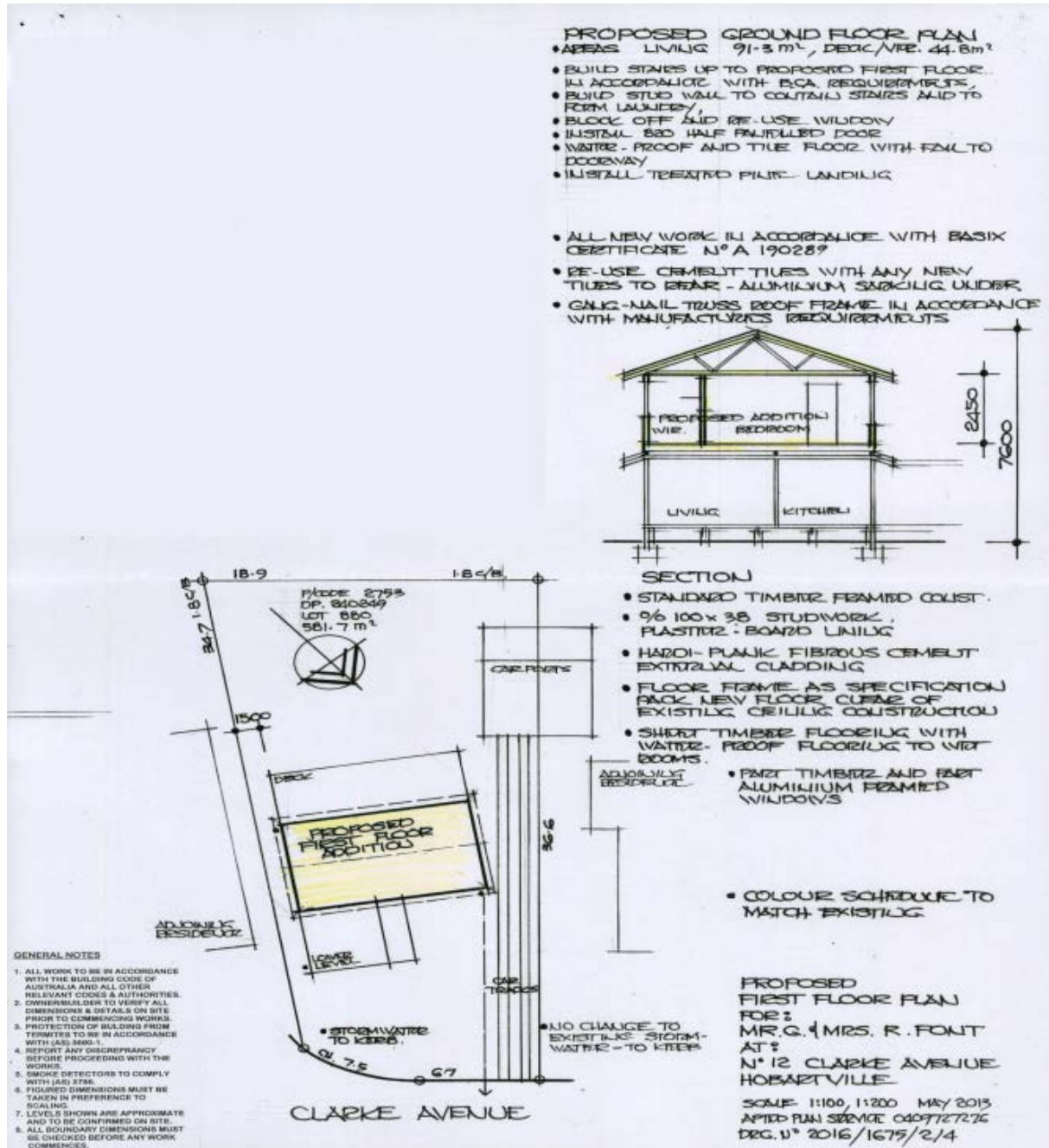
AT - 2 Aerial Photograph



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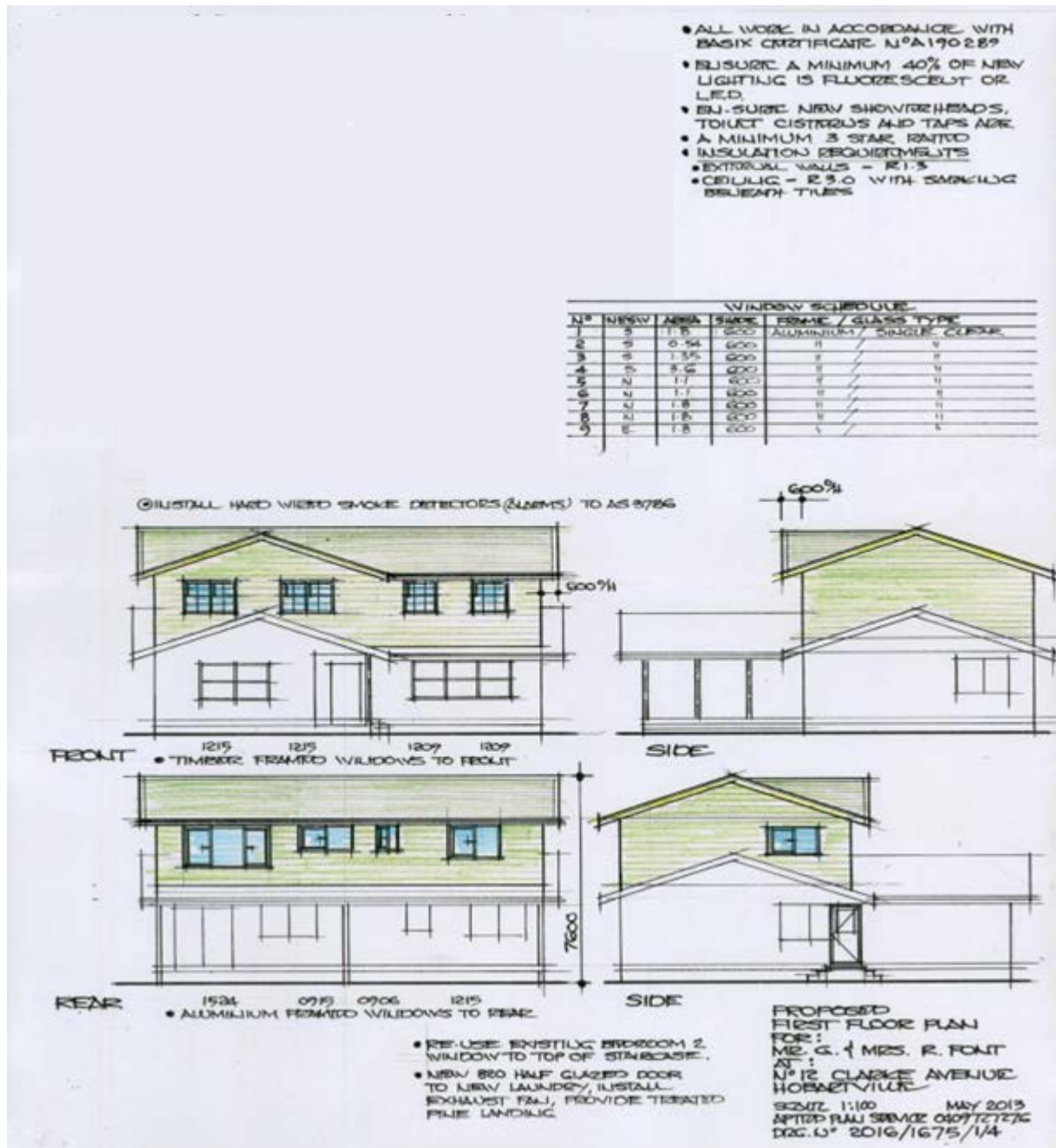
AT - 3 Site Plan



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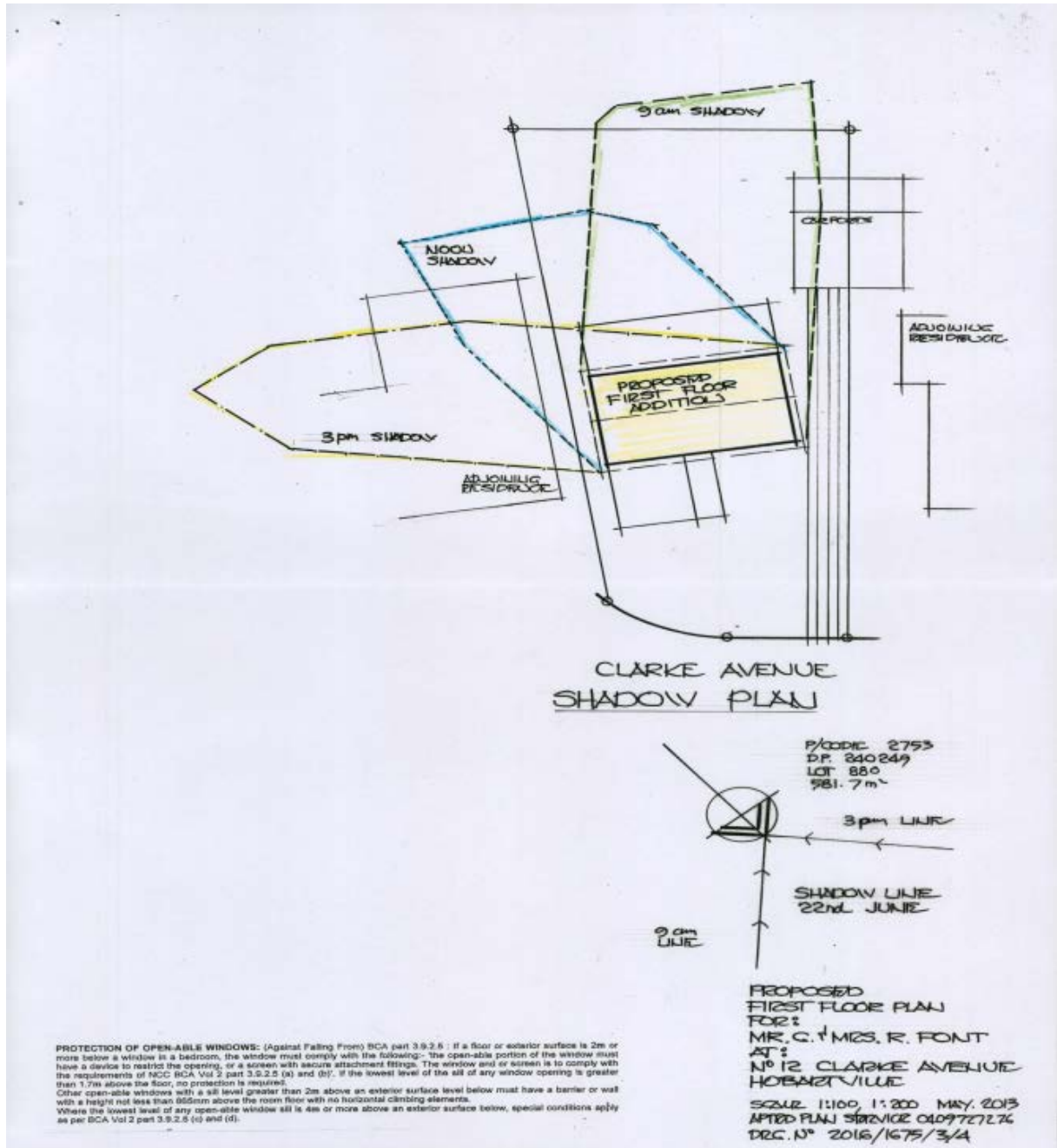
AT - 4 Floor Plan and Elevations



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AT - 5 Shadow Diagram



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Item: 177 **CP - Development Report - DA0316/14 - Lot 2 DP222878 - 183 Slopes Road, North Richmond - Dwelling Ancillary Development - Shed - (95498, 85782, 110333)**

Development Information

File Number: DA0316/14
Property Address: 83 Slopes Road, North Richmond
Applicant: Mr Trevor Galea C/- Urban City Consulting Pty Ltd
Owner: Mr Trevor Lewis Galea
Proposal Details: Dwelling Ancillary Development - Shed
Estimated Cost: \$85,000
Zone: RU1 Primary Production
Date Received: 4/06/2014
Advertising: Not Notified

Key Issues: ♦ Non-compliance with Hawkesbury Development Control Plan

Recommendation: Approval

REPORT:

Executive Summary:

Council is in receipt of a development application proposing a shed to the rear of an existing dwelling on the subject property. The shed exceeds the maximum permitted size of sheds under Hawkesbury Development Control Plan being 288 square metres in area and six metres in height. Earthworks and associated retaining walls are also proposed as part of the application as is the demolition of an existing shed and carport.

The applicant advises that the shed is required to consolidate storage on the property. The shed is to be used for the storage primarily of vehicles and equipment.

This application is being reported to Council at the request of Councillor Porter.

Description of Proposal

Council is in receipt of a development application proposing a shed to the rear of an existing dwelling on the subject property. The shed is proposed to be 288 square metres in area and six metres in height to the ridge. The area surrounding the shed will be compacted hardstand area. The shed will be 5 metres from the closest side boundary and 51 metres from the front property boundary. An existing carport and shed are also proposed to be demolished.

The applicant advises that the shed is required to consolidate storage on the property. The shed is proposed to be used for the storage of a truck and trailer, two cars, an excavator, a slasher, two tractors, a ride-on lawnmower, motorbikes, workshop tools and equipment for use on the property. Three large roller doors are proposed as well as a glass sliding door. The shed will be 'Bushland Grey' in colour.

Earthworks and associated retaining walls are also proposed as part of the application. The retaining walls are to be constructed of mass concrete blocks. The land in the vicinity of the shed falls from Slopes Road at the front towards the rear of the property. Adjacent to the shed the retaining wall is proposed to be 2.5 metres in height. The plans indicate the retaining wall is to be three metres from the side property boundary and will “feather out into [the] site” or otherwise to “suit the driveway”. Another retaining wall is proposed to the opposite side of the property to serve the driveway entrance. The area proposed to be used as a driveway and vehicle manoeuvring area will be excavated. This retaining wall will also be three metres from the boundary. The height of this retaining wall is depicted as being 1.2 metres maximum. Landscaping is proposed between the retaining walls and both side property boundaries. The landscaping has not been specified but indicates advanced trees and shrubs will be used.

Recommendation

Approval.

Issues Relevant to the Decision - In Point Form

- Non-compliance with Hawkesbury Development Control Plan

History

21 November 2013 – Development Application (DA0297/13) for a 432 square metre shed on the same property was refused by Council staff under delegated authority on the grounds the shed was excessive in scale and size.

The owner has re-designed and reduced the size of the proposal and has subsequently lodged the current application on 4 June 2014.

Council Policies, Procedures and Codes to Which the Matter Relates

Sydney Regional Environmental Plan No 20
Hawkesbury Local Environmental Plan 2012
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:

Sydney Regional Environmental Plan No 20

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

The proposal is not considered to have any significant adverse environmental impacts on water quality or scenic amenity. The proposal will not have any significant impact on the water table or result in the exposure of acid sulphate soil.

The shed is proposed on a portion of the site that has been previously disturbed. It is considered that there will be no significant adverse impact on flora and fauna species, populations or habitats.

The proposal is generally consistent with the matters for consideration, specific planning policies and recommended strategies and development controls contained with the Plan.

Hawkesbury Local Environmental Plan 2012 (LEP 2012)

Hawkesbury Local Environmental Plan 2012 applies to the land.

Clause 1.2 - Aims of Plan

The aim of Clause 1.2 (2)(a) of LEP 2012 is to provide for the management, orderly and economic development and conservation of land in Hawkesbury;

This Clause requires that the orderly development of land is to occur and be managed through the implementation of the remainder of the LEP provisions.

Land Use Table

The subject land is zoned RU1 Primary Production.

The objectives of the RU1 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage agricultural activities that do not rely on highly fertile land.
- To ensure that development occurs in a way 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 waterways.
- 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.
- To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.
- To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.

Comment: The proposal is generally consistent with the objectives of the zone. The shed is considered to be ancillary to the existing dwelling house on the land. Dwelling Houses and ancillary structures are permitted in the RU1 zone with consent. The proposal will not adversely affect or fragment resource land and will not demonstrably detract from the rural character of the area.

Clause 6.4 – Terrestrial Biodiversity

The Terrestrial Biodiversity map indicates the land contains a mix of 'Significant Vegetation' and 'Connectivity between significant vegetation'. The site of the proposed shed is disturbed and does not contain any native vegetation. It is considered the proposal will not have any adverse impact upon terrestrial biodiversity.

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

There are no draft environmental planning instruments that are applicable to the land or the development.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (DCP) 2002 applies to the land.

The proposal is generally consistent with the provisions of the Rural Shed Chapter of the Development Control Plan with the following exceptions as discussed below.

Clause 8.2.1 Siting

The objective of this clause is to integrate rural sheds with the landscape so that they complement the rural character of an area and are not visually dominant and to preserve the natural environment.

The DCP limits the amount of cut and fill for sheds to a maximum of two (2) metres cut and 900mm of fill.

The cut being extended to 2.5 metres is not considered to be excessive in the circumstances. The plans do not depict any fill material being proposed underneath the shed. An additional 500mm of excavation is not considered to present any significant issue or impact upon the environment. In this regard the bulk of the shed above natural ground level, and hence the visual impact, of the proposed shed has been reduced by this excavation.

Clause 8.2.2 Size

The objective of this clause is to control the size of rural sheds so as to minimise their visual dominance in the landscape and to reduce the number of unnecessarily large sheds.

The DCP requires sheds to be no greater than 170 square metres in floor area. The proposed floor area is 288 square metres. This represents an increase of 69% over the DCP requirement.

The applicant suggests that with the demolition of existing structures and the consolidation of outbuildings, that a better outcome for the rural character and amenity of the area would be achieved as the visual appearance of the structure would not dominate the public domain and adversely impact upon the visual quality of the area.

It is acknowledged that, whilst the DCP is under review at present, the current provisions of the DCP are the controls that Council staff must consider in the assessment of development applications. Given the recent introduction of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 wherein certain sheds can be constructed up to 200 square metres in area without approval (provided certain criteria such as location, setbacks and landuse are met) and given also the more recent change in the legislation regarding the role of Development Control Plans, Council staff have afforded greater flexibility to applicants seeking variations to the size limitations of sheds.

The size of the building is appropriate to the size of the land – being over 2 Hectares in area. The intent of the size limitation is to reduce the visual impact of sheds in the rural landscape. Due to the topography and aspect of the site – which falls away from Slopes Road and adjoining residences, coupled with the proposed deep excavation, the visual impact of the building is demonstrably reduced. In addition, the end elevation (i.e. the shortest side) presents to Slopes Road which has the effect of reducing the visual impact, scale and size of the building.

Clause 8.2.3 Height

The objective of this clause is to control the height of rural sheds so as to minimise their dominance and bulk in the landscape.

The DCP provides the maximum height of a shed to be five metres above ground level. The proposed shed will have an overall height of six metres from ground level. This represents a 20% increase over the DCP requirement.

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It is considered that given the 2.5 metre excavation required to level the building platform, the effective height of the shed would be 3.5 metres above natural ground level, at the deepest part of the excavation, which would serve the purpose of reducing the bulk, scale and visual impact of the proposal.

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:

No Planning Agreements apply to the land or the development.

v. Matters prescribed by the Regulations:

The relevant prescribed matters may be dealt with via conditions of consent should the proposal be worthy of Council support.

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:

The proposal is not considered to have an adverse impact upon the scenic or environmental quality of the area. There is the potential for an adverse visual impact to the adjoining property to the South-East as the length of wall facing this common boundary will be 24 metres long and five metres high. It is acknowledged that the retaining wall will provide screening for much of the wall and that landscaping will also be provided which will further serve to soften the visual impact of the building.

c. Suitability of the site for the development:

The site is considered to be suitable for a development of this type. There are no constraints that make development of the land unsuitable for development of the type proposed.

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

No submissions were received.

e. The Public Interest:

It is considered that approval of this development is not contrary to the public interest.

Conclusion:

It is considered that an attempt has been made to mitigate the visual impacts of the development and to design and site the proposed building so that it is not dominant in the rural landscape.

Development 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.

Planning Decision

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

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Meeting Date: 30 September 2014

RECOMMENDATION:

That development application DA0316/14 at Lot 2 DP 222078 Vol 9742 Fol 100, 183 Slopes Road, North Richmond for - Dwelling Ancillary Development – A Shed be approved subject to the following conditions:

General

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
3. The development shall comply with the provisions of the Building Code of Australia.
4. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.

Prior To Commencement Of Works

6. 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.
7. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
8. 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.
9. 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.
10. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
11. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.
12. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

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During Construction

13. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
14. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
15. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
16. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - a) Adjoining owners are given 24 hours notice, in writing, prior to commencing demolition.
 - b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
 - c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
 - h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
 - j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
 - k) No material is to be burnt on site.

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17. Roof water (including overflow from water storage vessels) shall be drained to a rubble pit. The pit shall be of adequate size and be fitted centrally with vertical overflow pipes and be located so as not to interfere with any other property or sewer drainage system.

Use Of The Development

18. No internal or external alterations shall be carried out without prior approval of Council.
19. The structure shall not be occupied for human habitation/residential, industrial or commercial purposes. The rural shed is only to be used in conjunction with, or ancillary to, the domestic use of the land.

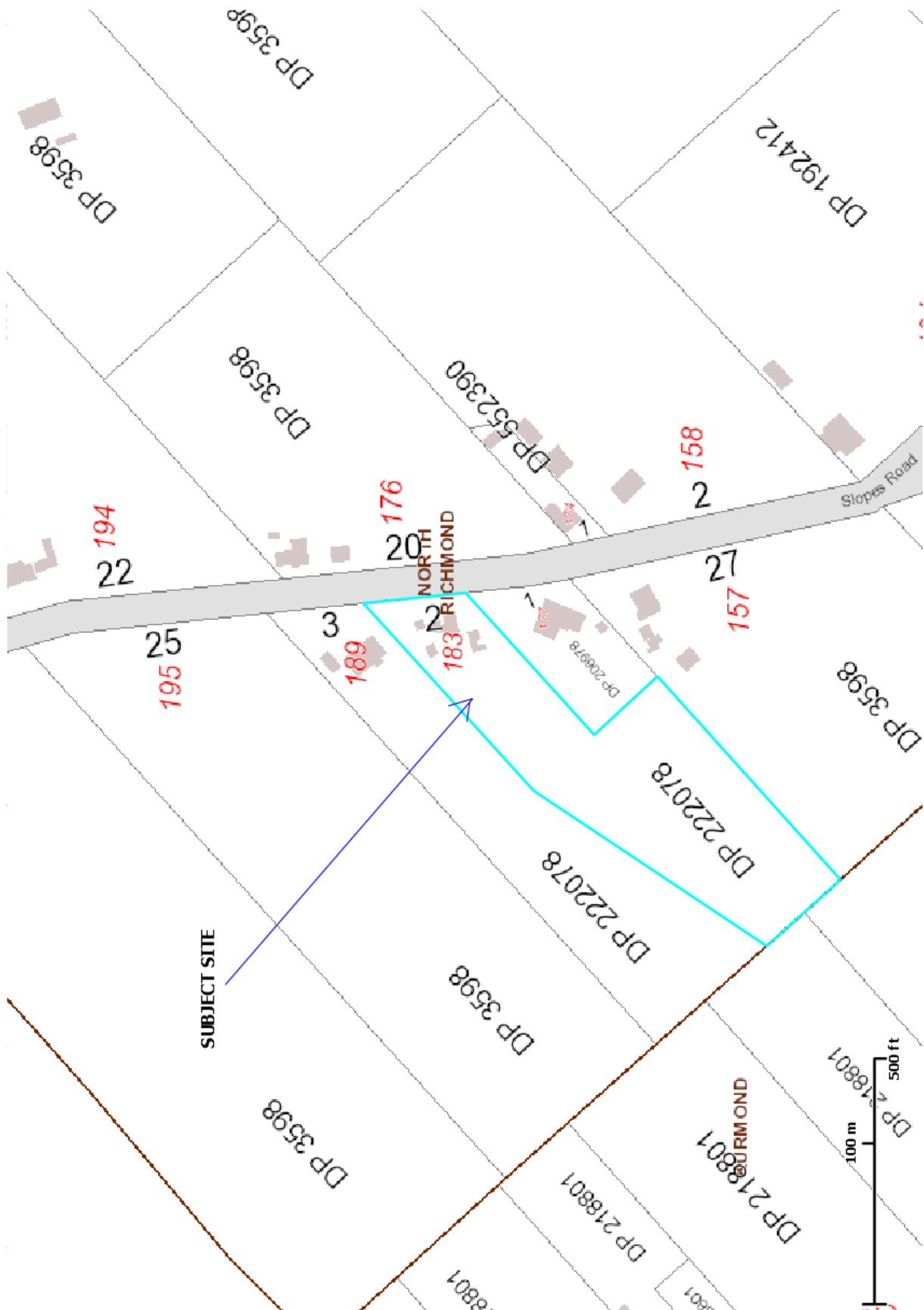
ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Aerial Photograph
- AT - 3** Site Plan
- AT - 4** Elevation and Floor Plan
- AT - 5** Detailed Plan of development area

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AT - 1 Locality Plan



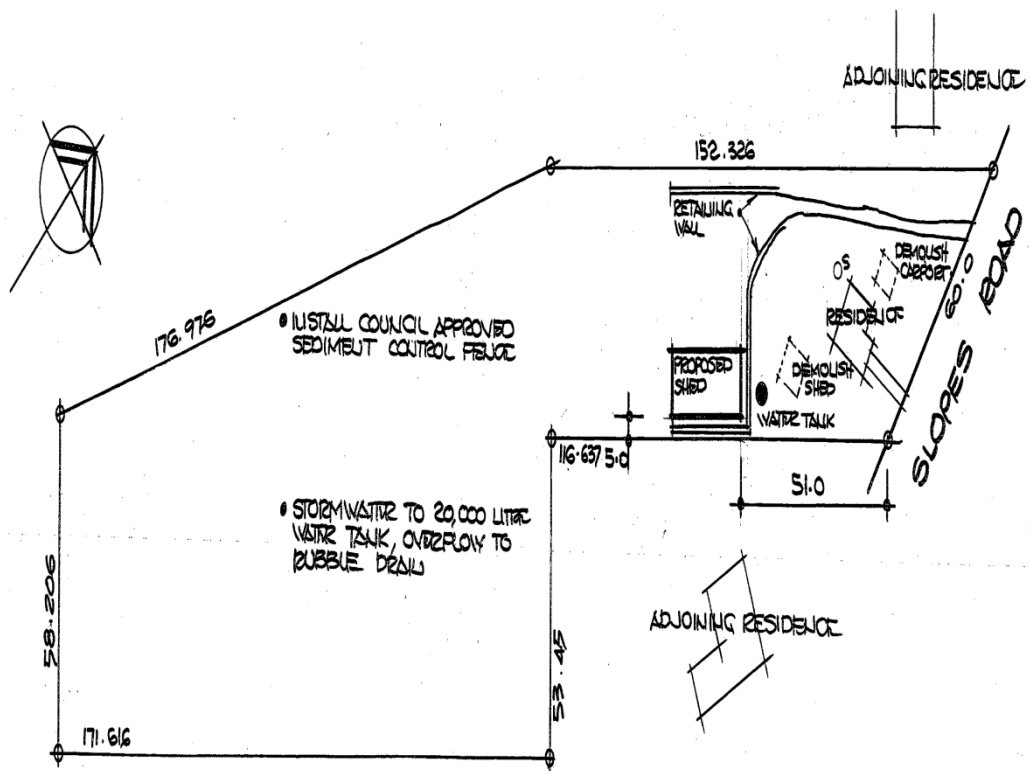
Meeting Date: 30 September 2014

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AT - 3 Site Plan



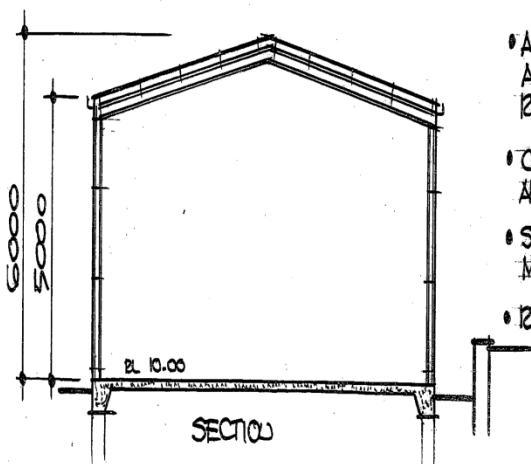
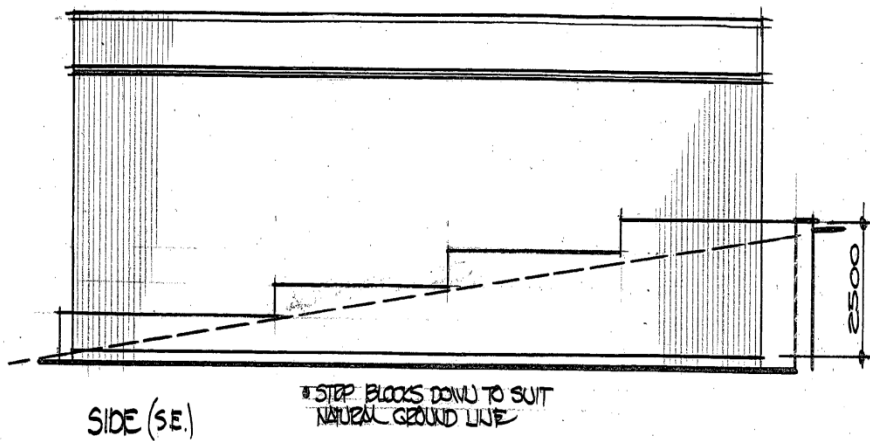
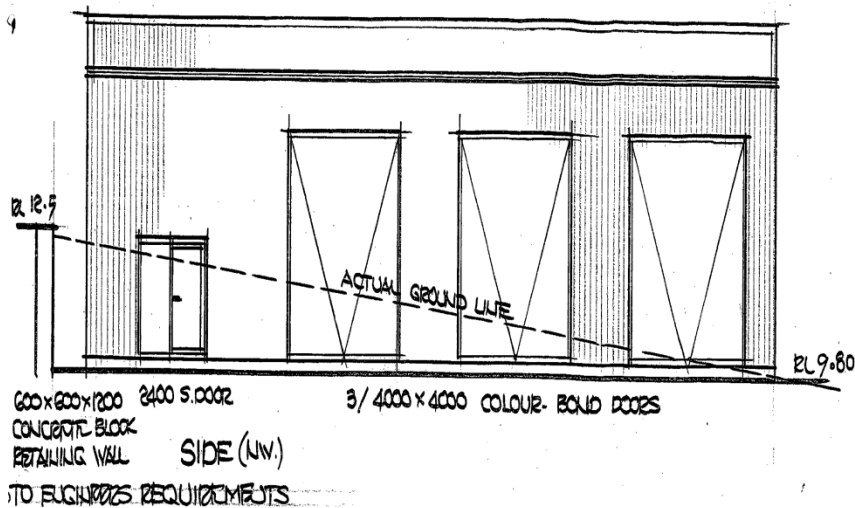
REFER TO SHEET N°4
FOR ENLARGED SITE PLAN

PROPOSED SHED
FOR:
MR. T. GALEA
AT:
N°183 SLOPES ROAD
NORTH RICHMOND
SCALE 1:1000
APPROVED PLAN NO. 0409727276
SHEET N°3 OF 4, APRIL 2014

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AT - 4 Elevation and Floor Plan



- ALL STRUCTURAL DETAILS IN ACCORDANCE WITH ENGINEERS REQUIREMENTS
- CORRUGATED COLOUR BOND ROOF AND WALL CLADDING
- STEEL FRAMED STRUCTURE TO MANUFACTURERS SPECIFICATION
- REINFORCED CONCRETE FLOOR

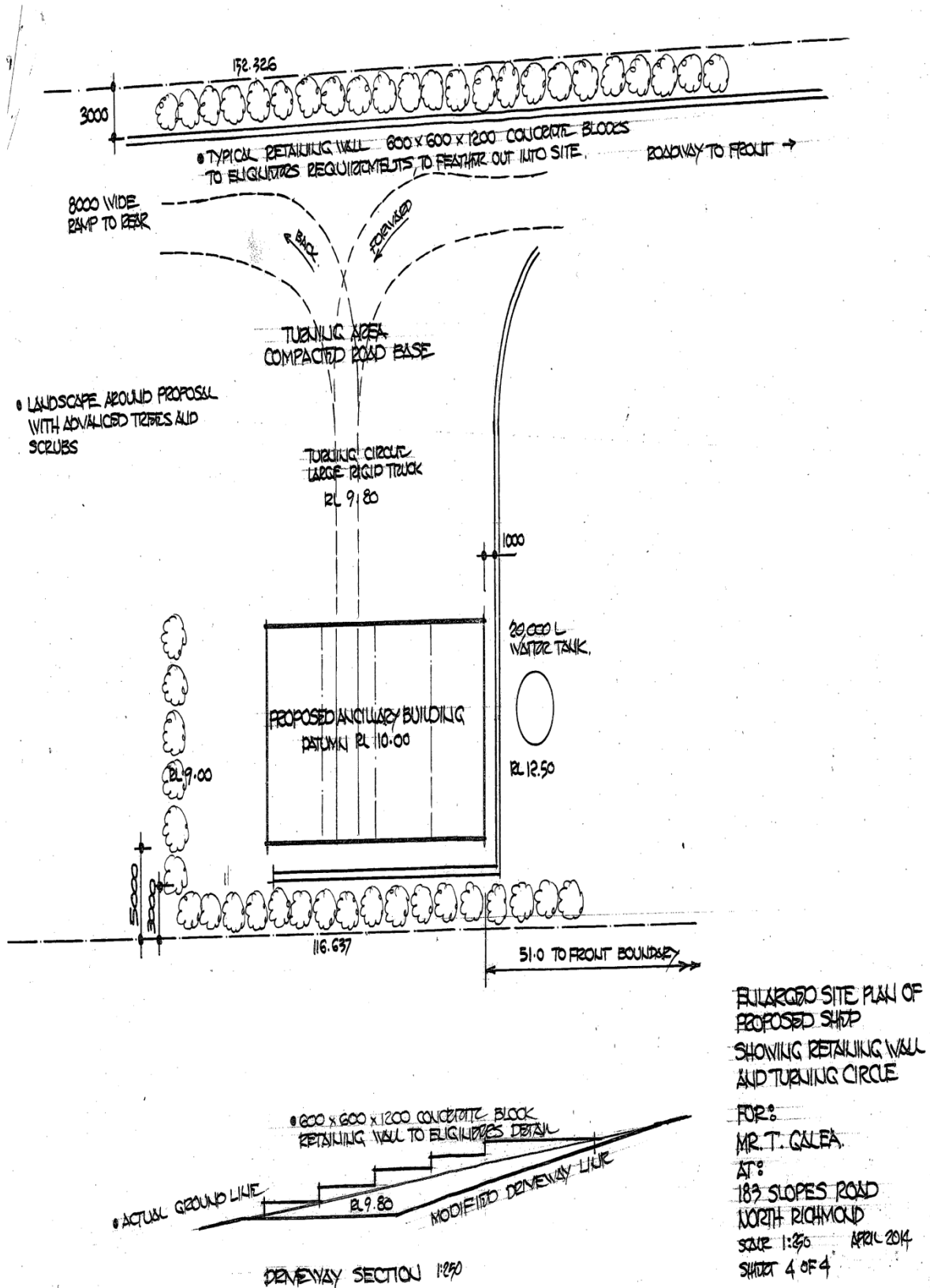
COLOUR SCHEDULE
• BUSHLAND GREY

PROPOSED SHED
FOR:
MR. T. GALEA
AT:
N°183 SLOPES ROAD
NORTH RICHMOND
SCALE 1:100
APPROVAL SIGNATURE: 0409772726
SHEET 2 OF 4 APRIL 2014

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AT - 5 Detailed Plan of development area



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ORDINARY MEETING

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Item: 178 **CP - Development Report - DA0413/14 - Lot1 DP1147946 and Lot 122 DP77179 - 31 and 47 Bells Line of Road, North Richmond - External building alterations, landscaping, installation of new business identification signs - (95498, 119666, 87967)**

Development Information

File Number: DA0413/14
Property Address: 31 & 47 Bells Line Of Road, North Richmond
Applicant: Milestone (Aust) Pty Limited
Owner: Botanica Property Developments Pty Ltd
Proposal Details: Shop - External building alterations, landscaping, installation of new business identification signs, alterations to Riverview Street kerb alignment and vehicle access point to facilitate a new ALDI store and ancillary shop
Estimated Cost: \$1,199,000
Zone: B1 Neighbourhood Centre
Date Received: 30/06/2014
Advertising: 7/07/2014 - 21/07/2014
Key Issues: ♦ Impact on Council owned carpark
Recommendation: Approval subject to conditions

REPORT:

Executive Summary

An application has been received for additions/alterations and use of an existing retail building at 47 Bells Line of Road, North Richmond as an 'ALDI' store. The proposed development includes modifications to the adjoining Council owned carpark and laneway to facilitate the use of large rigid trucks associated with the 'ALDI' store, and includes:

- The expansion of the existing easement (right of carriageway) over Council's laneway
- Changes to Council car park, kerb and gutter and roadway

The matter is being reported to Council due to these proposed works being on Council owned land.

The application was advertised from 7 July 2014 to 21 July 2014. Two submissions were received. The following concerns were raised in the submissions, however do not warrant refusal of the proposal as discussed further in this report:

- Maintenance of bollards
- Fencing

This Report concludes that the proposed development is satisfactory, subject to the recommended conditions.

Description of Proposal*Existing Development*

An existing retail building is located at 47 Bells Line of Road, North Richmond, legally described as Lot 1 DP 1147946. This land is rectangular, has a frontage to Bells Line of Road of 60.93m, a south western boundary of 60.93m and north-west and south-east boundaries of 43.34m. The site has a total area of 2,642m² and existing on the site is a retail building formerly used as a "Franklins" Supermarket. A "Westpac" Automatic Teller Machine (ATM) is located on the south western elevation.

The building includes a ground floor level retail tenancy, loading dock and vehicle access ramp to the rooftop car park which provides a total of 58 car parking spaces. The pedestrian entrance to the site is on the south western side of the building (Council's carpark). Vehicle access to the rooftop car park is via the vehicle access ramp located in the western corner of the site and a security roller shutter prevents access to the roof level car park outside of the operating hours of the site. A passenger lift is located on the south western side of the building and provides access between ground floor level and the roof level car park.

Existing vegetation including two palm trees is located within the landscaped area along the Bells Line of Road frontage. An existing electricity substation is also located in this vicinity. The site does not have direct vehicle access to Bells Line of Road or Riverview Street. Vehicle access to the site is obtained over a portion of the Council owned car park land (9 Grose Vale Road, North Richmond, Lot 1 DP 1127035) via a single combined vehicle entry and exit point located on Riverview Street, approximately 60m to the south west of the site.

The existing easement over Council's carpark and the subsequent development were approved by the Land and Environment Court.

Proposed Development

The proposed development includes the redevelopment of the existing commercial building (former "Franklins" Supermarket) including external building alterations, new business identification signage and new landscaping at 47 Bells Line of Road, North Richmond. The proposed development will include alterations to the kerb alignment and vehicle access point of the site along Riverview Street and works within the Council owned land at 9 Grose Vale Road, and 31, 47A and 49A Bells Line of Road, North Richmond (legally described Lot 1 DP1127035, Lot 4 DP1147946, Lot 101 -104 DP 785779, Lot 2 DP1147946, Lot 122 DP771719 and Lot 6 DP 748866) to enable the movement of 19m articulated vehicles to the site and to manoeuvre into the existing loading dock.

The main elements of the development proposal are:

- Internal fit out of the existing building to enable its use as an "ALDI" store.
- External building alterations to the south western elevation (Council's carpark side) to create an ancillary retail tenancy (141m² GFA) and associated new glazed shop front within the previously approved "Franklins" retail floor area.
- Installation of new internally illuminated "ALDI" business identification signs including new "Westpac" signs as well as relocating an existing "Westpac" ATM sign on the Bells Line of Road building elevation.
- Alterations to the Bells Line of Road building elevation.
- Deliveries to the site to occur from 7am to 10pm, seven days a week.
- Installation of a new awning along the south western elevation of the building. The proposed new awning will extend 630mm into Council's property to cover the footpath and frontage of the new ancillary retail tenancy.
- Reconfiguration of fire stair access via the removal and construction of new walls.
- Amendment to the right of carriageway easement on Council owned land and kerb alignment works on Council land and along Riverview Street (refer to Section 3).
- Refurbish and enhance the existing landscaped areas to Bells Line of Road including the provision of new trees, shrubs and groundcovers.

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Façade improvement works are proposed to include:

- A new colour scheme for all elevations to break up the building form and to accentuate the existing and proposed soft landscaping.
- Provide a new landscape design including retention of the existing palm trees and planting of new groundcover, grasses, shrubs and trees.
- Screen the existing block wall and detention tank with a new hedge that will grow up to 2m in height.
- Provision of a central green area along Bells Line of Road to replace the current planting with denser foliage and trees.
- Retain and refurbish the existing aluminium signage panels (former Franklins Supermarket signs) with new fresh food graphics (showing peas and tomatoes) which provide interest and reinforce the grocery retail function of the site.
- New internally illuminated business identification signage facing Bells Line of Road and on the building sides oriented towards passing traffic.
- Illuminate the proposed "ALDI" wall graphics and the central landscaped area with new in-ground and wall mounted lighting.
- Removal of the anodised aluminium frame structure from the north east and south western sides of the building.

Hours of operation for trading and all loading and unloading are proposed to be 7am to 10pm seven days per week.

"ALDI" staff and contractors are required to be on-site outside the trading hours for essential store operations such as restocking shelves and preparation of stock including preparing fresh fruit, vegetables and meats. Cleaning is also undertaken outside of the "ALDI" Store trading hours.

History

- DA0750/07 for the construction of a retail-commercial development (supermarket) having a floor area of 1898.18m² and roof top parking for 58 vehicles was determined by the Land and Environment Court and approved on 23 December 2008.
- DA0300/09 for a supermarket fit out for a "Franklins" supermarket was approved on 13 September 2009.
- DA0512/10 for three illuminated signs was approved on 11 October 2010.

Council Policies, Procedures and Codes to Which the Matter Relates

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)
State Regional Environmental Plan No 20 (SREP 20)
Hawkesbury Local Environmental Plan 2012 (LEP 2012)
Hawkesbury Development Control Plan 2002 (DCP 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:

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| Any Environmental Planning Instrument (EPI) | <p data-bbox="576 349 1257 383">State Environmental Planning Policy No 64 (SEPP 64)</p> <p data-bbox="576 423 1406 483">A total of 15 business identification signs are proposed for the building as follows:</p> <ul data-bbox="576 495 1398 667" style="list-style-type: none"><li data-bbox="576 495 1326 555">• Seven on the north-eastern elevation (Bells Line of Road frontage).<li data-bbox="576 562 1398 595">• Six on the South-western elevation (facing the public car park).<li data-bbox="576 602 1075 636">• One on the north-western elevation.<li data-bbox="576 642 1075 676">• One on the south-eastern elevation. <p data-bbox="576 710 1398 860">Two business identification signs on the north-eastern elevation have display areas exceeding 20m². In this regard the applicants have provided an impact statement that addresses the Schedule 1 assessment criteria included in SEPP 64. It is considered that the proposed signage is acceptable because:</p> <ul data-bbox="576 907 1414 1798" style="list-style-type: none"><li data-bbox="576 907 1414 999">• It is compatible with the character of the commercial and industrial uses and zonings of the area and will not detrimentally affect the residential neighbourhoods to the west and south.<li data-bbox="576 1005 1414 1189">• The proposed business identification signs will not adversely impact the heritage significance of the heritage item (located 30m to the south-west) by virtue of the site being removed from the heritage item, two signs directly facing the heritage item and the proposed signage would be illuminated during the operating hours of the site.<li data-bbox="576 1196 1374 1256">• Views and vistas will not be obscured or compromised as the signs are attached to the walls of an existing building.<li data-bbox="576 1263 1398 1413">• The proposed scale and proportions of the signs are in scale with the host building and compatible with the streetscape. The two large signs on the Bells Line of Road frontage add visual interest and break up large wall spaces of the existing building. The proposed signs are clear and uncluttered.<li data-bbox="576 1420 1398 1697">• Illumination of the signs will not result in unacceptable glare or create safety problems for pedestrians, vehicles or aircraft. The majority of signs are illuminated internally. The two large signs are externally illuminated using external wall mounted lighting. The lighting should not dazzle or shine into surrounding properties and can be adjusted by technicians if required. The "ALDI" signs would be illuminated during operating hours. The "Westpac" ATM signs would be illuminated 24 hours per day seven days per week.<li data-bbox="576 1704 1414 1798">• The proposed signs would not reduce the safety of public roads, pedestrians or cyclists and not detrimentally impact on sightlines from public areas. |

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| | <p>State Regional Environmental Plan No 20 (SREP 20)</p> <p>SREP 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Given the nature of the proposed development (minor alterations and a fit out of an existing building) and the minimal environmental impact associated with the proposal, it is considered that the development is consistent with the aims and objectives of the Plan.</p> <p>Hawkesbury Local Environmental Plan 2012 (LEP 2012)</p> <p>The land is zoned B1 Neighbourhood Centre and “<i>retail premises</i>” including “<i>shops</i>” are permitted in the zone with consent.</p> <p>The proposed development involving the use of, slight alterations to and new business identification signage, of an existing building complies with Part 4 of LEP 2012. Some of the existing landscaping will be replaced with new plantings but existing trees will be retained. The nearby heritage building will not be further impacted upon or detrimentally affected by the proposed development.</p> <p>With respect to Part 6 the site is within Class 5 Acid Sulphate Soils land. The proposed development relating to the works along Riverview Street and within the Council owned land to provide additional truck manoeuvring area will involve minimal disturbance to the soil. The proposed development will not include any of the works specified in Clause 6.1(2) which states:</p> <p><i>“Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.”</i></p> <p>The submission of an Acid Sulphate Soils Management Plan is therefore not required.</p> <p>The site is not subject to the 1:100 floods events. There is no Endangered Ecological Communities or vegetation having conservation significance on the land.</p> |
| Any draft EPI that has been placed on public exhibition | There are no draft environmental planning instruments relevant to the proposed development or subject land. |
| Any DCP in force | <p>Hawkesbury Development Control Plan 2002 (DCP 2002) <i>Part A - Chapter 3: Notification of Development</i></p> <p>The application has been advertised in accordance with the requirements of DCP 2002. Two submissions from the public have been received (these are discussed later in the report).</p> |

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| | <p><i>Part C - Chapter 1: Landscaping</i></p> <p>Some of the existing landscaping will be replaced with new plantings but existing trees will be retained. The proposed landscaping is considered satisfactory.</p> <p><i>Part C - Chapter 2: Car Parking and Access</i></p> <p>The existing 58 roof top car parking spaces including two disabled spaces are to be retained.</p> <p>The SoEE states the following in respect to parking:</p> <p style="padding-left: 40px;"><i>“The proposal has a GFA (Gross Floor Area) of 1,951m² which results in a total car parking requirement of 65 car parking spaces. The approved development required the provision of 64 car parking spaces based on a GFA of 1,898.16m². The proposed increase of GFA of the proposal is a result of the reduction of the proposed ALDI Store internal loading dock area floor space in comparison with the previously approved Franklins Supermarket.”</i></p> <p>The actual physical floor area of the building has not increased. The intensity of use has not increased. It is physically impossible to provide the extra space generated by the change to the loading dock design. In this instance it is considered acceptable to vary the DCP requirement and waive the need to provide the additional space.</p> <p>It should be noted that the Land and Environment Court approved the “Franklins” supermarket development with 58 car spaces instead of the DCP required 64. It appears that the Court accepted the argument that 58 spaces was reasonable as some trips to the supermarket would be multi-purpose (i.e. do other shopping as well) and therefore the reduction was reasonable. This was especially because the adjacent Council car park was not operating at full capacity.</p> <p><i>Part C - Chapter 3: Signs</i></p> <p>It is considered that the DCP provisions with respect to signage are complied with because:</p> <ul style="list-style-type: none"> • The signs are integrated with the design of the building. • Features of the building and views and vistas are not obscured by the proposed signs. • The location, size and number of signs avoid visual and physical clutter on the building elevations. They are in proportion to the size of the building. • Pedestrian access and the line of site for vehicles are not obstructed. • The proposed signs are clear and concise in terms of communication. |

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| | <ul style="list-style-type: none"> Directional signage is appropriately located. SEPP 64 is complied with. <p><i>Part C - Chapter 8: Management of Construction and Demolition of Waste</i></p> <p>A Waste Management Plan outlining the quantities of waste that will be generated during the demolition, construction and on-going use of the site has been prepared in accordance with the requirements in Chapter 8 of DCP 2002.</p> |
| Any matters prescribed by the Regulations | The proposed development is to be capable of compliance with all of the relevant requirements of the BCA and will be conditioned accordingly. |
| Likely impacts, including environmental, on both natural and built environments and the social and economic impacts of the locality | <p>As the development utilises an existing building it is unlikely to have significant additional environmental impacts.</p> <p><i>Deliveries to the "ALDI" Supermarket</i></p> <p>There are potential impacts associated with truck deliveries. In this regard the SoEE states:</p> <p><i>"The proposed development seeks delivery hours of 7am to 10pm, 7 days. The NSW Land and Environment Court approved development (DA No. 750/07) granted approval for deliveries to occur from 7am to 10pm, Mondays to Saturdays and 8am to 6pm, Sundays and public holidays.</i></p> <p><i>The proposed delivery hours for the ALDI Store will have a negligible impact on traffic generation and congestion. The extended hours proposed for Sundays and public holidays will allow for greater flexibility for deliveries. The proposed additional delivery hours (on Sundays) will provide greater flexibility of delivery times to allow for morning deliveries to the ALDI Store to be made outside peak traffic periods, thus reducing the cumulative traffic impact of ALDI deliveries in the surrounding road network. As the proposed extended delivery hours relate to the operation of the loading dock only, there will not be any additional traffic generated by customers.</i></p> <p><i>Delivery trucks will enter and exit the site in a forward direction from Riverview Street. The proposed works along Riverview Street and within the Council owned land adjacent to the site will facilitate all manoeuvring of delivery vehicles without detrimentally impacting vehicle access for the other retail uses, vehicles accessing the Council car park, customers and nearby residents."</i></p> |

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| | <p>It should be noted that the “ALDI” supermarket expects to have two articulated vehicle deliveries and two small rigid truck deliveries per day. On infrequent occasions an additional delivery involving a 19m articulated truck is required to service the premises due to increased demand. Therefore there could be up to three articulated vehicle deliveries to the ALDI Store each day.</p> <p>A 19m articulated truck can only service the premises if the loading dock and existing right of carriageway easement and works along Riverview Street are reconfigured. The application proposes this and needs Council to agree with the redesign of the right of carriageway as Council owned land is impacted. The previous approval contained a condition that required the use of an 88B instrument to “<i>restrict the use of the right of way to vehicles of a maximum size of 8.8 metres, being a standard medium rigid vehicle (MRV) in accordance with AS2890.2 2004</i>”.</p> <p>The proposed development seeks delivery hours of 7am to 10pm, 7 days. The NSW Land and Environment Court approved development (DA No. 0750/07) granted approval for deliveries to occur from 7am to 10pm, Mondays to Saturdays and 8am to 6pm, Sundays and public holidays. The proposed additional delivery hours (on Sundays) are to provide greater flexibility of delivery times to allow for morning deliveries to the ALDI Store to be made outside peak traffic periods, thus reducing the cumulative traffic impact of ALDI deliveries in the surrounding road network. As the proposed extended delivery hours relate to the operation of the loading dock only, there will not be any additional traffic generated by customers.</p> <p><i>Noise Assessment of the Impacts of Increased Deliveries</i></p> <p>The proposal will result in extended delivery hours on Sunday for one hour in the morning (7am to 8am) and four hours in the evening (6pm to 10pm) from the Court approved DA Consent Condition No. 83. A Noise Assessment Report has been prepared by Wilkinson Murray Acoustics and is submitted with the DA to assess the impacts of deliveries occurring within the proposed extended hours on Sundays and public holidays on the nearest residential dwellings located on Grose Vale Road and Riverview Street, opposite the site.</p> <p>The SoEE states:</p> <p><i>“The Noise Assessment Report concludes that during the morning period (7.00am to 8.00am) and evening period (6pm to 10pm), compliance with Council’s standard noise condition (Condition No. 51 of DA No. 750/07) for the residential receivers is achieved. In addition, the maximum noise levels associated with the use of the loading dock during unloading are predicted to meet the sleep disturbance screening criterion for Grose Vale Road and Riverview Street residences.</i></p> |

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| | <p><i>The noise generated by a 19m delivery truck departing the site marginally exceeds the screening criterion (by 2dBA) for the residences opposite the site on Riverview Street. For the residential dwellings directly opposite the site on Grose Vale Road, 19m vehicles exiting the site will exceed the sleep disturbance screening criterion by a lower margin (1dBA). However, in accordance with the Environment Protection Authority's (EPA) Road Noise Policy (RNP), the noise levels are not expected to result in sleep disturbance and these predicted levels are within the maximum number of two noise events (with an external noise level of 80dBA) which is not expected to affect the health and wellbeing of the nearest affected residents significantly. Further the Noise Assessment Report observed that the noise levels of existing light vehicles using Grose Vale Road and Riverview Street reach 68 to 71dBA which is similar to the levels expected to be generated by the 19m articulated vehicle exiting the site.</i></p> <p><i>The operation of the ALDI Store will implement the following loading management measures to minimise noise impacts:</i></p> <ul style="list-style-type: none"><i>• Delivery trucks are to be fitted with rear facing video monitoring systems. Reversing alarms are not to be used on-site.</i><i>• Trailer refrigeration units are to be switched off before entering the site and left off until after exiting the site.</i><i>• Delivery truck drivers and ALDI staff will be advised to minimise shouting and unnecessary noise.</i><i>• Ongoing training for drivers and store (loading dock) personnel to minimise noise generated.</i><i>• The truck fleet are owned by ALDI and therefore can be stringently and effectively managed.</i><i>• The engines of the delivery vehicles are switched off whilst unloading.</i><i>• The unloading/loading process is highly efficient and therefore only takes up to an hour to complete."</i> <p><i>It is considered that the impacts of the increased delivery truck size, extended delivery hours and associated noise issues have been adequately addressed and are therefore acceptable.</i></p> |

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| | <p>Positive social and economic impacts will occur as a result of the development because:</p> <ul style="list-style-type: none">• A vacant commercial site will be utilised and thus the vibrancy of the centre will be enhanced.• Consumers will have an added facility that provides choice in respect of product and pricing.• New employment opportunities are created. <p><i>North Richmond Carpark</i></p> <p>The proposed ALDI development (previously Franklins) is located within the southern side of North Richmond Village centre. Whilst some existing development has access onto Bells Line of Road new development has been required to derive access from the laneway via Council's car park. Access to the ALDI site is not available directly from Bell Line of Road or from Grose Vale Road. As shown on the attached map (Attachment 6) Council owns a car park at the western end, a 'laneway' strip of land parcels running adjacent to the ALDI site and a car park at the eastern end known as the North Richmond Shopping Centre car park.</p> <p>The existing easement across the car park provides for a Medium Rigid Vehicle (MRV) and was created by the Land and Environment Court as the council car park was at that time classified as community land. The Council car park has since been reclassified as operational and hence Council can now consider the request for an expanded easement without reference to the court.</p> <p>ALDI, as a result of this DA, have approached Council about the potential vehicular and pedestrian alterations to enable a larger vehicle to access the site by expanding the existing easement. Accordingly, Council officers and ALDI representatives have had discussions to consider the potential impacts of the changes to the existing car park and the road area (at the corner of Grose Vale Road and along Riverview Street). Discussions to date have focussed on:</p> <ul style="list-style-type: none">• The vehicle manoeuvring path required for a 19m truck• The potential impact of an expanded easement upon existing pedestrian areas and opportunities to improve the existing laneway condition• The potential impacts on the council car park, kerb and gutter and roadway |

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| | <p>Preliminary concept plans have been provided by ALDI and reviewed by the relevant Council officers. Further discussion on the detailed plans and arrangements for creation of the expanded easement will occur if the DA deferred commencement is supported by Council. Also, if this DA is approved, the Section 138 Roads Act application will be submitted to Council as part of the Construction Certificate process for the DA and all technical details relating to services infrastructure will be provided at that time for a detailed review by Council Officers. Such details are generally not provided at DA application stage. This is the standard process for these matters and the costs associated with the application would be borne by ALDI as applicant.</p> <p>To facilitate the 19m truck and improve vehicle/pedestrian safety within the carpark, four parking spaces are to be removed to allow for a wider aisle width. At present Council's carpark provides 93 spaces and the retail building provides 58 spaces on the rooftop.</p> <p>As part of the assessment of the building (DA0750/07), a six space shortfall in carparking was accepted based on the Traffic Impact Assessment prepared by Thompson Stanbury Associates (Ref 08-010 dated February 2008), which identified that during peak times the car park was underutilised by a minimum of 48 spaces.</p> <p>In this regard it is considered that the loss of four spaces will have no adverse impact on parking within the locality.</p> <p>The amendment of the easement as proposed should also have additional potential benefits to the surrounding properties. The easement would provide an enhanced service vehicle access to the rear of the properties fronting Bells Line of Road and Riverview Street as these properties, if not already, are likely to be denied vehicular access via Bells Line of Road, in particular, due to traffic mitigation measures.</p> |
| The suitability of the site | <p>The site has previously been the subject of an approval and use as a supermarket. The land will continue to be used for retail purposes. No additional physical floor space is proposed and the roof top car park will be retained.</p> <p>The site is considered suitable for the proposed development.</p> |
| Any submissions (see attached scheduled for details) | <p>Two submissions have been received from the public. The following issues were raised:</p> <ol style="list-style-type: none">1. Any fencing realignment that impacts upon Lots 105 and 106 DP 785779 Riverview Street should be undertaken by the proponents at their cost and the workmanship involved in undertaking this task should maintain the current high standards. The drive thru exit on the land should not be compromised. |

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| | <p><i>Comment:</i> The applicant has stated that they are prepared to cover the cost and arrange for contractors to undertake the fence relocation so that it will be at the correct legal location.</p> <p>Relocation of the fence would not compromise vehicle access for Lots 105 and 106 DP 785779 Riverview Street.</p> <p>An appropriate condition can be applied if the development is approved.</p> <p>2. The bollards protecting No. 1 Grose Vale Road (which is the property adjoining the subject land to the west) should be made stronger to provide adequate protection to the existing building on that property and pedestrians.</p> <p><i>Comment:</i> The proponents state that the traffic bollards are on Council land and therefore maintenance of the bollards is Council's responsibility. This matter will be referred to Council's Infrastructure Services Division for consideration.</p> |
| The public interest | <p>The proposed development is considered to be in the public interest as it appropriately utilises existing built assets on land zoned for business/retail purposes. The proposal complies with applicable planning legislation and generally meets the requirements of DCP 2002.</p> <p>The proposed development does not result in any significant adverse environmental, social or economic impacts.</p> <p>It will support shopping choice for food and grocery items for both residents and workers in the surrounding locality.</p> |

Developer Contributions

A Developer contribution of \$11,990 is applicable to this development. Payment of this contribution will be ensured through conditions of consent.

Planning Decision

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

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RECOMMENDATION:

That:

1. Council support the creation/registration of the extended right of carriageway and widened entry through the Council owned car park as shown in Attachment 6 to this report, subject to all costs and works being undertaken at no cost to Council and the payment of appropriate compensation at a level to be determined.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Development application DA0413/14 at Lot 1 DP 1147946, Lot 1 DP1127035, Lot 4 DP1147946, Lot 101 -104 DP 785779, Lot 2 DP1147946, Lot 122 DP771719 and Lot 6 DP 748866, 31, 47, 47A & 49A Bells Line Of Road and 9 Grose Vale Road, North Richmond for Shop - external building alterations, landscaping, installation of new business identification signs, alterations to Riverview Street kerb alignment and vehicle access point to facilitate a new "ALDI" store be approved as a "Deferred Commencement" consent subject to the following conditions:
 - a) Upon compliance with the condition appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to operate as a development consent inclusive of all conditions appearing in Schedule 2 pursuant to Section 80(3) of the Act.
 - b) The 'Deferred Commencement' consent will lapse in 24 months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

Schedule 1

4. To ensure vehicle access rights in perpetuity, a right of carriageway under Section 88B of the Conveyancing Act 1919 shall be prepared and registered over the Council car park from the entry off Riverview Street, North Richmond across to and including part of the shared pedestrian/vehicle 'laneway' (North Richmond Council car park – Lot 1 DP1127035, Lot 4 DP1147946, Lot 101 -104 DP 785779, Lot 2 DP1147946, Lot 122 DP771719 and Lot 6 DP 748866)

The applicant shall bear all costs associated with the preparation and registration of the easement. The 88B Instrument is to restrict the use of the right of way to vehicles to a standard Medium Rigid Vehicle (MRV) in accordance with AS2890.2:2004.

The wording of the Instrument shall be submitted to and approved by Council prior to lodgment at NSW Land and Property Information (formerly known as the Land Titles Office).

The existing right of carriageway across Council's car park, providing only for a small Rigid Vehicle (SRV), shall be either altered or removed (as appropriate) upon registration of the new easement.

Schedule 2

General Conditions

5. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application:
 - a) Architectural Plans prepared by Steiner Richards Architects dated 28 May 2014 including:
 - Cover Sheet, Location Plan and Drawing List, Drawing No. P13205 DA01 Revision A
 - Site Plan, Drawing No. P13205 DA02 Revision A
 - Ground Floor Plan, Drawing No. P13205 DA03 Revision A
 - Roof Plan, Drawing No. P13205 DA04 Revision A
 - Elevations, Drawing No. P13205 DA05 Revision A

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- b) Landscape Plans prepared by Site Image dated 6 June 2014:
 - Cover Sheet, Drawing No. 000 Issue B
 - Landscape Plan, Drawing No. 101 Issue B
 - Landscape Details and Plant Schedule, Drawing No. 501 Issue B;
- c) Statement of Environmental Effects prepared by Milestone (Aust.) Pty. Limited dated June 2014;
- d) State Environmental Planning Policy No. 64 Assessment prepared by Milestone (Aust.) Pty. Limited;
- e) Waste Management Plan prepared by Steiner Richards Architects dated 12/06/2014;
- f) Loading Dock Management Plan prepared by Milestone (Aust.) Pty. Limited dated June 2014;
- g) Noise Assessment Report prepared by Wilkinson Murray Acoustics dated 5 June 2014;

except as modified by these further conditions.

- 6. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
- 7. The development shall comply with the provisions of the National Code of Construction / Building Code of Australia.
- 8. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
- 9. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
- 10. The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

Prior to Issue of Construction Certificate

- 11. Prior to the Issue of the Construction Certificate a landscape plan suitable for construction shall be submitted to and approved by the Director City Planning or an Accredited Certifier. The Landscaping Plan shall be generally in accordance with the Concept Landscape Plans prepared by Site Image dated 6 June 2014.
- 12. 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 \$11,990 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 receipt(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

- 13. The development shall comply with the provisions of the National Construction Code / Building Code of Australia (Essential Services upgrade), details of compliance are to be provided to the Principal Certifying Authority prior to issue of a Construction Certificate.

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14. The development shall comply with Australian Standard 1428.1 – 2009, Design for Access and Mobility details of compliance are to be provided to the Principal Certifying Authority prior to issue of a Construction Certificate.

Prior to Commencement of Works

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. 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.
17. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
18. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
19. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.
20. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

During Construction

21. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
22. During the construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
23. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.

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24. Compliance certificates (known as Part 4A Certificates) as are to be issued for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority

25. Landscaping shall be completed in accordance with the approved landscape plan.

Prior to Issue of the Occupation Certificate

26. 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.
27. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
28. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
29. The following Fire Safety Measures shall be provided and installed in the building/property by a suitably qualified person and a Certificate of Installation shall be provided to the owner/agent:

- Emergency lighting;
 - Illuminated exit signage;
 - Fire extinguishers;
 - Automatic fire Detection & Alarm
 - Protection of Openings
 - Fire Doors
 - Paths of travel including door hardware
- a) Prior to requesting an occupation certificate the owner/agent shall certify that each of the essential fire safety measures specified in this statement:
- has been installed and assessed by a properly qualified person, and
 - was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

- b) A copy of the Fire Safety Certificate to be completed is available from Council.

(This Certificate cannot be signed by persons who inspected and/or tested the installed services)

- c) A copy of the Initial Certificate and the Annual Certificate, together with the relevant Fire Safety Schedule must be forwarded to the Council and the Commissioner of the New South Wales Fire Brigades. A copy of this Certificate, together with the relevant Fire Safety Schedule must be prominently displayed in the building.

- d) Annually:

The Fire Safety Measures are to be regularly serviced/ maintained and the owner/agent (including subsequent owners) shall certify annually that each of the fire safety measures specified in this statement has:

- Been assessed by a properly qualified person, and
- Found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

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Use of the Development

30. All food premises are to comply with Hawkesbury City Council's Food Premises Fit Out Code.
31. All premises offering food, packaged or otherwise, are to be registered with Council and have inspections conducted by Council's officers as necessary/required. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available on line at www.foodstandards.gov.au and AS 4674- 2004- Design, construction and fit-out of food premises.
32. Potentially hazardous foods should be stored below 5°C, or above 60°C at all times in accordance with The Food Act 2003.
33. All walls, floors, benches, shelves, chairs, fittings and the like are to be constructed with materials that are smooth, durable, impervious to moisture, and capable of being easily cleaned with a disinfectant. Fittings and equipment should be constructed so as not to harbour food, insects or vermin
34. All wall/floor junctions in the food preparation and storage area(s) shall be coved according to Hawkesbury City Council's Food Premises Fit Out Code. The coving is to be a minimum radius of 25mm using a smooth impervious material of a light colour. Where walls and floors are tiled, the coving is to be of a tile type. "Stick on" coving is not permitted. Feather edge skirting is not permitted.
35. Noise generated as a result of the development shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW DEC's Industrial Noise Source Policy, do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of other properties and associated outdoor areas.
36. The activity shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

Advisory Notes

- *** Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- *** All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- *** In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- *** The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- *** The applicant is advised to consult with:
 - a) Sydney Water Corporation Limited
 - b) an electricity supplier
 - 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.

ATTACHMENTS:

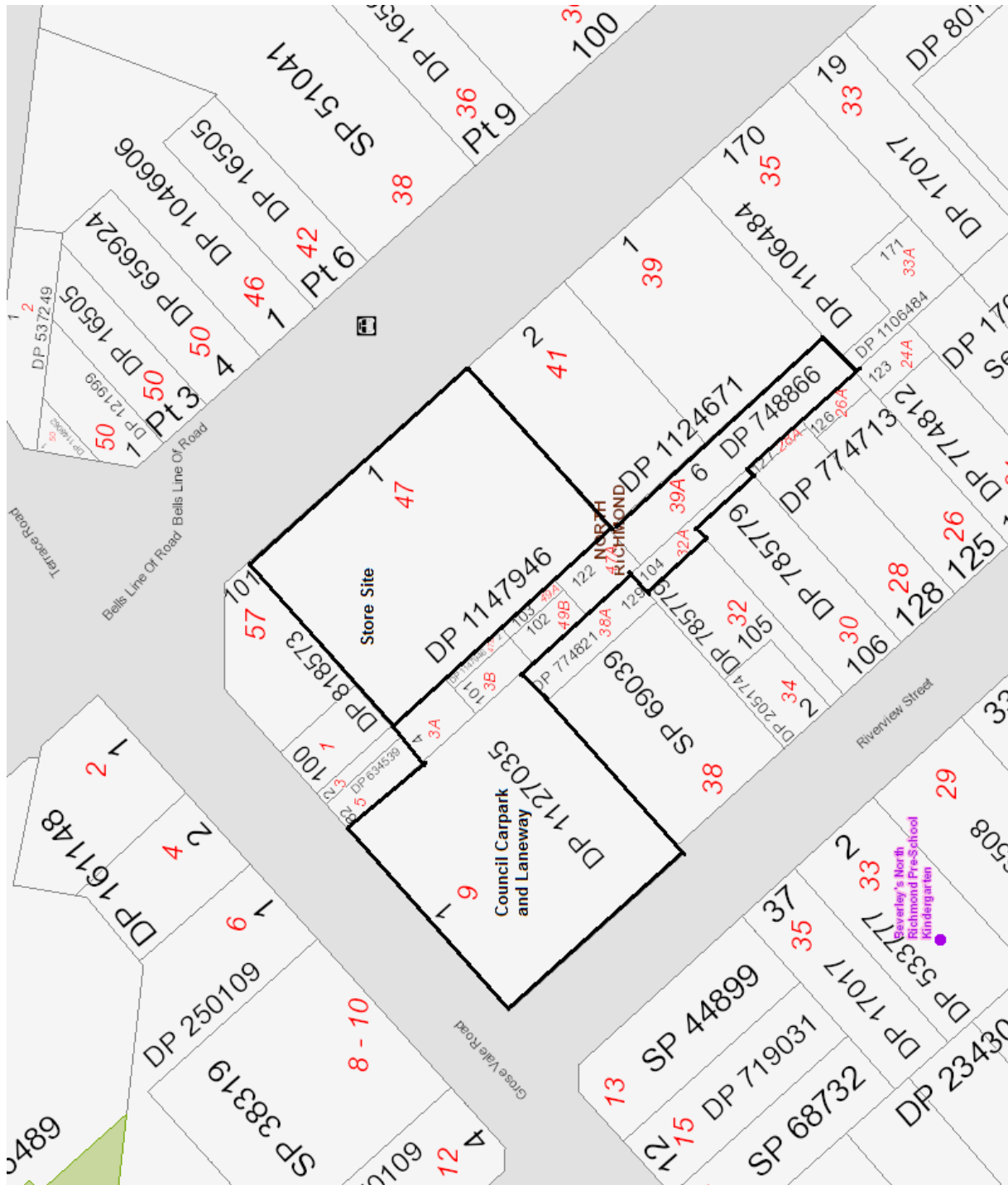
- AT - 1 Locality Plan and Aerial Photo
- AT - 2 Site Plan
- AT - 3 Ground Floor Plan
- AT - 4 Elevations Plan
- AT - 5 Landscape Plan
- AT - 6 Council Carpark and Laneway Proposed Right of Carriageway

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AT - 1 Locality Plan and Aerial Photo

Lot 1 DP 1147946, Lot 1 DP1127035, Lot 4 DP1147946, Lot 101 -104 DP 785779, Lot 2 DP1147946,
Lot 122 DP771719 and Lot 6 DP 748866, 31, 47, 47A & 49A Bells Line of Road and 9 Grose Vale
Road, North Richmond



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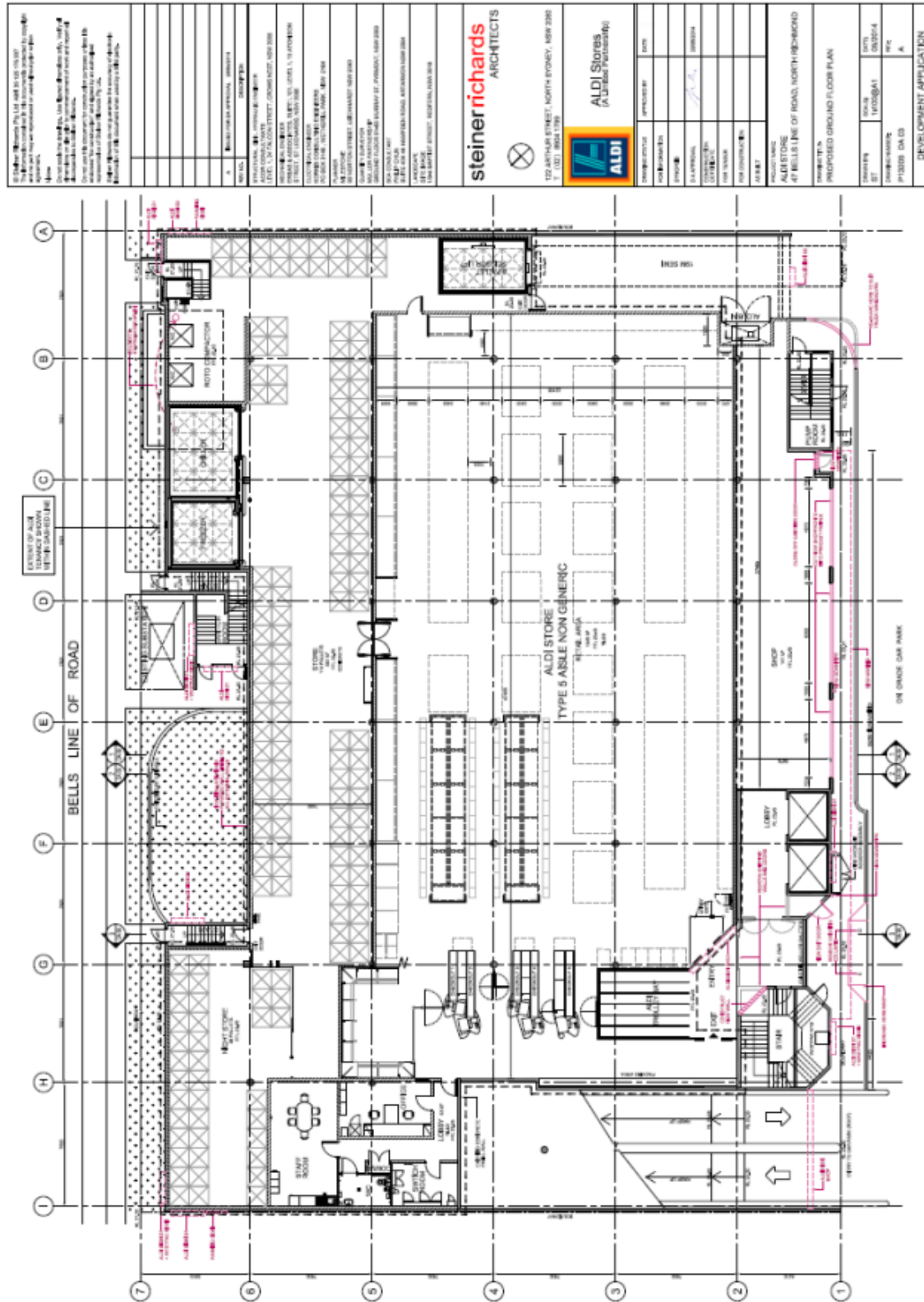
Meeting Date: 30 September 2014

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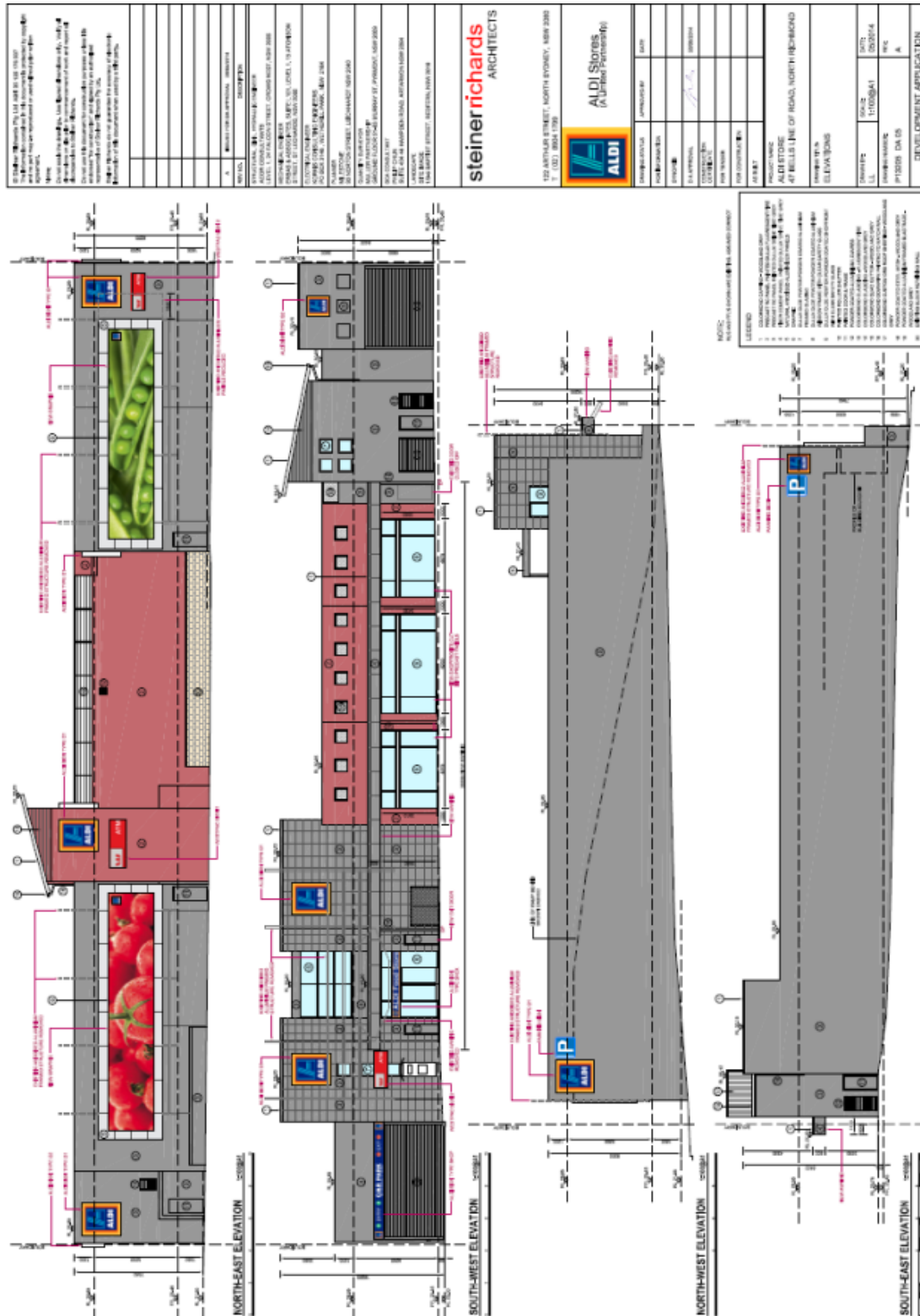
AT - 3 Ground Floor Plan



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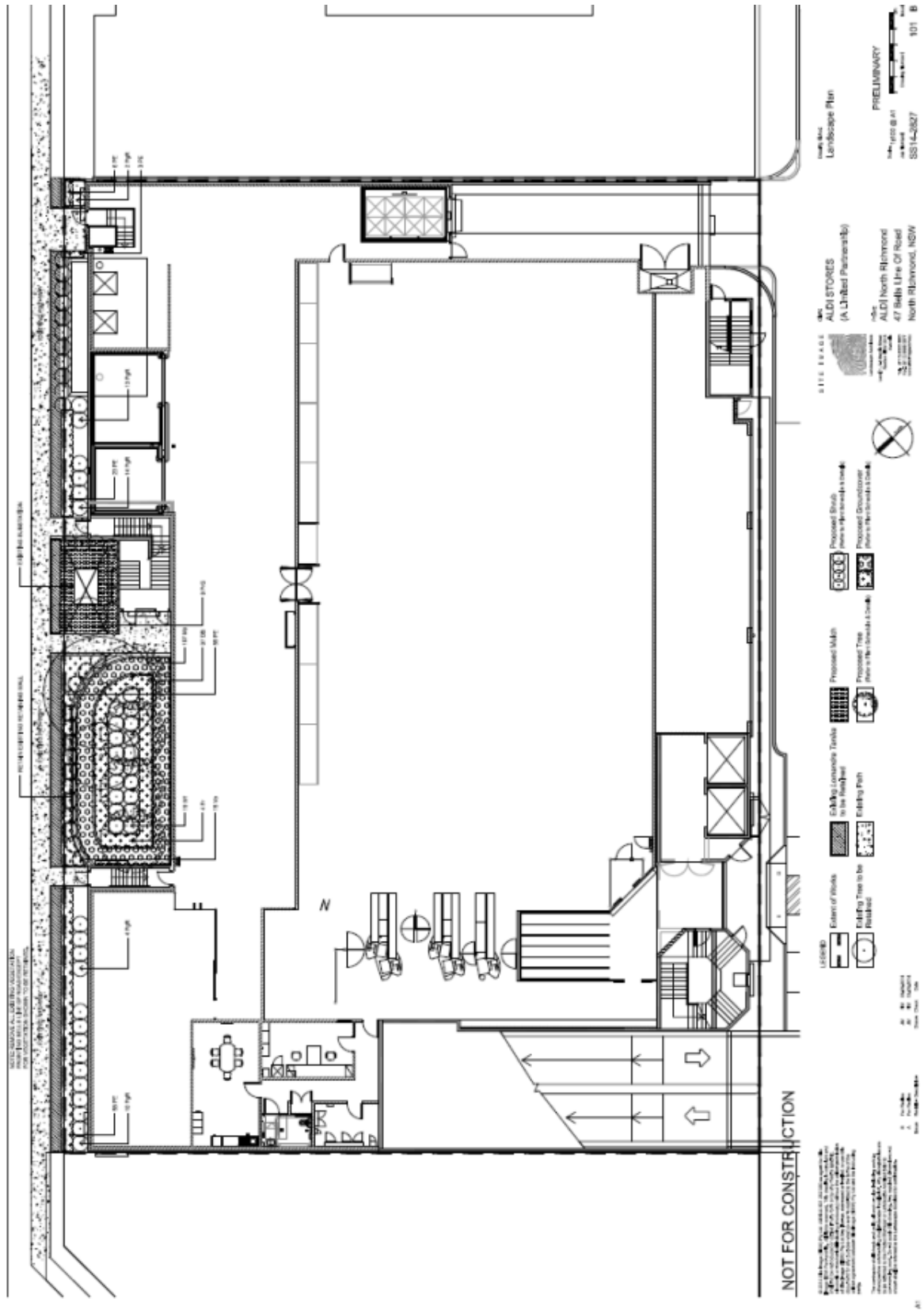
AT - 4 Elevations Plan



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AT - 5 Landscape Plan



Meeting Date: 30 September 2014

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ORDINARY MEETING

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Item: 179 **CP - Development Report - DA0466/14 - Lot 2 DP6655 - 33 Old Bells Line of Road, Kurrajong - Subdivision - Community Title - Staged community title subdivision - (95498, 102260, 22180)**

Development Information

File Number: DA0466/14
Property Address: 33 Old Bells Line Of Road, Kurrajong
Applicant: Montgomery Planning Solutions
Owner: Timedes Pty Limited
Proposal Details: Subdivision - Community Title - Staged community title subdivision to create 23 residential lots and one community lot
Estimated Cost: \$750,000
Zone: R2 Low Density Residential
Date Received: 18/07/2014
Advertising: First notification: 24/07/2014 to 8/08/2014
Second notification: 13/08/2014 - 27/08/2014, extended to 8/09/2014

Key Issues:

- ◆ Effluent disposal
- ◆ Visual impact
- ◆ Character of the locality

Recommendation: Approval subject to conditions

REPORT:

Executive summary

The application seeks approval for a staged community title subdivision to create 23 residential lots and one community lot.

The assessment of the proposal highlights the following relevant issues for consideration in the determination of the application:

- Sewer disposal
- Character of the locality
- Visual impact

The application was advertised from 24 July 2014 to 8 September 2014. 13 objections, including one petition with 10 signatures and three submissions in support were received. The following concerns were raised in submissions, however do not warrant refusal of the proposal as discussed further in this report:

- Traffic
- Site constraints
- Amenity of the locality
- Adequacy of information submitted with the Development Application

This Report concludes that the proposed development is satisfactory, subject to conditions recommended within the Report.

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A Class 1 appeal to the Land and Environment Court was received at Council on 19 September 2014 for a deemed refusal of this application. This does not prevent Council from determining this application at this meeting. Should the recommendation of this report, that the application be approved, be accepted this determination would assist in dealing with this appeal in a cost effective and timely manner.

The application is being reported to Council for determination at the request of the Mayor, Councillor Ford.

Description of Proposal

The application proposes the subdivision of Lot 2 in DP 6655, 33 Old Bells Line of Road, Kurrajong into 23 residential lots. It is proposed that the lot would be subdivided via way of community title subdivision in the following two stages:

Stage 1

The first stage involves the creation of 17 residential lots (Lots 2 to 18). It is proposed that a public road and two private access ways would be constructed to service proposed lots 2 to 17 which vary in size from 552m² to 1352m². Lot 18 will gain access from Robertson Street and will have a total area of 8712m². A landscaping buffer would be created along the Old Bells Line of Road frontage.

Stage 2

The second stage involves the further subdivision of Lot 18 which is proposed to be created as part of stage one. This lot would be subdivided into seven residential allotments ranging in size from 947m² to 1388m². In order to provide access to the proposed lots it is proposed that Robertson Street would be extended and a private access way would be constructed to service lots 19 to 24 and lot 25 would gain access directly from Vincents Road.

As part of the development it is proposed that the lots would be serviced by a privately operated and independently licenced sewerage treatment system located on Lot 1 DP 270827, No. 21 Vincents Road Kurrajong.

Background

The proposed subdivision was previously approved via Deferred Commencement Consent DA0181/12 on 16 January 2013. An operational consent notice was not issued by Council within 12 months of issue of the Deferred Commencement consent and this consent is now considered by Council to have lapsed. The applicant is appealing against the deemed state of satisfaction about the deferred commencement conditions. (Note: This appeal regarding the Deferred Commencement conditions is a separate appeal to the previously mentioned Class 1 appeal regarding a Deemed Refusal of the application).

Council received the Class 1 appeal against the deemed refusal of the Deferred Commencement conditions on 3 May 2014. As part of the Land and Environment Court's Section 34 Conciliation Conference held 14 July 2014, it was agreed that the Applicant make a fresh development application for the same subdivision (as approved by DA0181/12) for Council to consider and determine.

If development consent is granted for the new application, a requirement for the surrendering of DA0181/12, technically still valid due to the current legal appeal on foot would be imposed via conditions of consent.

Council Policies, Procedures and Codes to Which the Matter Relates

State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44)
State Environmental Planning Policy No. 55 – Remediation of Land
Sydney Regional Environmental Plan No 20 (SREP20) Hawkesbury Nepean River
Hawkesbury Local Environmental Plan (LEP) 2012
Hawkesbury Development Control Plan (HDCP) 2002

Section 79C Matters for Consideration

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

a. **The provisions (where applicable) of any:**

i. **Environmental Planning Instrument:**

State Environmental Planning Policy No. 44 - Koala Habitat Protection

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

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

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

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

State Environmental Planning Policy No. 55 – Remediation of Land

A search of Council files indicated that the land has not been used for any activities which would render the soil contaminated to such a degree as to cause harm and prevent the future development of the land. Therefore, the application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55.

State Environmental Planning Policy (Infrastructure) 2007

The application proposes that the lots would be connected to a privately operated and independently licenced sewerage management facility located on Lot 1 in DP 270827 No. 21 Vincent Road Kurrajong. The existing sewer system has been installed to service the seniors housing development approved on the land.

The sewer management facility is located on land that is zoned RU1 Primary Production under Hawkesbury Local Environmental Plan 2012.

Clause 106 of this Policy permits development for the purposes of a sewerage treatment plant in the RU1 Primary Production zone where it is carried out by or on or behalf of a public authority or any person licensed under the Water Industry Competition (WIC) Act 2006 without consent. Therefore, the design and construction of the sewer management facility on 21 Vincents Road does not require the consent of Council or considerations of its impacts as these matters are determined by the Independent Pricing and Regulatory Tribunal (IPART) as part of the licencing requirements under the WIC Act.

However, pipelines are required under Vincents Road and through the proposed lots to convey sewerage to the management facility located on 21 Vincents Road. Vincents Road and No. 33 Old Bells Line of Road, Kurrajong are zoned R2 Low Density Residential. As the R2 zone is not a prescribed zone under Clause 105 of State Environmental Planning Policy (Infrastructure) 2007, the pipe work associated with the proposed sewerage reticulation of this land requires development consent.

The application proposes that the developer will obtain a license under the Water Industry Competition Act 2006 to have the existing sewer treatment system service the proposed lots. A condition has been included in the recommended consent ensuring that the developer obtains a licence under the Water Industry Competition Act 2006 to service the proposed lots prior to the issue of any construction certificate.

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

The subject land falls within the boundary of SREP 20. This Policy aims "to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context." SREP 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

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 or specific aims, planning considerations, planning policies, recommended strategies and development controls.

Hawkesbury Local Environmental Plan 2012

An assessment of the proposed development against the relevant provisions of Hawkesbury Local Environmental Plan 2012 follows:

Clause 1.2 Aim of Plan

The proposed development is considered to be consistent with the aims of the Plan as outlined in Clause 1.2 of HLEP 2012.

Clause 2.2 Zoning of land to which Plan applies

Property No. 33 Old Bells Line of Road, Kurrajong is zoned R2 Low Density Residential.

Property No. 21 Vincents Road, Kurrajong is zoned RU1 Primary Production.

Clause 2.3 Zone objectives and Land Use Table

Subclause (2) requires in the determination of a development application that regard is given to the objectives of the zone. The zone objectives of the R2 zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To protect the character of traditional residential development and streetscapes.
- To ensure that new development retains and enhances that character.
- To ensure that development is sympathetic to the natural environment and ecological processes of the area.
- To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale.
- To ensure that water supply and sewage disposal on each resultant lot of a subdivision is provided to the satisfaction of the Council.
- To ensure that development does not create unreasonable demands for the provision or extension of public amenities or services.

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The proposed subdivision is consistent with the overall objectives of the R2 Low Density Residential zone in that the proposal would provide additional opportunities for low density housing within the locality. It is considered that the proposed subdivision and future development of lots for residential purposes will have no adverse impact on the existing character of the locality and the streetscape or the natural environment as discussed further in this Report. Water supply and sewage disposal can be satisfactorily provided to the proposed subdivision. For these reasons, the proposed development is considered to be consistent with the relevant objectives of the R2 Low Density Residential zone.

Clause 2.6 Subdivision – consent requirements

This Clause permits subdivision of the land with development consent.

Clause 4.1AA Minimum subdivision lot size for community title schemes

The Lot Size Map in LEP 2012 provides a minimum allotment size of 450m² for the land to be subdivided. The resultant lots are consistent with the minimum lot size requirements of the LEP as shown in the following table:

| Stage 1 | | Stage 2 | |
|-------------------------------|------------------------------------------------|--------------|------------------------|
| Proposed Lot | Area (m ²) | Proposed Lot | Area (m ²) |
| 1 | Community Lot (access way & landscaping) | 19 | 1011 |
| 2 | 847 | 20 | 947 |
| 3 | 872 | 21 | 1132 |
| 4 | 959 | 22 | 1382 |
| 5 | 578 | 23 | 1285 |
| 6 | 552 | 24 | 1083 |
| 7 | 950 | 25 | 1388 |
| 8 | 744 | | |
| 9 | 648 | | |
| 10 | 695 | | |
| 11 | 1231 | | |
| 12 | 809 | | |
| 13 | 809 | | |
| 14 | 809 | | |
| 15 | 809 | | |
| 16 | 809 | | |
| 17 | 1352 | | |
| 18 (Subdivided in Stage 2) | 8712 | | |

Clause 4.1D Exceptions to minimum subdivision lot size for certain land

- (1) *Despite clauses 4.1, 4.1AA and 4.1A, development consent must not be granted for the subdivision of land that is identified as “Area A” and edged heavy blue on the Lot Size Map if:*
- (a) *arrangements satisfactory to the consent authority have not been made before the application is determined to ensure that each lot created by the subdivision will be serviced by a reticulated sewerage system from the date it is created, and*

- (b) *the area of any lot created by the subdivision that contains or is to contain a dwelling house is less than 4,000 square metres.*

The land is located within "Area A" edged heavy blue on the Lot Size Map. It is proposed that the constructed sewage treatment plant located on 21 Vincents Road will be licensed under the Water Industry Competition Act, 2006 and that sewage from the development of the proposed lots will be reticulated to this system. An application for this license is currently being considered by IPART. A condition has been included in the recommendation to this Report ensuring that the developer obtains a licence under the WIC Act 2006 to service the proposed lots prior to the issue of any construction certificate and the carrying out of the subdivision

Clause 6.1 Acid sulfate soils

The subject land is within Class 5 as shown on the Acid Sulfate Soils Map. The subject land is not within 500m of land within another Class, and therefore there are no further requirements in respect to acid sulfate soil management for the proposed development.

Clause 6.4 Terrestrial biodiversity

The land is identified as containing 'Significant vegetation' and 'Connectivity between significant vegetation' on the Terrestrial Biodiversity Map. The land contains a number of scattered trees, both native and exotic species. The land is managed pasture land with exotic grass species and therefore the trees do not form a vegetation community of biodiversity significance. The proposed subdivision does not require the removal of trees, and therefore the proposed development is consistent with this Clause.

Clause 6.7 Essential services

Water and sewerage services are capable of being provided, and the proposed development will have no unreasonable impacts on the provision or extension of public amenities or services. Written evidence has been provided that satisfactory arrangements for the provision of electricity are in place. This will also be ensured through conditions of consent.

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

There are no draft environmental planning instruments that directly relate to the land or the specified development.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

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

Part A Chapter 2 - General Information

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

Part A Chapter 3 - Notification

The application was notified in accordance with HDCP 2002. Sixteen (16) submissions were received as a result of the notification of the development and the issues raised are discussed under the submissions section of this report.

Part C Chapter 1 - Landscaping

The application does not propose the removal of any vegetation as a result of the subdivision. The application demonstrates that each of the development lots would provide sufficient area to erect a dwelling without impacting existing mature vegetation located on the site. Additionally it is noted that a landscaping strip along the Old Bells Line of Road frontage has been proposed in order to provide a buffer between the residential lots and the street. A landscape plan for the landscaping buffer areas will be required prior to the issue of any construction certificate. It is considered that the proposal is consistent with the overall aims and objectives of this chapter.

Part C Chapter 2 – Car parking and Access

It is considered that the accessways proposed to service the lots in stage 1 and 2 provide sufficient space for vehicles to enter and exit the lots in a forward direction.

Part C Chapter 4 - Erosion and Sediment

Erosion and sediment control would be enforced via conditions of consent.

Part C Chapter 6 – Energy efficiency

The proposed lots are of a size that is greater than the minimum allotment size of 450m². It is considered that the size of the lots would provide better opportunity for the erection of a dwelling with suitable solar access to windows and private open space.

Part C Chapter 7 – Effluent disposal

Sewage generated from development of the proposed lots will be reticulated to a treatment disposal facility located on Lot 1 in DP 270827, No. 21 Vincents Road Kurrajong. The installation of this system has been approved by Council for use by the Seniors Living development located on this land.

The developer will be required to obtain a licence under the Water Industry Competition Act 2006 to operate the sewerage management plant. In this regard an application would be required to be submitted to and approved by IPART. IPART, as part of their licensing, assess the environmental impacts of sewerage disposal to the system, and the sustainability and economic viability of the system in perpetuity.

Once a licence has been granted for the sewerage treatment plant the developer would be able to connect each new lot to sewer.

Part D Chapter 1 - Residential Development

Each lot proposed provides sufficient space and dimensions to enable the residential development of the land that is consistent with the rules of this chapter. It is considered that the development of the lots would be consistent with the surrounding residential development of the area which consists of a variety of housing styles.

Part D Chapter 2 - Subdivision

The proposal is consistent with the rules in respect to flora and fauna and visual amenity. It is proposed that existing mature vegetation on the site will be retained and the applicant has been able to demonstrate that each of the lots will be able to accommodate a suitable building envelope based on the sloping nature of the land.

The proposal is not within the vicinity of any heritage items and the application has demonstrated that suitable services can be provided to the proposed lots.

In accordance with the landslip rules of this plan a geotechnical assessment report has been submitted demonstrating that the slope of the land is suitable for the erection of dwelling houses. The report identifies that the geological makeup of the site has a low to medium risk of experiencing instability.

Access is considered to be generally in accordance with the residential local street design requirements.

Stormwater from the site will be discharged via a proposed new accessway to Old Bells Line of Road, Vincents Road and Robertson Street. Councils Subdivision Engineer has reviewed the concept stormwater plan and recommended that the inter allotment drainage be separated from the road drainage in order to minimise any possible impacts from stormwater runoff.

The proposal is consistent with the lot size, shape, solar access and orientation rules of this chapter. The proposed lots would provide suitable space for the construction of a dwelling based on the topography of the land.

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:

The Environmental Planning and Assessment Regulation 2000 requires that the proposal be levied against Councils Section 94A Development Contributions Plan. In this respect Hawkesbury City Councils Section 94A Development Contributions Plan 2006 would require a 1% levy to be paid for the development based on an estimated development cost of \$750,000. A condition of consent ensuring that the proposal be levied against Councils development contributions plan has been recommended in this regard.

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:

An assessment into the relevant matters relating to the proposal has been undertaken below.

Context

The surrounding locality is used for a combination of residential and rural residential purposes. Whilst the character of the existing lot would change, the property is zoned for low density housing and the applicant has been able to demonstrate that the lots could be developed in accordance with Councils requirements for residential development. The proposed lot sizes are generally consistent with existing residentially zoned properties in the vicinity. Further, the proposed lots and future development of them for residential is considered to be compatible with the existing residential character of adjoining residential areas. It is considered that the proposal would not result in any adverse visual impacts that would be otherwise expected with the general residential development of the land.

Flora and Fauna

As previously detailed in this report the application does not propose the removal of any vegetation as a result of the proposed subdivision. It is unlikely that the future development of the lots would have a significant adverse impact on threatened species, populations, endangered ecological communities, or their habitats.

Waste

Sufficient information has been provided in respect to the provision of sewer services to demonstrate that the developer could obtain a licence under the Water Industry Competition Act 2006 to operate the sewerage management plant. Appropriate conditions having regard to this aspect of the development have been included in the Recommendation to this Report.

Traffic

As discussed under the HDCP assessment section of this report, the access proposed to service the lots is suitable. It is unlikely that the proposed lots would have an adverse impact on the traffic of the locality as the access to service the proposed lots would not generate queuing along Old Bells Line of Road, Vincents Road or Robertson Street.

While it is acknowledged that the development of the lots would generate increased traffic along local roads as a result of the construction of future dwellings this impact would be a minor, short term disturbance to local traffic. Once the lots have been developed the traffic generated by the proposal would not adversely impact local residential traffic movements.

Natural Hazards

The land is subject to bushfire and the applicant has been able to demonstrate that the lots could be developed in conjunction with the NSW Rural Fire Service guidelines.

The application is supported by a geotechnical assessment report which details that the steeper parts of the site would have a medium risk of experiencing instability. The report suggests that cut and fill on the steeper slopes be restricted to a maximum depth of 2m and that the lots be developed in accordance with the recommendations made in this Geotechnical Report. Conditions consistent with the above recommendations have been included as part of the recommended conditions of consent.

Water

A drainage concept plan has been prepared and submitted with the application, and is considered satisfactory in demonstrating that the proposed subdivision can be suitably drained.

Economic Impact on the Locality

It is considered that the proposed development would have a positive impact on the economy of the locality. The proposal would result in an increase of residential development within close proximity to Kurrajong Village and provide the opportunity of additional residential lots within the Kurrajong area.

Cumulative Impacts

It is unlikely that there would be any adverse cumulative impacts associated with supporting the proposed subdivision as the application has demonstrated that the proposed lots would be able to be appropriately developed in accordance with Council's Local Environmental Plan and Development Control Plan.

c. Suitability of the site for the development:

The area is characterised by predominantly residential land uses and it is considered that the size and shape of the proposed allotments can support future dwellings compatible with the existing character of the locality. The design of the development will ensure that no unreasonable impacts on the amenity of the adjoining properties and the natural environment will result from the future development of the lots.

Adequate access is available to the site and the proposed use will not generate unmanageable traffic demand for the existing road network. Utilities such as sewer, water, electricity and telephone are available to the site.

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The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

The bushfire and land slip affectation of the land is not considered to be prohibitive to the subdivision or future development of the lots.

For these reasons, it is considered that the subject land is suitable for the proposal.

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

NSW Rural Fire Service

The application was referred to the NSW Rural Fire Service as the development requires approval under section 100B of the 'Rural Fires Act 1997.

On 29 August 2014, the NSW Rural Fire Service issued their General Terms of Approval subject to conditions. The conditions attached to the General Terms of Approval have been included in the Recommendation to this Report.

Sydney Water

Sydney Water's drinking water system does not have sufficient capacity to service the proposed development with a full flow system and the development would be restricted to a water service of 9L per minute which would require a water storage tank(s) to be constructed to service the proposed lots.

This is the same restriction which applies to the approved seniors housing development on 1 Vincents Road Kurrajong and the applicant proposes that the water supply tanks could be constructed underneath the proposed accessways.

The Application was referred to Sydney Water for comment. In their response of 15 August 2014, Sydney Water advised that the developer is to obtain a Section 73 Certificate under the Sydney Water Act 1994. Appropriate conditions have been included in this regard.

Public Submissions

The application was publicly notified from 24 July 2014 to 8 September 2014. Sixteen submissions were received in response to the notification of the proposal. Three of those submissions were in support of the proposal and thirteen, including one petition containing ten signatures, objected to the application. The submissions were referred to the applicant for comment and their response, and a copy of all the submissions, have been distributed to Councillors under separate cover. The submissions objecting to the proposal raised the following matters:

Traffic

- Increase in vehicles along Robertson Road and in the village
- Road safety on Old Bells Line of Road
- Increased traffic through North Richmond

Comment: As previously discussed in the report the traffic impacts associated with the development of the lots would be short term only. Once the lots have been developed the traffic generated by the proposal is considered to be low. It is unlikely that the traffic of the surrounding residential locality or village would be significantly impacted as a result of the proposal. It is considered that the development would not significantly impact the existing traffic congestion which exists through North Richmond. Furthermore it is noted that this area has been zoned for residential development for approximately 25 years (only delayed due to sewer servicing) and access to the lots is generally in accordance with Councils DCP requirements for road construction.

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Site constraints

- Slope of the lots is not acceptable
- Stormwater runoff
- Water supply
- Garbage Collection
- Sewerage disposal

Comment: Sufficient information has been submitted with the application in order to determine that the issues raised above could be appropriately managed without having an unreasonable impact on the surrounding locality. It should be noted that there are a number of conditions recommended in the consent to ensure more specific details be provided during the course of the subdivision both prior to the issue of any construction certificate and prior to the issue of any subdivision certificate.

It is further reiterated that the licensing of the sewerage system and provision of the water supply system to the development is under the authority of external agencies.

Amenity of the locality

- Negative impact on the character and streetscape
- Visual impact on the locality
- Site is highly visible from the road and adjoining properties
- Tree removal

Comment: As discussed in the report above it is recognised that the development of the lots would be significantly different from what currently exists on the site, however the proposal is consistent with the overall objectives of the zone and Council's requirements for residential development. Whilst the proposal would be visible from the road and adjoining properties the lots would eventually form part of the overall residential context of the locality with the construction of new dwellings and the establishment of landscaping. It is considered that the visual appearance of the development would not result in any adverse impacts other than what would be expected with the typical residential development of the land.

Application has not provided appropriate information

- Owners consent and address not provided
- A site analysis plan not provided
- Geotechnical report not current
- Easements for reticulation of sewer and water not shown
- Does not identify all properties
- No certifying authority appointed
- Application has not stated the legal relationship the site has to the property across the road which would support the effluent disposal system.

Comment: Owners consent has been provided for all land involved in this development. It is considered that adequate information has been provided with the application to determine the likely impacts of the proposal on the built and natural environment.

The submissions received in favour of the development supported the creation of new residential lots within the locality as they would provide additional opportunities for housing within Kurrajong and increase the economic activity of the area.

e. The Public Interest:

Support of the subdivision is not contrary to public interest as the proposal would encourage the use of the land for residential purposes. It is considered that the matters raised as a result of the neighbour notification process have been adequately addressed as part of the assessment of this proposal and do not warrant refusal of the application.

Conclusion:

The proposed development is consistent with the relevant provisions of Hawkesbury Local Environmental Plan 2012, Sydney Regional Environmental Plan No. 20, State Environmental Planning Policies No. 44 & 55, and Hawkesbury Development Control Plan.

It is considered that the proposal will have no significant adverse impact on the locality, subject to the implementation of conditions outlined in the recommendation section of this report.

Planning Decision

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

RECOMMENDATION:

It is recommended that development application DA0466/14 at Lot 2 DP 6655, 33 Old Bells Line of Road, Kurrajong and Lot 1 DP 270827, No. 21 Vincents Road, Kurrajong for Residential Subdivision – 23 lots in two stages be approved subject to the following conditions:

New South Wales Rural Fire Service Conditions**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. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed 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. To achieve this, the following conditions shall apply:

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. To achieve this, the following conditions shall apply:

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3. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

4. The proposed private access ways shall comply with the following conditions:
 - a) Access to a development comprising more than three dwellings shall comply with the width specification of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.
 - b) Road(s) shall be two wheel drive, all weather roads.
 - c) All roads should be through roads. Dead end roads are not recommended, but if unavoidable, dead end roads are not more than 200 metres in length, incorporate a 12 metre outer radius turning circle, are clearly signposted as dead end and direct traffic away from the hazard.

Hawkesbury City Council General Conditions

5. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
6. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
8. Vegetation shall not be removed from the site without Council approval.

Stage 1 Subdivision

Prior to Issue of Construction Certificate

9. Prior to the issue of any construction certificate or the commencement of any works documentary evidence shall be provided to the Principal Certifying Authority confirming that all the proposed allotments will be connected to a reticulated sewer system which has been licensed under the Water Industry Competition Act 2006.
10. 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) 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.
11. 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 City Planning or an Accredited Certifier.

All civil construction works required by this consent shall be designed in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
12. Prior to the Issue of the Construction Certificate, the proponent of the development is to enter into an agreement with Hawkesbury City Council ensuring that the proponent is and remains responsible for the upkeep of their infrastructure within Council's road and liable for any rectification works required as a result of the installation of such infrastructure in perpetuity.

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13. Prior to the Issue of the Construction Certificate a landscape plan suitable for construction shall be submitted to and approved by the Director City Planning or an Accredited Certifier in relation to the landscape buffer area. Landscaping shall include a mixture of trees, shrubs and groundcovers and shall retain existing trees within this area.
14. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council.
15. 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 \$7,500 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 receipt(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

16. Under the provision of the Roads Act all works within the existing road reserve are to be approved and inspected by Hawkesbury City Council. Fees apply and will be provided on request.

Prior to commencement of works

17. 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.
18. 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.
19. A 'Road Opening Permit' shall be obtained from Hawkesbury City Council Asset and Maintenance Section prior to the commencement of works within the Vincents Road. Fees apply.
20. A waste management plan shall be submitted to and approved by Hawkesbury City Council. The plan shall address any construction waste. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
21. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
22. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
23. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.
24. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

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During Construction

25. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
26. During the construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
27. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
28. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
29. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
30. Inspections and Compliance Certificates for sewer works can only be conducted and issued by a public authority or any person licensed under the Water Industry Competition Act 2006.
31. Sewerage reticulation, including junctions, shall be constructed to each residential lot in the subdivision.
32. The topsoil shall be stripped and stockpiled and used to cover the earthworks.
33. 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.
34. 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.
35. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
36. 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.
37. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.
38. Street lighting in accordance with the current relevant Australian Standard is to be installed in the new public road.
39. Landscaping shall be completed in accordance with the approved landscape plan.

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Prior to Issue of Subdivision Certificate

40. 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.
41. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
42. Written clearance from an Electricity Provider shall be submitted to the Principal Certifying Authority.
43. Written confirmation from an authorised sewer authority that reticulated sewerage is available to all lots within the subdivision (with the exception of the community lot).
44. A works as executed plan shall be submitted to Council on completion of works.
45. All new roads, including pathways and drainage, shall be dedicated to Council.
46. A Management Statement complying with Schedule III of the Community Land Development Act, 1989 shall be lodged with and approved by Council. This statement is to include a provision that Lot 1 is not to be used for the purpose of erecting a dwelling.
47. A plan, plus four copies, of subdivision prepared to the requirements of the Land Titles Office that also provides for any necessary easements for drainage and sewer shall be submitted to Council.
48. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:
 - a) Requiring that all future development on lots 11 – 17 inclusive be in accordance with the recommendations of the Geotechnical Report, prepared by Brink & Associates, reference number S00053-A, 10 March 2000. Plans for development are to be certified by a suitably qualified geotechnical consultant as being appropriate to the geotechnical classification of the lot.
 - b) Requiring that any future dwelling envelopes be restricted to a maximum cut or fill depth of 2m.

Stage 2

49. Prior to the issue of any construction certificate for stage two documentary evidence is to be submitted to the Principal Certifying Authority confirming registration of the subdivision plan with Land and Property Information that creates lot 18 on the stamped plans.

Prior to Issue of a Construction Certificate

50. Documentary evidence shall be provided to the Principal Certifying Authority confirming that all the lots would be connected to a reticulated sewer system which has been licensed under the Water Industry Competition Act 2006.
51. Documentary evidence shall be provided to the Principal Certifying Authority confirming that the turning area at the end of Robertson Street complies with the requirements of section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
52. 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) 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.

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53. 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 City Planning or an Accredited Certifier.

All civil construction works required by this consent shall be designed in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

54. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council.

Prior to commencement of works

55. 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.
56. 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.
57. A waste management plan shall be submitted to and approved by Hawkesbury City Council. The plan shall address any construction waste. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
58. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
59. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
60. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
- a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.
61. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

During Construction

62. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
63. During the construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.

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64. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
65. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
66. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
67. Inspections and Compliance Certificates for sewer works can only be conducted and issued by a public authority or any person licensed under the Water Industry Competition Act 2006.
68. Sewerage reticulation, including junctions, shall be constructed to each residential lot in the subdivision.
69. The topsoil shall be stripped and stockpiled and used to cover the earthworks.
70. 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.
71. 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.
72. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
73. 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.
74. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.

Prior to Issue of Subdivision Certificate

75. 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.
76. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation for water supply.
77. Written clearance from an Electricity Provider shall be submitted to the Principal Certifying Authority.
78. Written confirmation from an authorised sewer authority that reticulated sewerage is available to all lots within the subdivision (with the exception of the community lot).
79. A works as executed plan shall be submitted to Council on completion of works.

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80. All new roads, including pathways and drainage, shall be dedicated to Council.
81. Registration of the title of any easements required for drainage and sewer.
82. A Management Statement complying with Schedule III of the Community Land Development Act, 1989 shall be lodged with and approved by Council. This statement is to include a provision that Lot 1 is not to be used for the purpose of erecting a dwelling.
83. A plan, plus four copies, of subdivision prepared to the requirements of the Land Titles Office that also provides for any necessary easements for drainage and sewer shall be submitted to Council.
84. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:
 - a) Requiring that all future development on lots 19 – 25 inclusive be in accordance with the recommendations of the Geotechnical Report, prepared by Brink & Associates, reference number S00053-A, 10 March 2000. Plans for development are to be certified by a suitably qualified geotechnical consultant as being appropriate to the geotechnical classification of the lot.
 - b) Requiring that any future dwelling envelopes be restricted to a maximum cut or fill depth of 2m.
85. The nature strip adjacent to the turning area at the end of Robertson Street to be dedicated as public road is to have a nature strip width of 3.5m.

Advisory Notes

*** 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 development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

*** The applicant is advised to consult with the relevant:

- water and sewer provider
- electricity provider
- natural gas provider
- telecommunications carrier
- road authority

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.

*** 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 shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

*** As a consequence of the development the proposed road would be required to be formally named. For details with regards to the naming of the laneway it is advised that you contact Councils Infrastructure Services Department for further information.

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ATTACHMENTS:

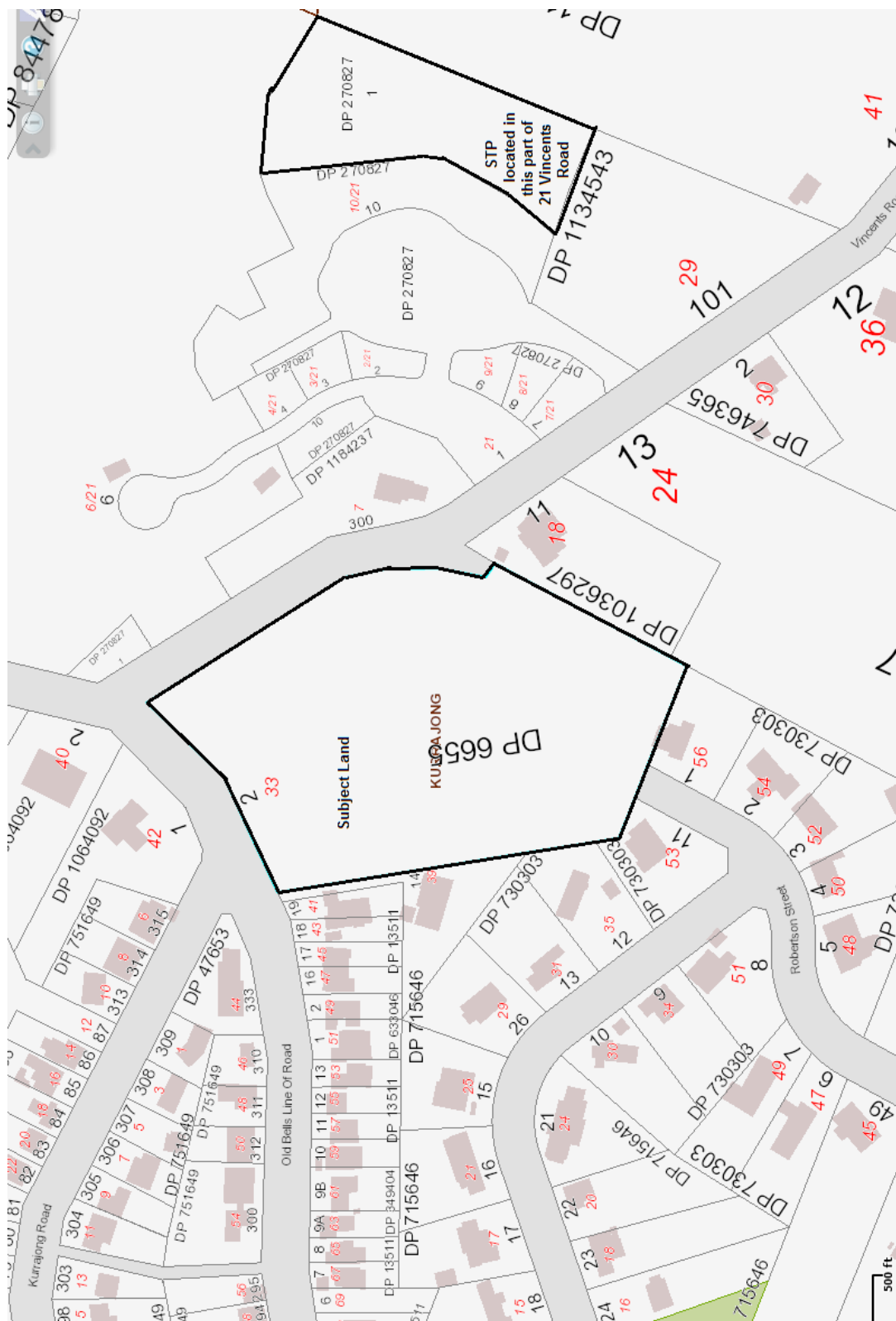
AT - 1 Locality Plan and Aerial Photograph

AT - 2 Subdivision Plan – Stage 1

AT - 3 Subdivision Plan – Stage 2

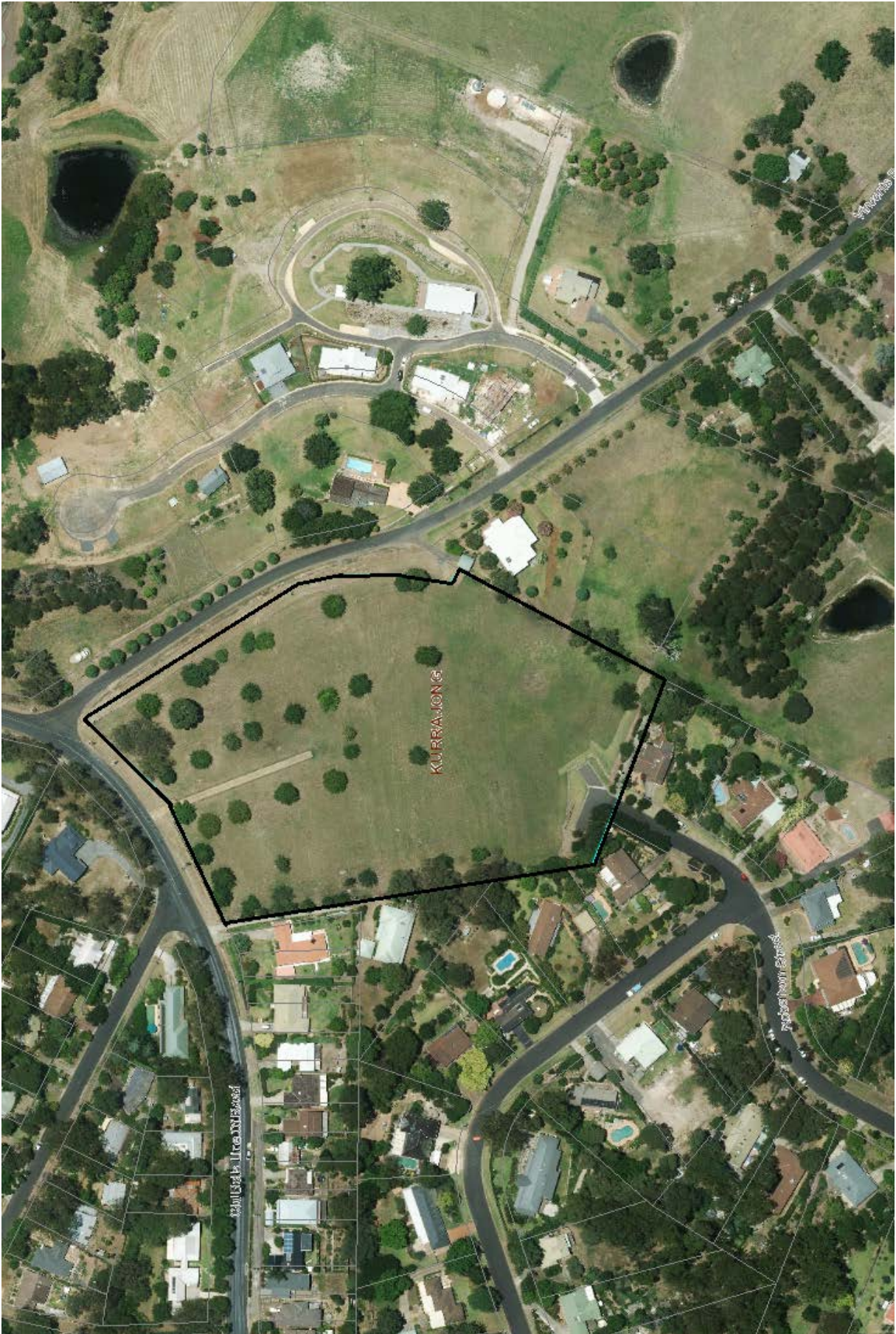
Meeting Date: 30 September 2014

Lot 1 DP 270827, No. 21 Vincents Road Kurrajong



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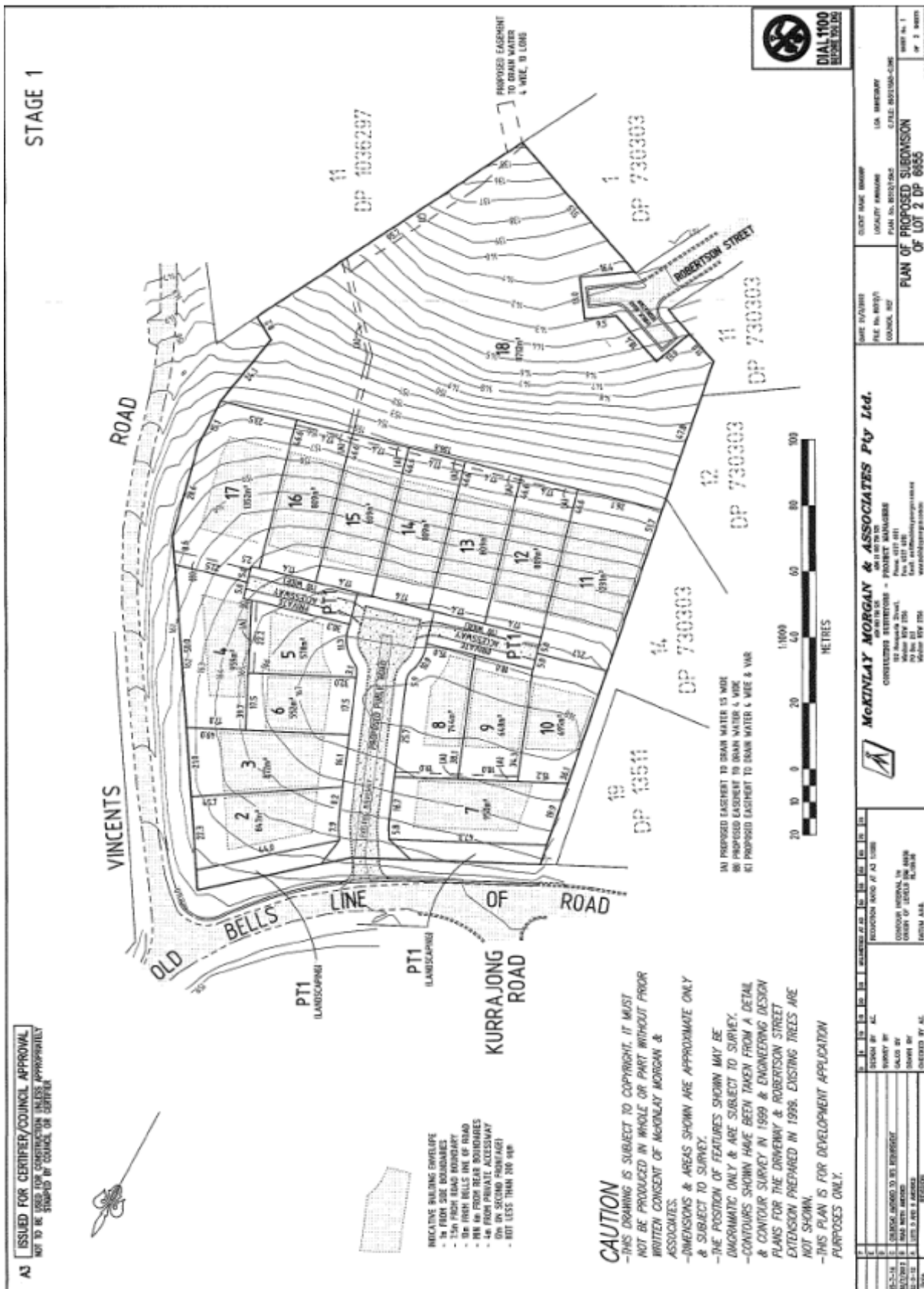
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AT - 2 Subdivision Plan – Stage 1



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Item: 180 **CP - Development Report - DA0519/14 - Lot X and Y DP383922 - 55-57 Windsor Street, Richmond - Removal of street trees - (95498, 22933)**

Development Information

File Number: DA0519/14
Property Address: 55-57 Windsor Street, Richmond
Applicant: Creative Planning Solutions
Owner: New Haven Farm Home Limited
Proposal Details: Removal of street trees
Estimated Cost: \$2200
Zone: SP2 Infrastructure
Date Received: 12/08/2014
Advertising: 27/08/2014 - 10/09/2014

Key Issues: ♦ Heritage listing

Recommendation: Approval

REPORT:

Executive Summary

An application has been received for the removal of two street trees in front of 57-55 Windsor Street Richmond.

It is proposed that the trees be removed as they are in close proximity to a driveway which would be constructed to provide access a group home development approved by the New South Wales Department of Family and Community Services.

An assessment of the application raises no objection to the proposed tree removal subject to mature replacement plantings being undertaken in front of the subject property. This assessment has also found that it is preferred to remove one additional tree (*Jacaranda [Mimosifolia]*) as this would assist in the development and growth of the replacement trees.

The application is being report to Council for determination as the proposed tree removal is within the road reserve and adjacent to a heritage item.

Description of Proposal

The application proposes the removal of two street trees in the road reserve in front of Lot X in DP 383922 & Lot Y in DP 383922, No. 57-55 Windsor Street Richmond.

The application has been submitted in conjunction with an arborist report prepared by Birds Tree Consultancy. The report has made an assessment in respect to the following trees.

- *Jacaranda (Mimosifolia)* – tree 1,
- Lemon Scented Gum (*Corymbia citriodora*) - tree 2; and
- Pepper Tree (*Schinus areira*) - tree 3.

The report recommends the removal of the Lemon Scented Gum and Pepper Tree marked as trees 2 and 3 as they are in close proximity to a driveway proposed to be constructed to service the group home development approved by the New South Wales Department of Family and Community Services.

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The application proposes that the Jacaranda – tree 1 would remain.

Council Policies, Procedures and Codes to Which the Matter Relates

State Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP 20)
Hawkesbury Local Environmental Plan 2012 (LEP 2012)
Hawkesbury Development Control Plan 2002 (DCP 2002)

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

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

| Issue | Comments |
|---------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Any Environmental Planning Instrument (EPI) | <p>State Regional Environmental Plan No 20</p> <p>Given the minor nature of the proposed development (being tree removal within an established residential area) it is considered that there would be minimal environmental impact on the Hawkesbury Nepean River catchment. Therefore that the development is consistent with the overall aims and objectives of the Plan.</p> <p>Hawkesbury Local Environmental Plan 2012</p> <p>The proposal is consistent with the aims, objectives and clauses of this plan. The land is zoned SP2 Infrastructure and the proposed tree removal is permitted with consent, being works that are ancillary to the use of the road (Windsor Street). The proposed tree removal would support the group home development approved at 57-55 Windsor Street.</p> <p>The trees are mapped in an area containing a locally listed heritage item, being, No. 193 – Avenue of plane trees along eastern approach to Richmond.</p> <p>An assessment of the proposal against Clause 5.1 of this plan has been undertaken and it is considered that the development would not have a significant impact on the heritage significance of Avenue of Plane trees located along Windsor Street. In this respect:</p> <ul style="list-style-type: none">• The trees proposed to be removed are of a different species than what are nominated as being of local significance, i.e., they are not Plane trees, and• It is intended that replacement plantings would be undertaken using mature Plane tree species which is consistent with the historically listed avenue of trees. <p>The land is identified as “<i>connectivity between significant vegetation</i>” on the terrestrial biodiversity map. It is considered that the proposal would not have any significant impact on the disruption of native flora and fauna. The trees are within an established residential area and do not form part of any significant native vegetation corridor.</p> |
| Any draft EPI that has been placed on public exhibition | There are no draft environmental planning instruments relevant to the proposed development or subject land. |

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| Issue | Comments |
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| Any DCP in force | <p>Hawkesbury Development Control Plan 2002 (DCP 2002)</p> <p>The proposal is generally consistent with the requirements of this plan, specifically in respect to the following chapters.</p> <p><i>Part A - Chapter 3: Notification of Development</i></p> <p>The application has been advertised to adjoining property owners between 27 August 2014 and 10 September 2014 with an additional one week extension granted to 17 September 2014 at the request of local residents. One submission was received from the public and is discussed under the submission section of this report below.</p> <p><i>Part C - Chapter 1: Landscaping</i></p> <p>The applicant has proposed to undertake replacement plantings using London Plane Trees to match with the landscape character of Windsor Street. This is considered to be acceptable under this chapter.</p> <p><i>Part C Chapter 9 – Preservation of trees and vegetation</i></p> <p>The applicant submitted an arborist report in support of the application which confirms that the driveway approved to service the development would have a significant encroachment into the structural root zone of both the <i>Lemon Scented Gum</i> and Pepper Tree marked as trees 2 and 3 on the plans.</p> <p>The report recommends that the trees be removed on the basis of safety and consideration of Australian Standard AS4970-2009 - Protection of trees on development sites.</p> <p>The report submitted has also made an assessment into the retention of a Jacaranda (<i>Mamosifolia</i>), identified as tree 1 on the site plan. It confirms that the tree could be retained with the manual excavation within the tree protection zone.</p> <p>Council's tree management officers have reviewed the report submitted and have made the following comments:</p> <p><i>“The condition of the two trees and a third (Jacaranda Tree) has been assessed and the approved works adjoining these, combined with the condition of the trees, is likely to severely compromise the tree health and structure.</i></p> <p><i>Whilst it is possible for the Pepper Tree (Schinus areira) tree only to be removed on health/safety grounds, the existing trees are likely to out-compete any replacement tree. A more significant part of the canopy/avenue removal and replacement is likely to give a better long term outcome.</i></p> <p><i>Removal of the three trees is recommended with two super advanced (350lt) Platanus x hybrid plantings in accordance with relevant Australian Standards in a structural soil planting zone under the direction of an arborist.”</i></p> |

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| Issue | Comments |
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| | <p>The tree management officers have also stated that:</p> <ul style="list-style-type: none"> • The Lemon Scented Gum is known to be unreliable due to branch failure and would be severely compromised as a result of the approved driveway excavations; and • The pepper tree is in poor health and reached its Safe Useful Life Expectancy. |
| Any matters prescribed by the Regulations | None applicable. |
| Likely impacts, including environmental, on both natural and built environments and the social and economic impacts of the locality | <p>The proposal would not have any significant impact on native flora or fauna habitat.</p> <p>It is considered that the proposed tree removal would not have a significant impact on the amenity of the locality as the trees proposed to be removed would be replaced with two replacement London Plane trees which would fit in with the historically listed avenue of plan trees which are established along Windsor Street.</p> <p>Council's Infrastructure Services Department have reviewed the proposal and recommended that the Jacaranda tree be included as part of the proposed tree removal in order to ensure that the proposed replacement plantings have sufficient space to grow without being compromised long term.</p> <p>An appropriate condition of consent has been recommended in this regard.</p> |
| The suitability of the site | The site is considered suitable for the proposed development. There are no constraints that would prevent the proposal from being undertaken. |
| Any submissions | <p>New South Wales Roads and Maritime Services (RMS)</p> <p>The application has been referred to the RMS for comment in respect to works within a main arterial road corridor. No objections were raised to the proposal subject to the development not having an impact on the flow of Windsor Street. A suitable condition has been recommended in this regard.</p> <p>Public Submissions</p> <p>One submission was received following the notification of the development. The submission raised objection to the proposal based on the trees age and aesthetics. In this respect the submission stated that:</p> <ul style="list-style-type: none"> • The trees were planted more than 100 years ago in times of drought in lieu of the Plane trees which would of once stood there; and • The Lemon Scented Gum does not impeded access to the site and is aesthetically pleasing along the streetscape. <p>The matters raised as a result of the submission have been considered and the proposal is considered satisfactory. In this respect the local heritage listing specifically relates to the avenue of plane trees which are not proposed to be removed. The application proposes the removal of species not identified as being listed and the group home development approved by the New South Wales Department of Family and Community Services has the potential to impact the safety of the trees proposed to be removed.</p> |

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| Issue | Comments |
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| | Furthermore it is considered that replacement plantings using super advanced plane tree species, minimum 350L, would ensure the amenity of the streetscape. |
| The public interest | <p>The proposed development is considered to be in the public interest as it would support the approved use of the land and the proposal is consistent with applicable planning legislation and requirements of Hawkesbury DCP 2002.</p> <p>The development would not result in any significant adverse environmental, social or economic impacts and it is considered that the matters raised in the submission received does not warrant refusal of the proposal.</p> |
| Any planning agreement that has been entered into | None applicable. |

Conclusion

Based upon the assessment of the application in this report, it is considered that the proposal be supported subject to the recommended conditions.

Planning Decision

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

RECOMMENDATION:

That development application DA0519/14 at Lot Y DP 383922 Lot X DP 383922, 55 Windsor Street, Richmond for removal of street trees be approved subject to the recommended conditions:

General Conditions

1. Consent is granted for the removal of trees marked 1, 2 and 3 on the stamped plans.
2. Tree removal shall be undertaken in a safe and workman like manner.
3. All works shall be carried out only on Monday to Friday between 7am to 6pm and on Saturdays between 8am to 4pm.
4. The waste material from the tree shall be disposed of in either of the following ways:
 - a) The material being mulched and re-used.
 - b) The material being deposited at an approved land fill/waste disposal facility.
 - c) The material being cut up and used in an approved heating or cooking device.

NOTE: The material is not to be burnt in the open.

5. All works shall be undertaken in a manner that does not disrupt the traffic flow of Windsor Street.
6. Two super advanced London Plane tree (*Platanus x hybrida*) specimens (350L minimum) are to be planted in a structural soil planting zone in accordance with the relevant Australian Standards under the direction of an arborist.

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ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Aerial Photography

AT - 3 Site Plan

AT - 4 Site Inspection Photos

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AT - 1 Locality Plan



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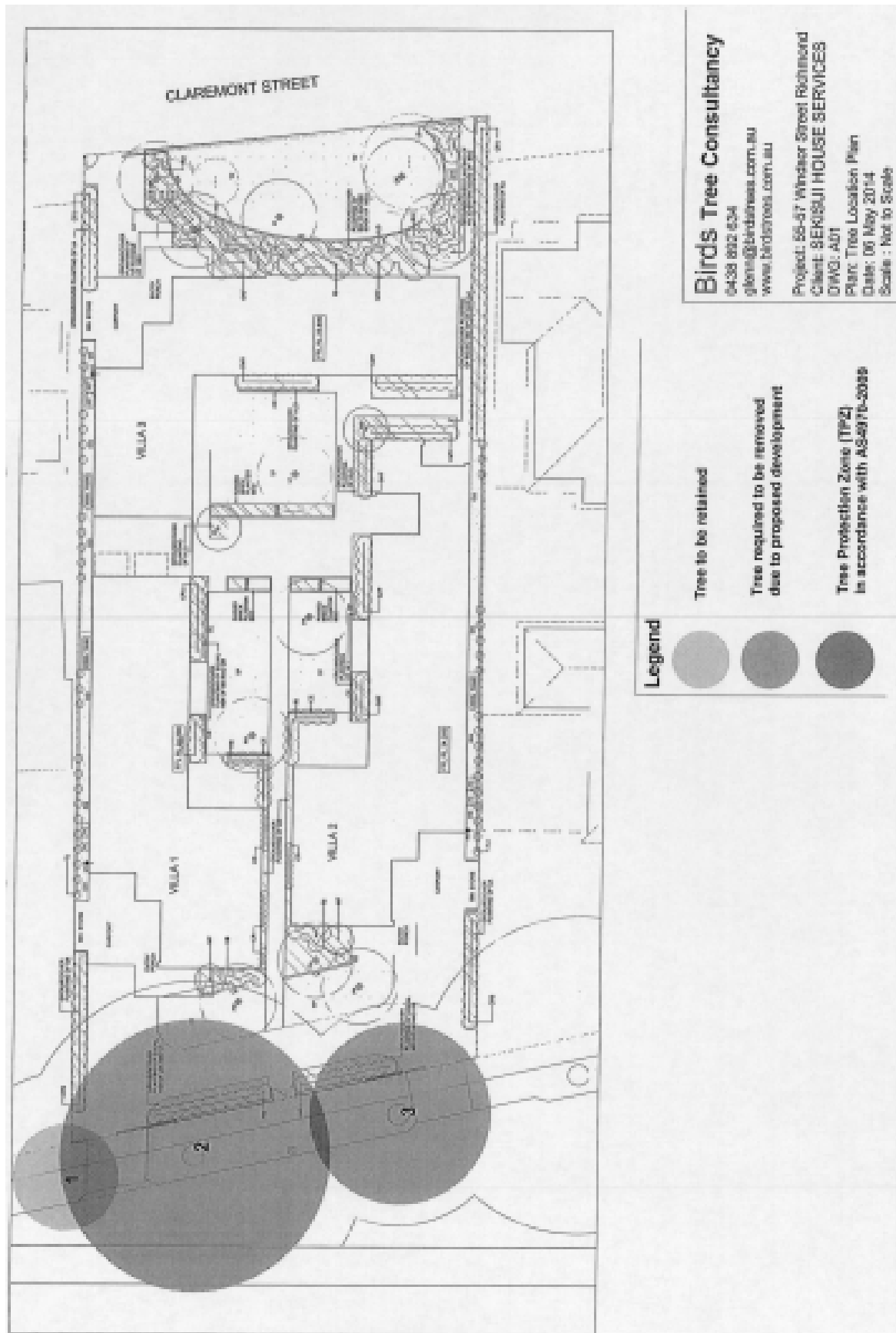
AT - 2 Aerial Photography



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AT - 3 Site Plan



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AT - 4 Site Inspection Photos



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Item: 181 **CP - Planning Proposal to amend Hawkesbury Local Environmental Plan 2012
- 24 Greenway Crescent, Windsor - (95498, 124414)**

REPORT:

Executive Summary

This report assesses a planning proposal which seeks to amend *Hawkesbury Local Environmental Plan 2012* (the LEP) in order to permit the subdivision of Lot 1 DP 884408, 24 Greenway Crescent, Windsor into ten lots.

The proposal is to amend the Lot Size Map of the LEP to permit smaller lots on this land and rezone part of the land to R2 Low Density Residential under the LEP.

It is recommended that Council support the preparation of the planning proposal in principle, and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the planning proposal will only be given subject to satisfactory arrangements being made for flood evacuation of the land.

Consultation

The planning proposal has not yet been exhibited as there has been no decision by Council to support or not support the matter. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and associated Regulations and as specified in the "Gateway" determination.

Planning Proposal

The planning proposal submitted by Falson & Associates Pty Ltd (the applicant) seeks an amendment to the LEP in order to permit the subdivision of Lot 1 DP 884408, 24 Greenway Crescent, Windsor into ten lots.

The effect of the planning proposal would be to amend the Lot Size Map of the LEP to set out three different minimum lot sizes of 450m², 600m² and 4,000m² for the site.

Subject Site and Surrounds

The site is legally described as Lot 1 DP 884408, 24 Greenway Crescent, Windsor. It is located to the south-west of the Windsor Town Centre (the Town Centre), and is immediately north and east of the existing residential area (see Figure 1 below). The site is located approximately 850m from the Town Centre and the Windsor Railway Station.



Figure 1: Locality Map

The site is predominantly zoned RU2 Rural Landscape and a narrow strip of land with an area of approximately 330m² adjoining the north-western boundary of 22 Greenway Crescent, Windsor is zoned R2 Low Density Residential under the LEP (see Attachment 2 to this report). The current minimum lot size for subdivision of this land (other than this narrow strip of land) is 10ha. The minimum lot size to the narrow strip of land is 450m² (see Attachments 3 to this report)

The site is an irregular shape with an area of approximately 1.6ha. It has a frontage to Greenway Crescent of approximately 125m. The site contains a dwelling house and a number of outbuildings, and has some vegetation along the southern and eastern boundaries and Greenway Crescent frontage. The middle plateau of the site is generally free of any vegetation (see Figure 2 below).



Figure 2: Aerial view of the site and surround

The Terrestrial Biodiversity Map of the LEP records the site as containing Shale Plains Woodland and shows some parts of the site as either Significant Vegetation or Connectivity Between Significant Vegetation.

According to Council's mapping information the natural elevation of the site varies between 9.5m AHD at north-western boundary and 20m AHD at south-eastern boundary and the site falls towards the north-western boundary. The majority of the site area, particularly the middle of the site, is generally flat with a slope of 6% or less, and narrow strips of the land mainly along the southern, eastern and western boundaries as well as the Greenway Crescent frontage contain slopes in excess of 15%.

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury – Nepean River (No.2 – 1997)*.

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The site is shown as being bushfire prone (bushfire vegetation category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map. Also part of the land is shown as a flood prone land on Council's mapping system.

The site is shown as being within Acid Sulfate Soil Classification 4 and 5.

The site is shown as being Agriculture Land Classification 2 and 9 on maps prepared by the former NSW Department of Agriculture.

The site is affected by aircraft noise from Richmond RAAF base and its flight paths.

According to Council's records, an office building (associated with a turf growing operation on adjoining properties) has previously been approved on the land.

Properties immediately to the north and west are zoned RU2 Rural Landscape and properties immediately to the east and south are zoned R2 Low Density Residential. Properties in the immediate vicinity vary in size from 500m² to 3ha.

Applicant's Justification of Proposal

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

- *The planning proposal is consistent with the Metro Plan, dNWSS, HRLS and other relevant statutory framework.*
- *The site is within easy walking distance to Windsor Town Centre, Windsor Railway Station, parks and the community facilities.*
- *Planning proposal will enable the expansion of the existing residential area in Windsor.*
- *The land has appropriate physical characteristics to support the proposed ten lot subdivision.*
- *The planning proposal will assist in meeting the 5000 – 6000 dwellings target within the Hawkesbury Local Government Area (LGA) by 2031.*
- *The planning proposal will contribute to the viability of the local economy.*
- *The proposed subdivision will not require additional infrastructure. Reticulated water and sewer, electricity and telecommunication services are available to the site.*
- *The site is on the fringe of the Windsor Town Centre and is considered to be within an area to be considered for development in accordance with Hawkesbury Residential Land Strategy 2011 (HRLS).*
- *The land is capable of being subdivided into a number of lots consistent with the existing lot sizes and patterns in the vicinity*
- *If the land is not developed it would remain isolated as rural land.*

Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney 2031, Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy

The NSW Government's Metropolitan Plan for Sydney 2036 (the Metro Plan) provides a long-term planning framework for Sydney and identifies the following key Strategic Directions to transform Sydney as a more compact, networked city with improved accessibility, capable of supporting more jobs, housing and lifestyle opportunities by 2036:

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- A. Strengthening 'the City of Cities'
- B. Growing and renewing centres
- C. Transport for a connected city
- D. Housing Sydney's population
- E. Growing Sydney's economy
- F. Balancing land uses on the city fringe
- G. Tackling climate change & protecting Sydney's natural environment
- H. Achieving equity, liveability and social inclusion
- I. Delivering the Plan

The Draft Metropolitan Strategy for 2031 (the draft Metro Strategy) released in March 2013 sets out a vision with key objectives, policies and actions to drive sustainable growth of Sydney to 2031 and beyond and it aims to achieve the following key outcomes for Sydney:

- Balanced growth
- A liveable city
- Productivity and prosperity
- Healthy and resilient environment
- Accessibility and connectivity

Once the draft Metro Strategy finalised, it will replace the Metro Plan.

The Draft North West Subregional Strategy (dNWSS) provides a broad framework for the long-term development of the north-western sector of Sydney, guiding government investment and linking local and state planning issues. (Note: The Department of Planning and Environment are currently preparing revised sub-regional strategies with the 'western' region, containing the Hawkesbury, Penrith and Blue Mountains LGAs, strategy aimed to be in draft form by the end of 2014 or early 2015.)

The above explained documents contain a number of key strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance, and identify a hierarchy of centres. In accordance with this centres hierarchy Windsor is a town centre.

The applicant has provided an assessment of the planning proposal against the Metro Plan and dNWSS and concludes that the proposal is consistent with these strategies. Taking into consideration the location of the proposed residential development in close proximity to both Windsor Town Centre and Railway Station along with its reasonable urban development potential and access to the required infrastructure it is considered that the proposal is generally in compliance with all these strategies.

The Hawkesbury Residential Land Strategy (HRLS) is, in part, a response to the above mentioned State strategies and seeks to identify residential investigation areas and sustainable development criteria which are consistent with the NSW Government's strategies. The HRLS acknowledges that centres are the priority locations for future housing growth as they benefit from existing retail, commercial, community and transport infrastructure services, and identifies a dwelling target of 4,500 – 9,000 dwellings within 800m radius for a town centre. The HRLS identifies a corridor between Windsor and Bligh Park in Windsor area as a potential future growth area subject to further investigations on flood related constraints. The land is located on the fringe of this corridor and it appears that it is partly within the area marked as "Windsor Residential Area" and the areas investigated for future growth (see attachment 4 to this report).

However given the location of site within a reasonable walking distance to the Town Centre and adjacent to an established urban residential area, its easy access to public transport system and community infrastructure and the predominant urban land use character in the immediate vicinity, the proposal can be considered as an urban development. The planning proposal seeks development of land adjacent to the established urban residential area for residential purpose that would provide local residents with increased housing opportunity and choice in close proximity to both Windsor Railway Station and Town Centre is considered generally consistent with the objectives of the HRLS and State strategies.

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

On 30 August 2011 Council adopted the following Policy:

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

Note 1:

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

Note 2:

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

Compliance with the HRLS has been discussed above. Compliance with CSP will be discussed later in this report.

Council Policy - Our City Our Future Rural Rezonings Policy

This Policy was adopted by Council on 16 May 1998 and had its origin in the Our City Our Future study of the early 1990s.

Since the time of adoption this Policy has essentially been superseded by subsequent amendments to Hawkesbury Local Environmental Plan 1989, NSW Draft North West Subregional Strategy, the Hawkesbury Residential Land Strategy, the Hawkesbury Community Strategic Plan, the commencement of LEP 2012, and the DP&I's "Gateway" system for dealing with planning proposals.

For completeness of the assessment the Policy is repeated below with responses provided by the applicant.

- a) *Fragmentation of the land is to be minimised.*

Applicant response

The land is already fragmented from the main rural lowlands and has residential land character rather than rural land. Fragmentation of this land is envisaged by this subsequent strategy.

- b) *Consolidation within and on land contiguous with existing towns and villages be preferred over smaller lot subdivision away from existing towns and villages*

Applicant response

The proposed is consistent with this principle.

- c) *No subdivisions along main road and any subdivision to be effectively screened from minor roads*

Applicant response

The site does not front a main road and is not visible from a main road.

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- d) *No subdivision along ridgelines or escarpments*

Applicant response

The site is not on a ridgeline or in an escarpment area.

- e) *Where on site effluent disposal is proposed, lots are to have an area of at least 1 (one) hectare unless the effectiveness of a smaller area can be demonstrated by geotechnical investigation.*

Applicant response

The proposed lots would be connected to reticulated sewer services already provided to the locality.

- f) *The existing proportion of tree coverage on any site is to be retained or enhanced.*

Applicant response

The site has little vegetation and is mostly cleared due to past activities. The subdivision does not propose removal of vegetation and the proposed lots can be provided with retention of vegetation.

- g) *Any rezoning proposals are to require the preparation of Environmental Studies and Section 94 Contributions Plans at the applicant's expense.*

Applicant response

The rezoning process has altered since this policy of Council. The Gateway Process will dictate whether further studies are required.

- h) *Community title be encouraged for rural subdivision as a means of conserving environmental features, maintaining agricultural land and arranging for the maintenance of access roads and other capital improvements.*

Applicant response

The subdivision that would result from this planning proposal is for low-density residential housing and not rural/residential development.

Section 117 Directions

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

Direction 1.2 Rural Zones

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

The planning proposal seeks an amendment to Lot Size Map of the LEP to allow subdivision of the land for 10 lots in varying sizes (450m², 600m² and 4,000m²) but it does not propose any changes to the current RU2 Rural Landscape zoning or contain provisions to increase the permissible density of land.

However given the site has been filled in the past with no development approval, the provisions contained in Clause 4.2B of the LEP in relation to subdivisions in certain flood planning areas of land zoned RU1, RU2, RU4, R5 and E4 will not permit subdivision of the land under the current RU2 zoning. Therefore it is proposed to make an amendment to the planning proposal to rezone part of the land to R2 Low Density Residential consistent with the zoning of the immediate vicinity. This issue is explained in detail in the latter part of this report.

There is a minor inconsistency with this direction as the amended planning proposal will result in rezoning part of the land to R2 Low Density Residential and increased residential allotments on this rural land. This minor inconsistency is justified with the following reasons:

- This is a good opportunity to provide additional residential development adjacent to the established urban residential area and in close proximity to both Windsor Town Centre and the Windsor Railway Station to enable improved viability of the Town Centre and support the planned revitalisation of the Town Centre consistent with both State and Local Government strategic frameworks.
- Given the location of the land within the Windsor Town Centre catchment and adjacent to established residential area as well as its easy access to required infrastructure services (e.g. reticulated sewer and water, electricity, telecommunication) and public transport system it has a significant urban development potential.
- Future development of the land for urban purposes is more compatible with surrounding land uses.
- The land appears not to have been previously used for agricultural use. The site is in proximity to the Windsor Town Centre, Railway Station and Bus Interchange, adjacent to the Windsor residential area. The land has easy access to community infrastructure and required services to accommodate a residential development and can be developed more economically for urban purposes than a rural or an agricultural use.
- The land agricultural classification map which is explained in detail in the latter part of this report shows that the land is not suited to continuous cultivation and the agricultural value is governed by soil condition and other environmental constraints. The land is also classified as 'Urban'.
- The size of area proposed for rezoning is insignificant.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

Should Council resolve to proceed with the planning proposal and receive a gateway determination advising to proceed with the planning proposal from DP&E, the NSW Trade and Investment (NSW T&I) will be consulted accordance with Direction 1.3(4).

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) *improving access to housing, jobs and services by walking, cycling and public transport,*
- (b) *increasing the choice of available transport and reducing dependence on cars,*
- (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car,*
- (d) *supporting the efficient and viable operation of public transport services, and*
- (e) *providing for the efficient movement of freight.*

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The planning proposal seeks to subdivide the land into 10 lots for residential development and enable the expansion of the existing residential area in proximity to the Town Centre. This would help increase viability of both rail and road transport networks, local business/retail activities and employment opportunities and thereby assist the growth and change of the existing Town Centre. It is therefore considered that the planning proposal is generally consistent with this Direction.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&E. The subject site is identified as containing "Class 4 and Class 5 acid sulphate soils on the Acid Sulphate Soils Planning Maps, and as such any future development on the land will be subject to Clause 6.1 Acid sulphate soils of the LEP which has been prepared in accordance with the Acid Sulfate Soils Model Local Environmental Plan provisions within the Acid Sulfate Soils Planning Guidelines adopted by the Director General.

This Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soil study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act. An acid sulfate soil study has not been included in the planning proposal.

The applicant has not provided an acid sulfate soil study demonstrating the appropriateness of the proposed minimum lot sizes for the land. The DP&E will consider this as part of their "Gateway" determination and if required can request further information/consideration of this matter.

Direction 4.3 Flood Prone Land

The objectives of this Direction are:

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

This Direction states that:

- Planning proposals must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).
- A planning proposal must not rezone land within the flood planning areas from special use, special purpose, recreation, rural or environmental protection zones to a residential, business, industrial, special use or special purpose zone.
- A planning proposal must not contain provisions that apply to the flood planning areas which:
 - (a) Permit development in floodway areas,
 - (b) Permit development that will result in significant flood impacts to other properties,
 - (c) Permit a significant increase in the development of that land,

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- (d) Are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
- (e) Permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodway or high hazard areas), roads or exempt development.

The land is identified as flood prone land. Clause 6.3 Flood Planning of the LEP makes provisions for flood prone land, and the planning proposal does not contain any flood planning provisions. According to the NSW Floodplain Development Manual 2005, Council has developed and adopted the Hawkesbury Floodplain Risk Management Study and Plan for the entire Hawkesbury LGA to enable effective development and management of flood prone land with minimal impact of flooding on individual owners and occupiers of flood prone property and to reduce private and public losses resulting from floods, and the likely impacts of future development of the land on flood management and evacuation can be effectively assessed at development application stage.

However there is a minor inconsistency with this direction as it is proposed to rezone a small area of flood prone land to R2 Low Density Residential. This inconsistency has already been justified under the Direction 1.2 Rural Zones above.

Consideration of flooding is discussed in more detail later in this report.

Direction 4.4 Planning for Bushfire Protection

The land is identified as a bushfire prone, containing Vegetation Category 1. This Direction requires consultation with the NSW Rural Fire Service following receipt of a Gateway determination from, compliance with Planning for Bushfire Protection 2006, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions.

Direction 6.1 Approval and Referral Requirements

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

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

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

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls. The planning proposal proposes an amendment to part of the property zoning and the Lot Size Map only. It is therefore considered that the proposed amendment is consistent with this Direction.

Direction 7.1 Implementation of the Metropolitan Strategy

The objective of this Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. This Direction requires that planning proposal should be consistent with the NSW Government's Metropolitan Plan for Sydney 2036.

'Metropolitan Plan for Sydney 2036', which is one of the issues taken into consideration in the early part of the assessment of the Planning Proposal, establishes that the planning proposal is consistent with this Plan.

The Section 117 Directions do allow for planning proposals to be inconsistent with the Directions. In general terms a planning proposal may be inconsistent with a Direction only if the DP&E is satisfied that the proposal is:

- a) justified by a strategy which:
 - gives consideration to the objectives of the Direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the DP&I, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this Direction, or
- c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this Direction, or
- d) is of minor significance.

The HRLS has been prepared with consideration given to the various policies and strategies of the NSW Government and Section 117 Directions of the Minister. In this regard, a planning proposal that is consistent with the Hawkesbury Residential Land Strategy is more likely to be able to justify compliance or support for any such inconsistency.

State Environmental Planning Policies

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

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

A contamination report has not been submitted with the planning proposal. The applicant advises that the land has not been used for an agricultural use for many years other than for an office, plant and equipment storage and servicing of machinery and vehicles in association with turf farming operation carried out on an adjacent property. The applicant further advises that there is no obvious evidence of surface or groundwater pollution as a result of these past activities.

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However Council's records show the land has been filled in the past without prior approval from Council. According to Table 1 of Managing Land Contamination Planning Guidelines, SEPP 55 – Remediation of Land, landfill sites is an activity that may cause contamination.

If the planning proposal is to proceed further consideration of potential contamination can be dealt with after DP&E's "Gateway" determination.

The primary aims of SREP No 9 (No.2 -1995) are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposal development restrict the obtaining of deposits of extractive material from such land.

The aim of SREP No 20 (No. 2 - 1997) is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically the SREP No 20 encourages Council to consider the following:

- rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna);
- develop in accordance with the land capability of the site and do not cause land degradation;
- the impact of the development and the cumulative environmental impact of other development proposals on the catchment;
- quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters;
- consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored;
- consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site;
- when considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of rural land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 20 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan;
- minimise or eliminate point source and diffuse source pollution by the use of best management practices;
- site and orientate development appropriately to ensure bank stability;
- protect the habitat of native aquatic plants;
- locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land;
- consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms;
- conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors;
- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices;
- consider the impact on ecological processes, such as waste assimilation and nutrient cycling;
- consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas;
- consider the need to control access to flora and fauna habitat areas;

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

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of SREP No.20 Hawkesbury – Nepean River (No.2 – 1997) and is within the Unit 3.4.1 – Yarramundi Weir to South Creek junction of Scenic Corridor with regional significance under this SREP. It is considered that some form of low density urban residential development on the subject land has the potential to either satisfy the relevant provisions SREP No 20 or to minimise likely impacts on the environment of the Hawkesbury-Nepean River system.

Character of the Area

There is a mix of land uses around the site including urban and rural residential development, parks and public reserves, a place of worship and business premises, and the predominant land use within the immediate vicinity of the site is low density residential development. The allotments sizes in the close vicinity range from 475m² – 1300m², and the proposed lots on the land are not inconsistent with these lot sizes. The applicant advises that there would not be any substantive change to the landscape of the site or surroundings other than there being low density dwellings on the site and in the vicinity of other existing dwellings. The applicant further maintains that the local landscape will eventually alter by the construction of dwellings however this would not be distinguishable in a broader urban context in which the site is located.

Topography

According to Council's mapping information the natural elevation of the site varies between 9.5m AHD at north-western boundary and 20m AHD at south-eastern boundary and the site falls towards the north-western boundary. More than half of the site area, particularly the middle plateau of the site, is generally flat with a slope of 6% or less, and narrow strips of the land mainly along the southern, eastern and western boundaries as well as the Greenway Crescent frontage contain slopes in excess of 15% (see Figure 3 below):

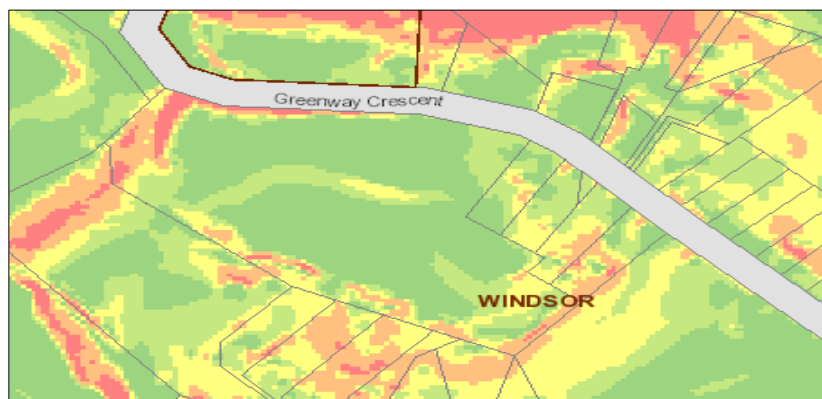


Figure 3 – Slope analysis

The HRLS recognises slopes greater than 15% act as a constraint to development. It is considered that all the proposed lots depicted in the subdivision concept plan have sufficient land with a slope less than 15% to accommodate a dwelling house.

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Services

The applicant advises that the future development of the land will not create additional demand for infrastructure as the site has adequate access to electricity reticulated water and sewer, and telecommunication services to accommodate the proposed low density residential development on the land are available to the site.

If the planning proposal is to proceed, the relevant public authorities such as Sydney Water and Integral Energy will be consulted on the planning proposal after DP&E's "Gateway" determination.

Flooding

The land is flood prone land with contours ranging from 9.5m AHD to 20m AHD. The majority of the land area is below the 1 in 100 year ARI flood level. However, approximately 1850m² land area at the south-eastern corner of the site is above the 1 in 100 year ARI flood level (see Figure 4 below).

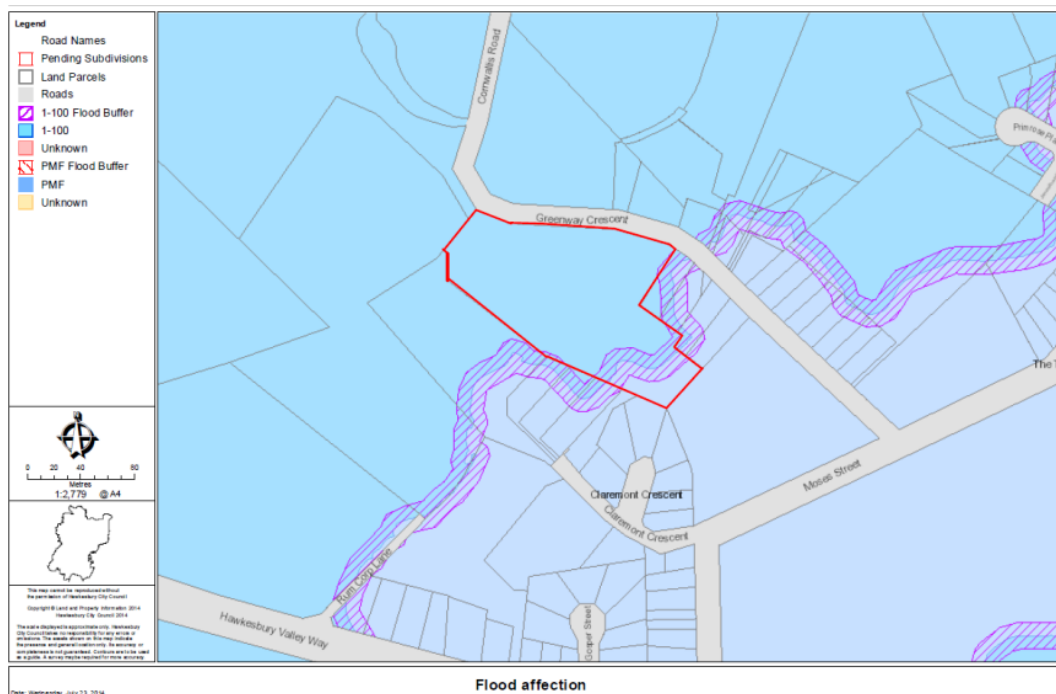


Figure 4 – Flood affection

The concept plan of the proposed subdivision, see Figure 5, (NOTE: this layout will not be endorsed until a formal Development Application has been lodged and appropriately assessed and determined) shows 9 additional lots in varying sizes (ranging from 451m² – 701m²) on the land and a large lot with an area more than 4000m². The applicant suggests that habitable floor levels of future dwellings on those lots would be at least at the 1 in 100 ARI flood level plus 0.5m.

The 1 in 100 ARI flood level at Windsor is 17.3m AHD, and the concept plan showing the proposed lots (other than lots 3, 4 and 5 shown in yellow) in Figure 5 below would need to be filled to accommodate future residential development above the 1 in 100 ARI flood level. According to Council's mapping information the existing ground levels of the proposed lots that would need to be filled are approximately 16m AHD – 16.5m AHD hence approximately 0.8m – 1.3m of filling would be required to achieve a land height of 17.3m.

The subject site falls within the State Emergency Service's (SES's) "Windsor" flood evacuation sector which means future residents would, when required, evacuate via the Jim Anderson Bridge.

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The Hawkesbury Floodplain Risk Management Study and Plan (HFRMS&P) found that, under current SES operations, this sector is evacuation constrained and as a result the existing flood risk is intolerable/unacceptable and therefore no further development should proceed.

The HFRMS&P also considered possible changes in SES operations and other measures to improve flood evacuation and found that if these were implemented the risk could be reduced from “intolerable/unacceptable” to “moderate”. Discussions between Council staff and SES staff regarding possible changes to SES operation are ongoing and no resolution has been reached so far.

Good planning practice also suggests that flood evacuation from a site should be via a “rising road access” i.e. where access roads rise steadily uphill and away from floodwaters. The proposal seeks to utilise an existing access onto Greenway Crescent which is approximately 16 – 16.5m in height for a length of approximately 25m until it achieves a height of 17m. This means that a rising road access is not achieved. Possible options to resolve this could be investigating the feasibility of raising Greenway Crescent or by providing an alternative means of access to the site, possibly via Claremont Crescent.

The applicant has not considered flood evacuation from the site or the impact of the development on the flood evacuation capacity of the Windsor sector. These matters will require further discussion/examination by the applicant, Council and SES. It is understood that SES’s preference is not to discuss such proposals until after a “gateway” determination has been issued by the Department of Planning and Environment. It is therefore recommended that, at this stage, Council support the forwarding of the planning proposal to the DP&E for a “gateway” determination to enable such future discussions with SES.

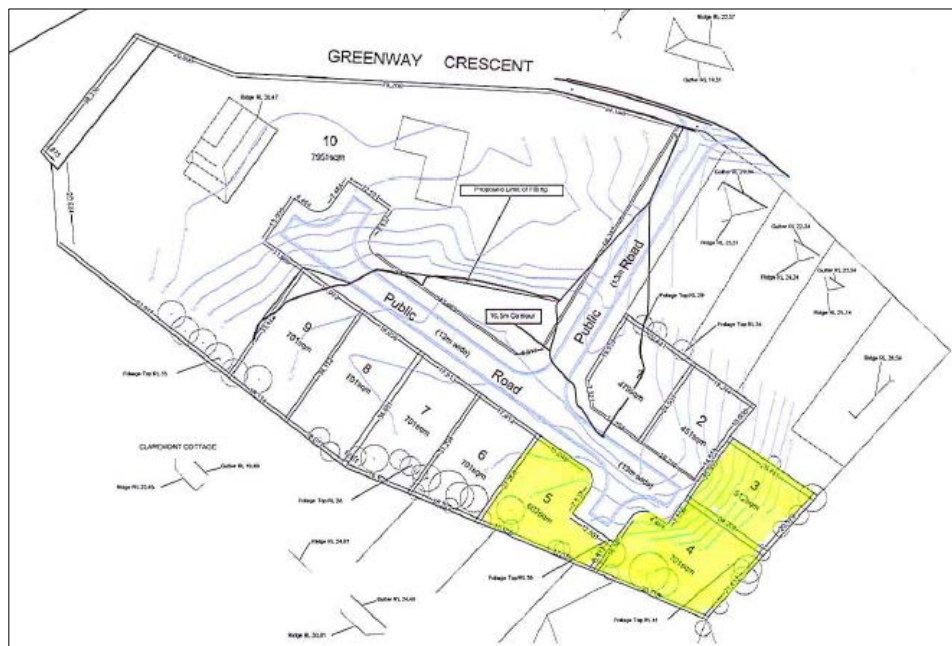


Figure 5 – Proposed subdivision

Public transport and Traffic movement

The planning proposal is not supported by a transport/traffic statement or traffic impact statement other than the applicant’s following statement:

“The site is within easy walking distance to the Windsor shopping centre and Windsor Rail Station. Parks, churches, cafes, banks, chemists etc. are all in close proximity.

Access to the site from Greenway Crescent would require a new road construction. Sight distances are satisfactory in each direction onto Greenway Crescent from the point of the new road intersection.”

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The site is located within a reasonable walking distance to both Windsor Railway Station and Bus Interchange. Public bus service is available from Windsor Interchange to surrounding suburbs in the region including Penrith, Mt Druitt, Richmond, Wilberforce, Pitt Town and Riverstone, McGraths Hill and Vineyard. Also NightRide bus service is operated three times a week between Richmond and City (Town Hall) via Windsor Station. Therefore, it is considered that the site has reasonably easy access to public transport.

The site currently has two entry points from Greenway Crescent. As shown in Figure 5 above, the subdivision concept plan proposes to utilise the current main entry point next to 22 Greenway Crescent as the only means of access to the site with a new T-shaped access way providing access to the proposed lots.

Given the proposed site access arrangement from Greenway Crescent which is a local road with no significant traffic movements, it is a matter for Council to consider any likely impacts of the future development of the land on the local road network or the residential amenity in the locality at the development application stage.

Aircraft noise exposure

The whole site is affected by aircraft noise from Richmond RAAF base and its flight paths. Approximately 92% of the site area is within the 20 - 25 contour range of the 2014 Australian Noise Exposure Forecast (ANEF) Map and the remaining area is within 25 – 30 contour range (see Figure 6 below).

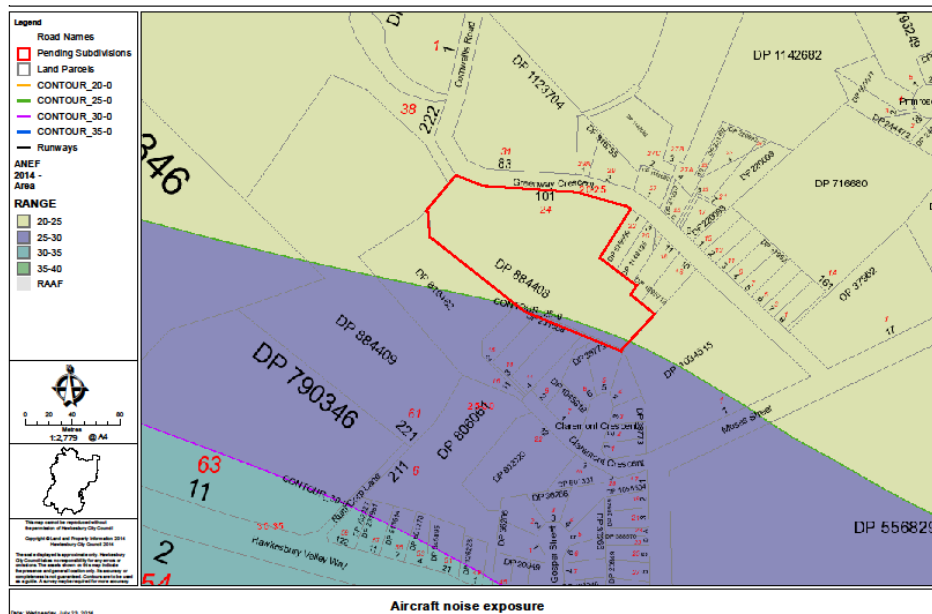


Figure 6 – Aircraft noise exposure forecast

The noise generated by aircraft associated with the RAAF restricts development in the surrounding areas of RAAF Base due to excessive noise exposure. The ANEF classification and the Australian Standard 2021-2000 provide acceptable and unacceptable ANEF levels for development. According to this classification and the standard residential development on land with noise exposure contour between 20 - 25 will require special noise assessment and mitigation measures and development above 25 ANEF is considered unsuitable except in the vicinity of Richmond where up to 30 ANEF may be considered subject to installation of appropriate noise mitigation measures being applied.

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As shown in Figure 6 above only approximately 8% of the land area at the southern boundary of the site is not suitable for development and development of the remaining area for residential development will be subject to a noise assessment which can be undertaken at development application stage. If the planning proposal is to proceed, the Department of Defence will need to be consulted in accordance with its advice dated 8 December 2005 (Dept. Ref: 2013/1550/1).

Ecology

The applicant advises that:

"The site is included in the Terrestrial Biodiversity Map within Council's LEP 2012. The map indicates that approximately 25% of the site is classed as "connectivity between significant vegetation" and approximately 10% is "significant vegetation". If the biodiversity map is assessed in conjunction with the aerial photo of the site it can be seen that the biodiversity map is not accurate as it shows more land containing vegetation than is actually the case.

A flora/fauna assessment has not been carried out at this time and it is not believed that one is required if the site is critically looked at. Development of the site can take place without impact on any significant vegetation".

The Terrestrial Biodiversity (TBV) Map of LEP 2012 identifies approximately 50% of the site area as 'connectivity between remnant vegetation and Endangered Ecological Communities. Council's vegetation mapping records the site as containing Shale Plains Woodland which is a sub-set of Cumberland Plain Woodland which is a critically Endangered Ecological Community under the *Threatened Species Conservation Act 1995*. However, Council's site investigations reveal that the mapping is inconsistent with the vegetation on the site as the land is mostly cleared with vegetation only existing along the boundaries.

The majority of these canopy trees Lemon Scented Gum and Silky Oak which are not part of Cumberland Plain Woodland community. Much of the understorey is quite weedy. However there is still some value in the native vegetation along the boundaries as the majority of them are mature trees and provide habitat aspects.

It is considered that the subdivision concept plan showing building footprints on proposed lots does not accurately reflect the existing vegetation on the land, and the availability of sufficient land free of any significant vegetation for the erection of dwelling houses is not clear. Therefore, any future development on the land, via the development application process, will require consideration of the likely impacts of the development on the existing vegetation.

Bushfire hazard

The site is shown as being bushfire prone (bushfire vegetation category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map.

If the planning proposal is to proceed it will be referred to the NSW Rural Fire Service (RFS), being the responsible authority of bushfire protection, for comment.

Agricultural Land Classification

The site is shown as being Agriculture Land Classification 2 and 9 on maps prepared by the former NSW Department of Agriculture. These lands are described by the classification system as:

2. *Arable land suitable for regular cultivation for crops but not suited to continuous cultivation. It has moderate to high suitability for agriculture, but edaphic (soil factors) or environmental constraints reduce the overall level of production and may limit the cropping phase to a rotation with sown pastures.*
9. *Urban*

Given the site has not been used for agricultural purposes for many years and is within the Windsor Town Centre catchment, adjacent to urban development and its close proximity to public transport system and other public amenities it has a reasonable urban development potential and therefore it is unlikely the site could be used for a substantial or sustainable agricultural enterprise.

Heritage

The subject property is not listed as a heritage item in Schedule 5 Environmental Heritage of the LEP (Schedule 5) or identified as an archaeological site. However, St Matthews Anglican Church at 1 Moses Street and "Claremont Cottage" at 16 Claremont Crescent, Windsor adjoining the property are listed as heritage items with State significance in Schedule 5. The house opposite the subject property at 29 Greenway Crescent, Windsor known as "Former Inn" is also listed as heritage item with local significance in Schedule 5.

The likely impact of the future development of the land on these heritage properties can be assessed at development application stage. Appropriate development conditions ensuring no adverse impacts on these heritage items/properties could be imposed in future development approvals for the subject land.

Minimum allotment size

The planning proposal seeks to amend the current Lot Size Map of the LEP to allow three different minimum lot sizes within the site as shown in Figure 8 below:

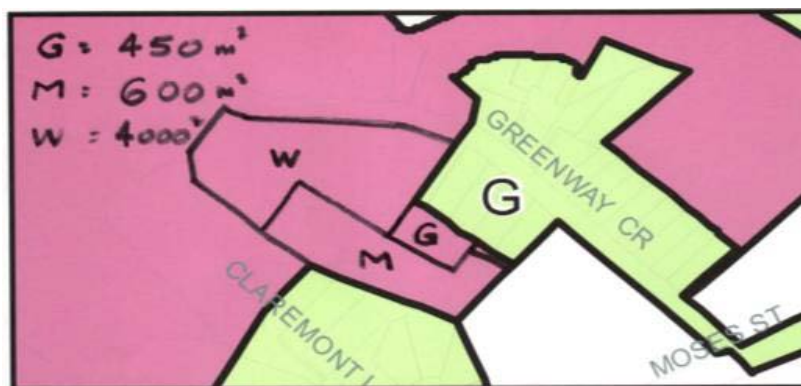


Figure 7 – Suggested minimum lot size map

As shown in Figure 7 above, the planning proposal suggests minimum lot sizes of 450m^2 , 600m^2 and 4000m^2 for land areas identified with letters "G", "M" and "W" respectively.

However it is noted that the concept plan of the proposed subdivision included in the planning proposal application shows the proposed Lot 3 with an area of 512m^2 is located within the area proposed for minimum lot size of 600m^2 . It is for these reasons that the planning proposal does not adopt the subdivision concept plans accompanying the application. The subdivision layouts are used to assist in the development of a Lot Size Map only and the subdivision layout is not finalised until the development application stage.

Irrespective of the above, the proposal to amend the Lot Size Map to permit 600m^2 minimum lots within the land area "M" shown in Figure 7 is inconsistent with the current permissible minimum lot sizes in the surrounding area (see Attachment 3 to this report).

It is therefore suggested to amend the proposed Lot Size Map in Figure 7 to remove the land area "M" and extend the land area "G" through linking two land areas to which the minimum 450m² provision applies immediately north and south of the south-eastern part of the land to ensure consistency with the permissible minimum lot sizes for land in the locality and enable better planning outcomes as shown in Attachment 5 to this report. This approach would also enable reduced land filling (approximately 0.3m – 1.0m compared with 0.8m – 1.3m as per the current proposal) to achieve the 1 in 100 year ARI flood planning level.

Proposed Zoning

The land is currently zoned RU2 Rural Landscape under the LEP and is flood prone. Clause 4.2B of the LEP makes provisions for subdivisions in certain flood planning areas of land zoned RU1, RU2, RU4, R5 and E4 and therefore this clause applies to the land. Clause 4.2B states that:

- (2) *Development consent must not be granted for a subdivision to which this clause applies unless the consent authority is satisfied that there is an area of land on the lot is above flood planning level and is sufficient for the erection of a dwelling house.*
- (3) *For the purposes of subclause (2), an area of land is **above flood planning level** if the land is above the level of 1:100 ARI (average recurrent interval) flood event (whether the level is a natural surface level or a level achieved by filling carried out with a previous development consent.*

Given the land has been filled with no development consent in the past it cannot be subdivided under the current RU2 zoning in accordance with the above provisions. A possible option to overcome this issue is to rezone the land to an alternative zoning which permits dwelling houses. Given the existing zoning in the immediate locality the most appropriate zoning for the land area "G" shown in Lot Size Map is R2 Low Density and therefore it is proposed to rezone this part of the land as R2 Low Density Residential as shown in Attachment 6 to this report. Given the whole land area "W" is below the 1 in 100 year ARI flood level with contours ranging from 9.5m AHD to 17m AHD it is considered inappropriate to rezone that part of land to R2 Low Density Residential.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Plan Directions statement:

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

Conclusion

The assessment of the planning proposal with regard to the matters considered in this report reveals that the land has the potential for some form of residential development and the planning proposal has some merit due to the following:

- The proposal's consistency with the relevant State and Local plan/policy framework
- Its location in proximity to Windsor Town Centre, Railway Station and Public Bus Interchange and adjacent established residential area in Windsor
- Its potential contribution to help achieve the target of 5,000 – 6,000 new dwellings by 2031 set for the Hawkesbury LGA.

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- The planning proposal would enable economic use of the land
- Easy access to community infrastructure and required services to accommodate a residential development

It is recommended that Council support the planning proposal to allow the subject land to be developed for residential development in principle. Final Council support for the planning proposal will be subject to satisfactory arrangement being made for flood evacuation of the proposed development in addition to all other relevant planning considerations being addressed.

Financial Implications

The applicant has paid the fees required by Council's fees and charges for the preparation of a local environmental plan.

Planning Decision

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

RECOMMENDATION:

That:

1. Council support the preparation of a planning proposal for Lot 1 DP 884408, 24 Greenway Crescent, Windsor to:
 - a) amend the Lot Size Map of the Hawkesbury Local Environmental Plan 2012 to permit the minimum lot size of 450m² on part of the land as shown in Attachment 5 to this report, and
 - b) amend the Land Zoning Map of the Hawkesbury Local Environmental Plan 2012 to rezone part of the land to R2 Low Density Residential as shown in Attachment 6 to this report.
2. The applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the planning proposal will only be given subject to satisfactory arrangements being made for flood evacuation of the proposed land.
3. The planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.
4. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.

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ATTACHMENTS:

- AT - 1** Applicant's Planning Proposal - (*Distributed Under Separate Cover*)
- AT - 2** Current Land Zoning Map extract - Subject Site and Surrounding Properties
- AT - 3** Current Lot Size Map extract - Subject Site and Surrounding Properties
- AT - 4** Future Investigation Area between Windsor and Bligh Park
- AT - 5** Proposed Minimum Lot Size Map
- AT - 6** Proposed Land Zoning Map

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Zone

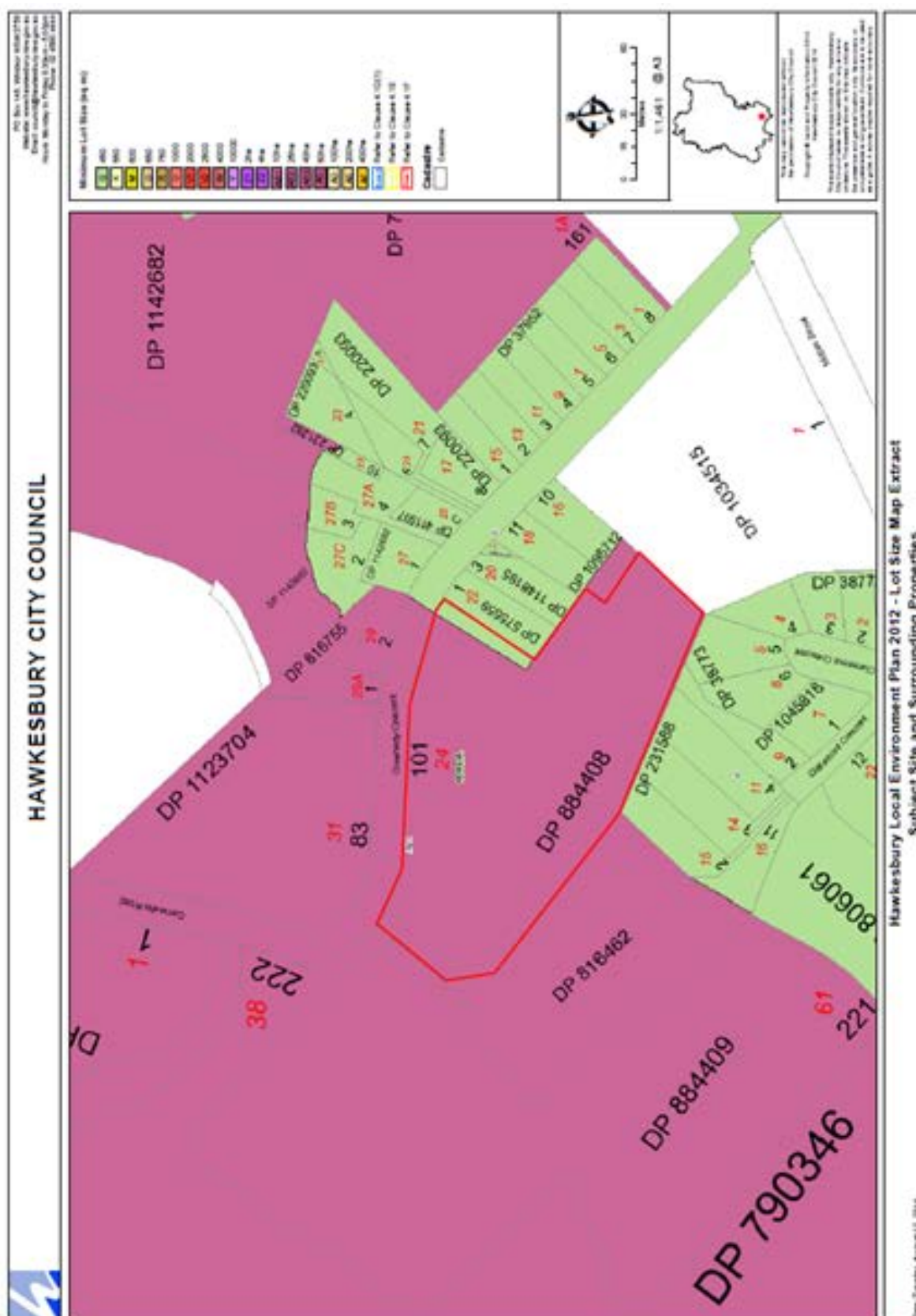
| | |
|----|-------------|
| 1 | Agriculture |
| 2 | Land Use |
| 3 | Residential |
| 4 | Commercial |
| 5 | Industrial |
| 6 | Public Use |
| 7 | Other |
| 8 | Water |
| 9 | Forest |
| 10 | Open Space |
| 11 | Other |
| 12 | Other |
| 13 | Other |
| 14 | Other |
| 15 | Other |
| 16 | Other |
| 17 | Other |
| 18 | Other |
| 19 | Other |
| 20 | Other |

Scale

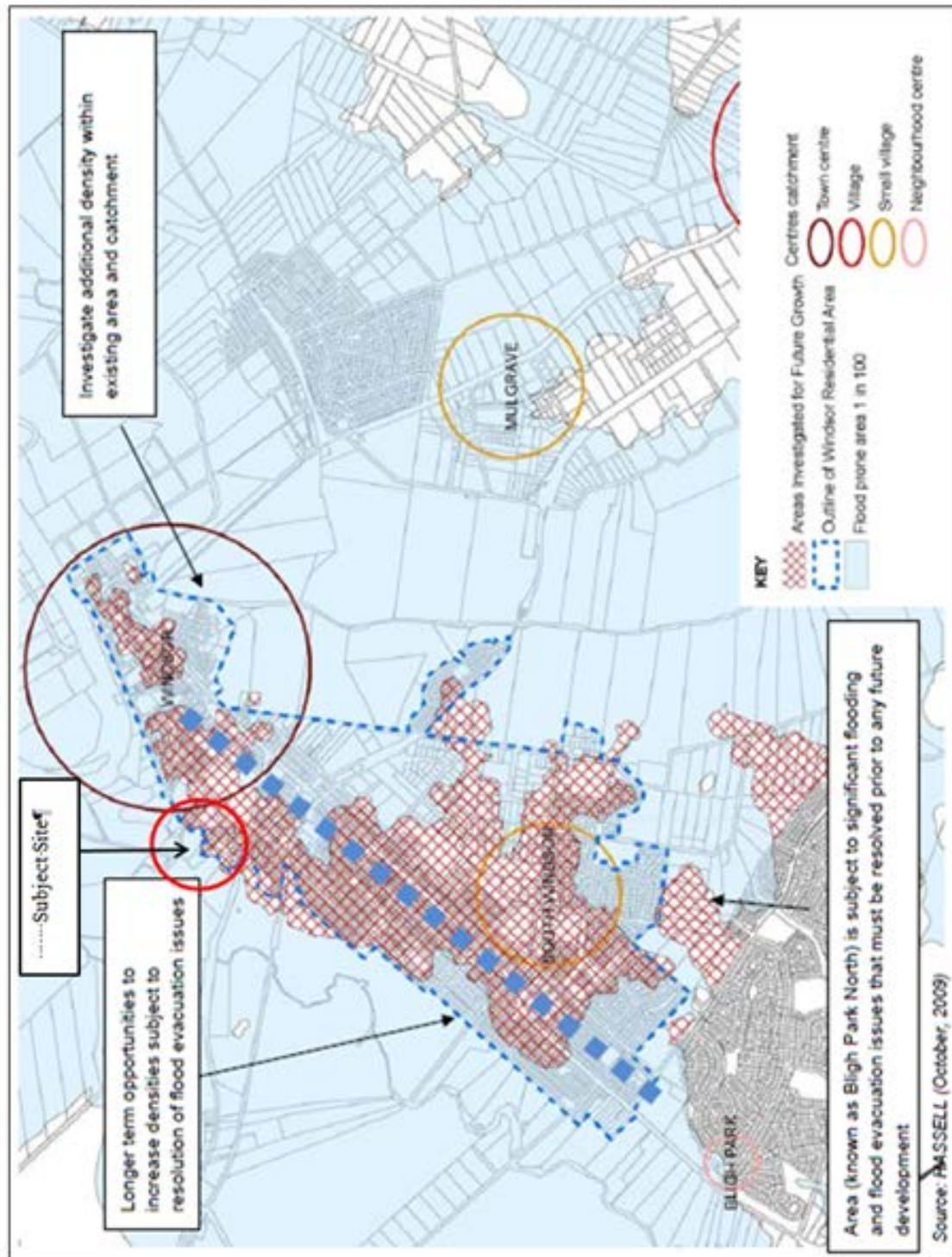
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Meeting Date: 30 September 2014

AT - 3 Current Lot Size Map extract - Subject Site and Surrounding Properties



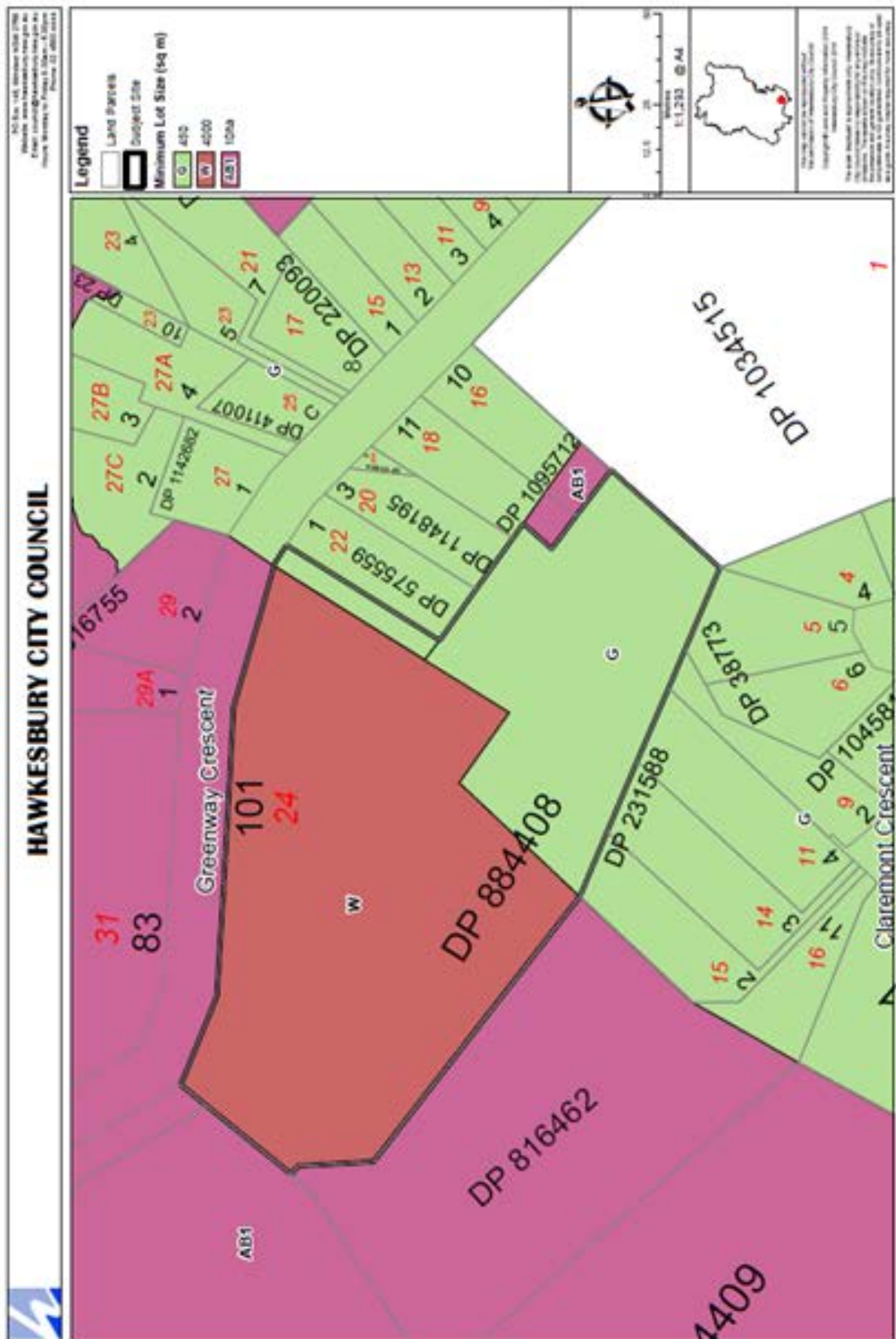
AT - 4 Future Investigation Area between Windsor and Bligh Park



ORDINARY MEETING

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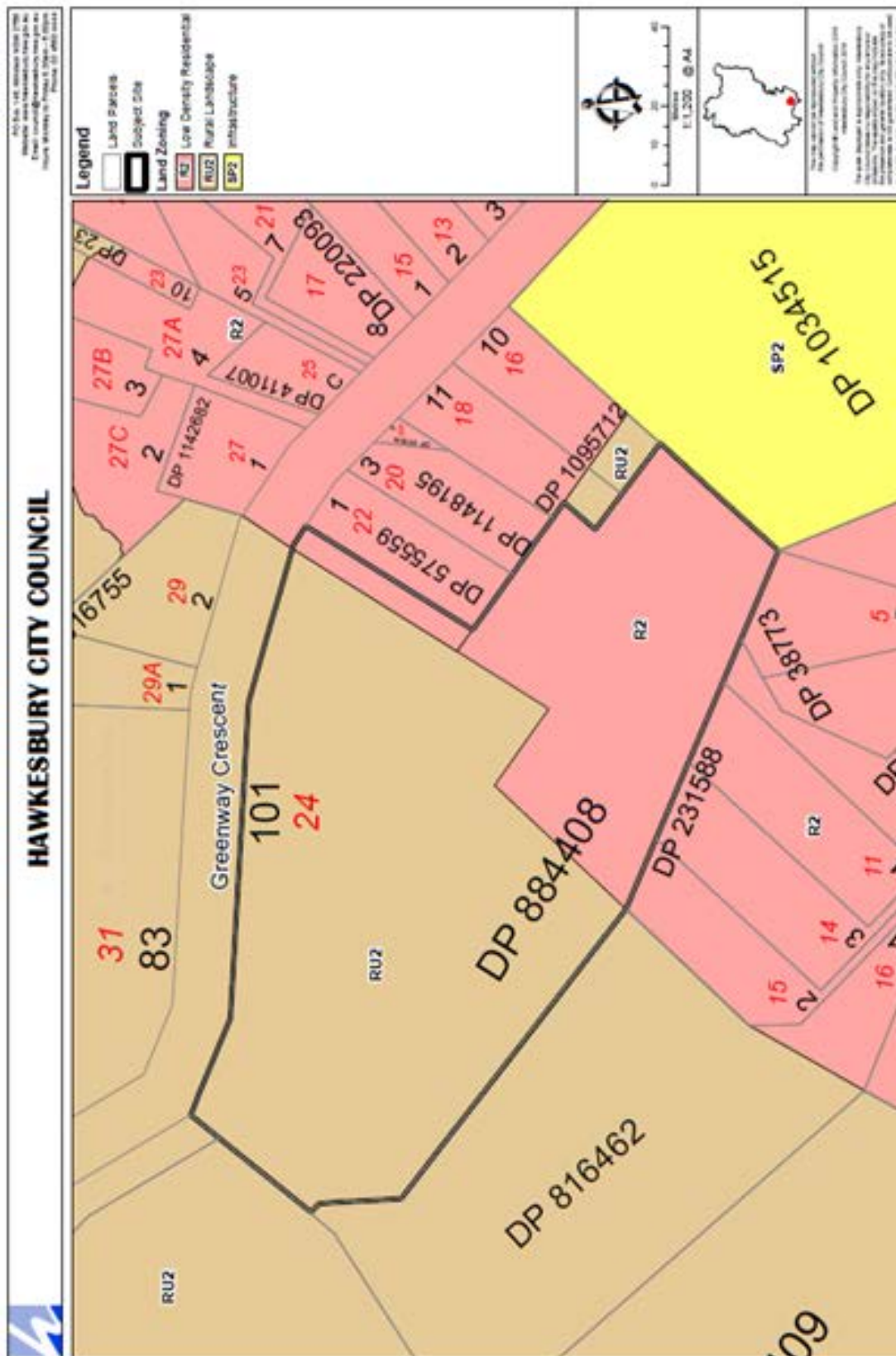
AT - 5 Proposed Minimum Lot Size Map



ORDINARY MEETING

Meeting Date: 30 September 2014

AT - 6 Proposed Land Zoning Map



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 September 2014

GENERAL MANAGER

Item: 182 **GM - NSW Government's Response - Final Report of NSW Independent Local Government Review Panel and Local Government Acts Taskforce - (79351)**

Previous Item: 148 (Ordinary, 28 August 2012)
 41 (Ordinary, 12 March 2013)
 110 (Ordinary, 25 June 2013)
 4 (Ordinary, 4 February 2014)

REPORT:

Executive Summary

In August 2011, the then Division of Local Government (DLG) conducted a "Destination 2036 Workshop (the Workshop) with representatives from all NSW councils and other related industry groups attending.

Subsequently, the Minister for Local Government (the Minister) established a Steering Committee (SC) to progress the work undertaken at the Workshop. The SC then produced an Actions Plan and Outcomes Paper which following their release for comment are now guiding the SC's activities.

In addition, the Minister also appointed the NSW Independent Local Government Review Panel (the Panel). The Panel's Terms of Reference "is to investigate and identify options for governance models, structural arrangements and boundary changes for local government in NSW" taking a number of matters/issues into consideration.

In July 2012 the Panel released a Consultation Paper titled "Strengthening Your Community" and called for submissions on a number of 'Key Questions' raised in the Paper. In November 2012, the Panel issued a further Consultation Paper titled "Better, Stronger Local Government – The Case for Sustainable Change". Following the consideration of reports regarding each of these Consultation Papers the Council made a submission on each Paper.

In April 2013, the Panel released a further Consultation Paper titled "Future Directions for NSW Local Government - Twenty Essential Steps - April 2013" and called for submissions. Subsequently at its meeting held on 25 June 2013, Council considered and endorsed a submission on the Paper.

In October 2013, the Panel presented its Final Report titled "Revitalising Local Government" to the Minister.

In addition, the Government had also previously established a Local Government Acts Taskforce (the Taskforce) in order to undertake a review of the Local Government Act (the Act) and the City of Sydney Act. In October 2013, the Taskforce also submitted its report and recommendations to the Minister.

On 8 January 2014, the Minister released the reports of both the Panel and the Taskforce and indicated that comments on both reports would be received until 7 March 2014. A report relating to both the Panel and Taskforce reports was submitted to Council on 4 February 2014, and Council resolved to endorse the draft submission attached to that report.

On 10 September 2014, the Premier and Minister released the NSW Government's response to the reports by the Panel and Taskforce. This response includes the proposed "Fit For the Future" package (FFTF).

The purpose of this report is to inform Council of the details of this response and address actions now required of Council in this regard.

Consultation

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

Background

In August 2011, the DLG conducted a "Destination 2036" Workshop (the Workshop) with representatives from all NSW councils and other related industry groups attending. Council was represented at the Workshop by the Mayor and General Manager with a report concerning the outcomes of the Workshop being submitted to the Council meeting of 13 September 2011, for Council's information.

Subsequently, the Minister established a SC to progress the work undertaken at the Workshop. The SC consisted of representatives of the then Local Government and Shire Association of NSW (LGSA), Local Government Managers Australia (LGMA) and the DLG. The SC then produced an Action Plan and Outcomes Paper which following their release for comment are now guiding the SC's activities.

In addition, the Minister also appointed the Panel. The Panel's Terms of Reference were:

"to investigate and identify options for governance models, structural arrangements and boundary changes for local government in NSW", taking into consideration:

- 1. Ability to support the current and future needs of local communities*
- 2. Ability to deliver services and infrastructure efficiently effectively and in a timely manner*
- 3. The financial sustainability of each local government area*
- 4. Ability for local representation and decision making*
- 5. Barriers and incentives to encourage voluntary boundary changes*

In conducting the review the Panel will:

- Ensure recommendations meet the different nature and needs of regional, rural and metropolitan communities*
- Consult widely with the broader community and key stakeholders*
- Take into account the work completed, and future work to be completed, under the Destination 2036 initiative*
- Take into account the broader interests of the State including as outlined in the State Plan*
- Consider the experiences of other jurisdictions in both the nature and implementation of local government reform*
- Take into account the Liberal-National's 2011 election policy of no forced amalgamations"*

It was indicated that the Panel intended to undertake its review process in four stages, namely:

Stage 1: Identifying key issues and exploring ideas.

Stage 2: Options for change.

Stage 3: Future directions.

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Stage 4: Final report (July - September 2013)

As part of "Stage 1", "Stage 2", "Stage 3" and "Stage 4" of this process the Panel released Papers titled "Strengthening Your Community – July 2012", "Better, Stronger Local Government – The Case for Sustainable Change - November 2012", "Future Directions for NSW Local Government - Twenty Essential Steps - April 2013" and its Final Report "Revitalising Local Government – October 2013".

Council considered reports in relation to each of these Papers when released and subsequently resolved to make submissions in accordance with the drafts attached to the reports at the time. The last occasion when this was considered by Council was on 4 February 2014, when Council endorsed a draft submission in respect of the Final Reports by the Panel and Taskforce.

On 10 September 2014, the Premier and Minister released the NSW Government's response to the reports by the Panel and Taskforce. This response includes the proposed "Fit For the Future" package (FFTF).

A number of Media Releases have been issued and documents released in association with this announcement as follows:

- Media Release by Premier of NSW – "Record \$1 Billion Package to Help NSW Councils Become Fit For The Future" (Copy included as Attachment 1 to this report)
- Media Release by Minister for Local Government – "Record \$1 Billion Package to Help Sydney Councils Become Fit For The Future" (Copy included as Attachment 2 to this report)
- Media Release by Minister for Local Government – "Record \$1 Billion Package to Help Regional Councils Become Fit For The Future" (Copy included as Attachment 3 to this report)
- Media Release by Minister for Local Government – "A New Local Government Solution to Help Far Western Councils Become Fit For The Future" (Copy included as Attachment 4 to this report)
- "What Did the Independent Local Government Review Panel recommend for your council?" (Copy included as Attachment 5 to this report)
- "Fit for the Future – A Blueprint for the future of Local Government" - Can be accessed at the following location within the Fit For the Future website:

<http://www.fitforthefuture.nsw.gov.au/sites/fftf/files/Fit-for-the-Future-A-Blueprint-for-the-future-of-Local-Government.pdf>.

- "Fit for the Future – A roadmap for Stronger, Smarter Councils" - Can be accessed at the following location within the Fit For the Future website:

<http://www.fitforthefuture.nsw.gov.au/sites/fftf/files/Fit-for-the-Future-A-roadmap-for-Stronger-Smarter-Councils.pdf>.

- "Fit for the Future – Joint Organisations – A roadmap for intergovernmental collaboration in NSW" - Can be accessed at the following location within the Fit For the Future website:

<http://www.fitforthefuture.nsw.gov.au/sites/fftf/files/Fit-for-the-Future-Joint-Organisations-A-roadmap-for-intergovernmental-collaboration-in-NSW.pdf>.

- "Fit for the Future – NSW Government Response – Independent Local Government Review Panel recommendations and Local Government Acts Taskforce recommendations" - Can be accessed at the following location within the Fit For the Future website:

<http://www.fitforthefuture.nsw.gov.au/content/nsw-government-response-independent-local-government-review-panel-and-local-government-acts>.

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Fit For the Future Package

It will be noted that the Premier's Media Release indicates that the FFTF package includes:

- *"\$258 million to assist councils who decide to merge and make the changes needed to provide better services to communities (\$153m for Sydney councils and \$105m for regional councils);*
- *Cheaper finance for councils to build and maintain the facilities that communities need, saving them up to \$600 million;*
- *Up to \$100 million savings through reductions in red tape and duplication;*
- *Improvements to the local government system, including the laws that govern it, the way the State works with councils and the support that councils receive."*

In issuing this package the Government has made a clear statement that they consider that NSW councils need to become "Fit For the Future" and have established comprehensive requirements and a package (as detailed above) to assist councils through the process. The documentation issued indicates that *"A Fit for the Future council is one that is:*

- *Sustainable;*
- *Efficient;*
- *Effectively manages infrastructure and delivers services for communities;*
- *Has the scale and capacity to engage effectively across community, industry and government."*

Initially, all councils will be required to undertake a formal self-assessment using a Tool to be issued in October 2014, enabling councils to review their current performance against the FFTF criteria. Subsequently, councils will prepare a "Roadmap" for becoming FFTF. The submission and "Roadmaps" are required to be submitted by 30 June 2015, and will be reviewed "by a team of independent experts." The "Roadmap" will also need to consider scale and capacity of the council having regard to the recommendations of the Panel (relating to the boundaries of or merging of councils). The "scale and capacity" aspect in relation to Council will be addressed later in this report.

It is indicated that assistance available to councils to prepare their "roadmaps" includes:

- A One Stop Shop;
- Access to fully-funded skilled facilitators;
- Access to a Panel of technical experts; and
- Access to a structural change expert panel.

With regard to "What are the benefits of being Fit for the Future?" the issued documentation indicates:

"Councils that have made the changes necessary to become Fit for the Future will have the capacity, strength, expertise and credibility to help shape the future of NSW. In recognition of this, the NSW Government will give Fit for the Future councils:

- *Access to a streamlined IPART process for rate increases above the rate pegging limit, particularly focussed on infrastructure funding needs, making it easier for councils to increase rates to fund services and infrastructure the community has said it wants and is willing to pay for;*

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- *Access to a T-Corp borrowing facility that will save NSW councils up to \$600 million on the cost of borrowing, helping them to fund the crucial infrastructure that communities need;*
- *Priority access to other State funding and grants; and*
- *Eligibility for additional devolved planning powers in relation to the making of local environmental plans and development decisions, and opportunities for devolving further planning powers.”*

Other planned reforms

As part of the FFTF package it is indicated that other reforms that are planned to be introduced during the process include:

“Up to \$100m

Reductions in red tape and duplication will save councils up to \$100m.

Financial Assistance Grants

Considering opportunities to direct Financial Assistance Grants to communities with the greatest need.

Greater transparency

A new role for the Auditor General will help councils improve performance and give communities the assurance they deserve in how councils are managed financially.

Two-year terms

Mayors who are elected by the council will serve a minimum term of two years.

Clearer roles

Clarifying roles for mayors, councillors and general managers and providing guidance to help council leaders work more effectively together.

New legislation

A new streamlined Local Government Act that cuts red tape and puts Integrated Planning and Reporting at the centre of council activities.

Smarter procurement

Legislative changes that will give councils more flexibility with procurement and managing contracts on a regional basis.

Regulatory review

An independent review of the regulatory burden on NSW councils to identify opportunities to improve outcomes and avoid duplication.

Simplified reporting

Simplified reporting requirements, with further flexibility for councils who become Fit for the Future.

Rating review

An independent review of the rating system, in line with the Independent Panel’s recommendation.”

Joint Organisations

It is noted that the proposals issued in relation to possible Joint Organisations indicate that it is envisaged that these will only be applicable in regional areas of NSW. However, the publication “Fit for the Future – Joint Organisations” does indicate:

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"In recognition of some council feedback, the Pilot process may explore changes to the Panel's proposed Joint Organisation boundaries, providing they align with broader State strategic regional boundaries. Variations would need to make sense based on strategic planning catchment areas, size, scale and resource impacts on all councils and other Joint Organisations affected. Associate membership options will be explored to take into account other communities of interest, some of which go beyond a Joint Organisation, region or State."

It is considered that the above "exception" would leave the door open for funding to possibly be available for the exploration of a "Strategic Alliance" between Blue Mountains, Hawkesbury and Penrith City Councils as agreed to by Council following the consideration of a Mayoral Minute at the Extraordinary meeting on 16 September 2014.

This view is supported by the fact that the three councils have been identified as being the Western Sydney Subregion in strategic planning documentation issued by the Department of Planning hence aligning them with "State strategic regional boundaries".

As a result of Council's recent resolution the possible establishment of a "Strategic Alliance" will be further explored and subsequently reported to Council.

"Scale and Capacity" of councils

As indicated previously, councils are expected to address their "scale and capacity" having regard to the recommendations of the Panel in respect of changes to boundaries or merging of councils being able to submit differing proposals *"so long as they are broadly consistent with the Panel's recommendations"*.

In respect of possible mergers of Sydney councils it has been indicated that the following financial assistance may be available:

- \$10.5m for each newly merged council.
- \$3m for each additional 50,000 in population above 250,000 up to \$22.5m.
- \$3m statewide to support local transition committees and ensure elected representatives in both city and country councils are involved in the merger process.

With regard to the Panel's recommendation in respect of Hawkesbury City Council (HCC) Attachment 5 to this report includes a document issued as part of the FFTF package and headed *"What did the Independent Local Government Review Panel recommend for your council?"* In respect of HCC and adjoining councils the document indicates:

| Council | Region | What structural change did the Panel recommend for your council? |
|----------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Blacktown | Sydney – West | No change |
| Blue Mountains | Sydney – West | No change |
| Gosford | Central Coast | Merge with Wyong |
| Hawkesbury | Sydney – West | No change |
| Lithgow | Central – West | No change |
| Penrith | Sydney – West | No change |
| The Hills | Sydney – West | North Parramatta area to merge with Auburn, Holroyd, Parramatta and the western third of Ryde; the balance of the Hills to remain an individual council |

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As can be seen, “no change” is proposed for HCC and a majority of those councils adjoining HCC. Of those proposed for change, namely Gosford and The Hills Shire Councils they do not suggest an involvement or change for HCC.

Council’s last two submissions regarding the Panel’s reports and proposals suggested that consideration should be given to a possible boundary adjustments to incorporate into HCC additional areas of the North-West Growth Centre in the vicinity of the Vineyard Precinct from Blacktown and The Hills Shire Councils. This does not appear to have been considered or addressed as part of the current proposals.

It will also be recalled that when the Panel’s recommendations regarding boundary adjustments/mergers were issued The Hills Shire Council (The Hills) made public a proposal that called for part of HCC to be the subject of a boundary adjustment and incorporated into an expanded area proposed for that Council. The area proposed for inclusion in The Hills was that part of HCC extending up Windsor Road from the existing boundary with The Hills to the Hawkesbury River then extending east with the Hawkesbury River as the north boundary.

With the release of the NSW Government’s response to the Panel’s recommendations media reports again suggest that The Hills is proposing to pursue its previous proposals including areas of HCC. In accordance with Council’s resolution of 25 June 2013, some discussions were held with The Hills in August 2013 after the release of the Panel’s recommendations with the Council’s position for boundary adjustments regarding the North-West Growth Centre being highlighted. Details of these discussions were included in the report to Council on 4 February 2014, regarding the Panel’s Final Report. However, no discussions have been held with The Hills since the release of the Government’s response or in association with recent media releases by that Council and associated media reports.

With regard to the proposal by The Hills, it is suggested that this should not be entertained by Council. This proposal is not in line with the Panel’s recommendations and would severely divide the Hawkesbury and leave an area which would have a decreased viability and require merging with other adjoining councils. It is also suggested that there would be little community of interest between The Hills and that part of HCC that is proposed for merging with that Council.

While Council will still be required to address its “scale and capacity” as part of preparing its submission in response to the FFTF package and associated “Roadmap”, it is difficult to suggest that there would be a benefit to the overall Hawkesbury area, which has a significant community of interest, by entertaining a proposal such as that being suggested by The Hills.

In addition, as the recommendations of the Panel did not support or recommend such an approach, no benefit is seen in the pursuit or entertainment of the proposal if Council were to be formally approached by The Hills.

The continued exploration of a “Strategic Alliance” with Blue Mountains and Penrith City Council is seen as having far more potential to benefit the Hawkesbury and would support Council in its FFTF submission and associated “Roadmap”. This should be pursued as this should not place at threat the integrity of the area as mergers are not being considered as part of this process.

Conformance to the Hawkesbury Community Strategic Plan

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

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services
- Maintain its independent identity and voice through strong local government and community institutions.

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

- Improve financial sustainability
- Broaden the resources and funding available to our community by working with local and regional partners as well as other levels of government.

Financial Implications

No financial implications directly applicable to this report at this stage.

RECOMMENDATION:

That:

1. The information regarding the NSW Government's Response to the Final Report of NSW Independent Local Government Review Panel and Local Government Acts Taskforce and associated "Fit For the Future" package be received and noted.
2. Further reports be submitted to Council regarding the "Fit For the Future" package and process as required and necessary.
3. Having regard to the recommendations of the Independent Local Government Review Panel and the "scale and capacity" aspects of the "Fit For the Future" package released by the NSW Government, Council not support nor entertain any proposals for the adjustment of the Council's boundaries as reportedly being proposed by The Hills Shire Council or the merger of the Council with any adjoining council area.

ATTACHMENTS:

- AT - 1** Media Release by Premier of NSW – "Record \$1 Billion Package to Help NSW Councils Become Fit For The Future"
- AT - 2** Media Release by Minister for Local Government – "Record \$1 Billion Package to Help Sydney Councils Become Fit For The Future"
- AT - 3** Media Release by Minister for Local Government – "Record \$1 Billion Package to Help Regional Councils Become Fit For The Future"
- AT - 4** Media Release by Minister for Local Government – "A New Local Government Solution to Help Far Western Councils Become Fit For The Future"
- AT - 5** "What Did the Independent Local Government Review Panel recommend for your council?"

AT - 1 Media Release by Premier of NSW – “Record \$1 Billion Package to Help NSW Councils Become Fit For The Future”



Mike Baird MP
Premier of NSW
Minister for Infrastructure
Minister for Western Sydney

MEDIA RELEASE

Wednesday 10 September 2014

**RECORD \$1 BILLION PACKAGE TO HELP
NSW COUNCILS BECOME FIT FOR THE FUTURE**

NSW Premier Mike Baird and Minister for Local Government Paul Toole today announced record funding of up to \$1 billion to ensure NSW has strong, modern councils to deliver the housing, jobs and local infrastructure people need.

"The Fit for the Future package is the most significant investment the State has ever made in the local government sector," Mr Baird said.

"We are committed to Rebuilding NSW and to achieve this we need a strong local government sector.

"However this is not possible when more than one-third of the State's councils are facing financial problems - losing more than \$1 million a day.

"This package puts ratepayers first, so councils deliver better roads, footpaths and sporting fields.

"This is about councils working for the communities they represent and putting downward pressure on the rates you pay.

"The NSW Government wants communities to have confidence that their council is financially sound, operating efficiently and in a strong position to guide community growth and deliver quality services.

"This is a historic package that gives local councils the incentives needed to ensure they are in a position to provide the services and infrastructure their communities need and deserve."

The Fit for the Future package includes:

- \$258 million to assist councils who decide to merge and make the changes needed to provide better services to communities (\$153m for Sydney councils and \$105m for regional councils);
- Cheaper finance for councils to build and maintain the facilities that communities need, saving them up to \$600 million;
- Up to \$100 million savings through reductions in red tape and duplication;
- Improvements to the local government system, including the laws that govern it, the way the State works with councils and the support that councils receive.

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Mr Toole said this record \$1 billion reform package will provide support and incentives to help each council become Fit for the Future.

"The NSW Government takes this reform program very seriously. It recognises that without significant financial and other incentives and support, change-resistant councils may be hesitant to take up the reforms proposed by the Independent Local Government Review Panel," Mr Toole said.

"This generous package of incentives and support assists local councils to remove the obstacles that may have prevented reform and innovation in the past.

"It also puts in place a lasting legacy to ensure Fit for the Future councils continue to reap the benefits of this reform program.

"Our State cannot continue to be constrained by local government boundaries that were set more than 100 years ago.

"That's why we have created the \$1 billion Fit for the Future package – to help councils take the next steps towards change.

"We are supporting councils that wish to voluntarily merge by providing financial incentives and other support to assist the process.

"We are also providing councils with cheaper finance to build and maintain the facilities that communities need such as roads, bridges, pools and sporting fields - saving them up to \$600 million."

The Fit for the Future package is based on the Independent Local Government Review Panel's recommendations following three years of research and consultation.

Councils will have until 30 June 2015 to submit their proposal on how they plan to be Fit for the Future. It will be assessed by independent experts against independently-established criteria.

More information on the reform package can be found at:
www.fitforthefuture.nsw.gov.au

MEDIA: Mark Tobin (Premier) 9228 5239
Antonia Morrow (Toole) 0419 468 235

AT - 2 Media Release by Minister for Local Government – “Record \$1 Billion Package to Help Sydney Councils Become Fit For The Future”



Paul Toole MP
Minister for Local Government

MEDIA RELEASE

Wednesday, 10 September 2014

**RECORD \$1BILLION PACKAGE TO HELP SYDNEY
COUNCILS BECOME FIT FOR THE FUTURE**

Minister for Local Government Paul Toole today announced record funding of up to \$1billion to support Sydney councils to become fit for the future.

“This is the most significant investment the State has ever made in the local government sector.

“It’s about working smarter to make communities stronger, and doing it together,” Minister Toole said.

“The package is based on the Independent Local Government Review Panel’s recommendations following three years of research and consultation”.

Mr Toole said Sydney councils had been constrained for too long by boundaries that were set over a hundred years ago.

“The Sydney council boundaries date back to the days of the horse and cart. It is time to deliver the housing, jobs and transport for the forecasted population growth of 2 million Sydney residents in the next twenty years. This will not be possible without finding a smarter way of working together.

“This is a once-in-a generation opportunity for Sydney councils to make the changes needed to benefit not just their local communities, but the whole city.

“Fit for the future councils will be able to take advantage of cheaper finance to build and maintain the facilities that communities need such as roads, bridges, pools and sporting fields.

“The Fit for the Future package will deliver what local councils have asked for: reductions in red tape, greater flexibility and support to reform.

“Together we can lay the foundations for a smarter system of local government in NSW”.

More information on the reform package can be found at www.fitforthefuture.nsw.gov.au

MEDIA:
Antonia Morrow 0419 468 235

AT - 3 Media Release by Minister for Local Government – “Record \$1 Billion Package to Help Regional Councils Become Fit For The Future”



Paul Toole MP
Minister for Local Government

MEDIA RELEASE

Wednesday, 10 September 2014

RECORD \$1BILLION PACKAGE TO HELP REGIONAL COUNCILS BECOME FIT FOR THE FUTURE

Minister for Local Government Paul Toole today announced record funding of up to \$1billion package to support regional councils to become Fit for the Future.

“This is the most significant investment the State has ever made in the local government sector.

“It’s about working smarter to make communities stronger, and doing it together,” Minister Toole said.

“The package is based on the Independent Local Government Review Panel’s recommendations following three years of research and consultation.

“The Fit for Future package will create new regional Joint Organisations to bring local and state planning together, give local communities a bigger voice and make it easier to manage projects that happen across traditional council boundaries.

“The NSW Government understands that one size does not fit all for regional communities.

“Regional communities play a major role in supporting this State’s economy. Fit for the Future councils will be able to take advantage of cheaper finance to build and maintain the facilities that communities need such as roads, bridges, pools and sporting fields.

“When councils are Fit for the Future, the process of planning for regional growth, tourism opportunities and economic development will all be improved.

“Together we can lay the foundations for a smarter system of local government in NSW”.

More information on the reform package can be found at www.fitforthefuture.nsw.gov.au

MEDIA: Antonia Morrow 0419 468 235

AT - 4 Media Release by Minister for Local Government – “A New Local Government Solution to Help Far Western Councils Become Fit For The Future”



Paul Toole MP
Minister for Local Government

MEDIA RELEASE

Wednesday, 10 September 2014

**A NEW LOCAL GOVERNMENT SOLUTION TO HELP FAR
WESTERN COUNCILS BECOME FIT FOR THE FUTURE**

Minister for Local Government Paul Toole today launched the Fit for the Future reform package, with a new local government solution to be developed with Far West communities.

"It's about working smarter to make communities stronger, and doing it together," Minister Toole said.

"The package is based on the Independent Local Government Review Panel's recommendations following three years of research and consultation.

"The NSW Government understands that one size does not fit all for remote communities.

"Far Western communities have complex and unique needs, with challenges around declining populations and large geographical distances.

"The Review found that Far Western communities are facing real financial and social pressures. They need practical help to deal with these challenges.

"Today we are taking the next step in creating stronger communities with an invitation to all Far Western councils to attend a forum in November to work through the issues together.

"People in remote communities deserve quality services and opportunities to grow their region.

"The NSW Government will support councils in making the hard decisions and taking the next steps towards change.

"I look forward to working with councils and communities in Far Western NSW to support this vital region.

"Together we can lay the foundations for a smarter system of local government in NSW".

More information on the reform package can be found at www.fitforthefuture.nsw.gov.au

MEDIA:
Antonia Morrow 0419 468 235

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AT - 5 "What Did the Independent Local Government Review Panel recommend for your council?"

What did the Independent Local Government Review Panel recommend for your council?

This table is indicative only.

To find more detail about the Independent Local Government Review Panel recommendations for your council please refer to the Panel's Final Report *Revitalising Local Government* available on the Office of Local Government website www.olg.nsw.gov.au.

| Council | Region | What structural change did the Panel recommend for your council? |
|-------------------|---------------------|-------------------------------------------------------------------------------------------------------|
| Albury | Upper Murray | Potentially merge with Greater Hume |
| Armidale Dumaresq | New England | Merge with Guyra |
| Ashfield | Sydney – Central | Merge with Burwood, Canada Bay, Leichardt, Marrickville & Strathfield |
| Auburn | Sydney - West | Merge with Holroyd, Parramatta, the western third of Ryde, and the North Parramatta area of the Hills |
| Ballina | Northern Rivers | No change |
| Balranald | Far West | Far West Organisation |
| Bankstown | Sydney – South West | Possibly merge with Canterbury |
| Bathurst Regional | Central West | Potentially merge with Oberon |
| Bega Valley | South East | No change |
| Bellingen | North Coast | No change |
| Berrigan | Mid-Murray | Merge with Jerilderie |
| Blacktown | Sydney - West | No change |
| Bland | Riverina | Potentially merge with Coolamon &/or Temora |
| Blayney | Central West | Potentially merge with Orange |
| Blue Mountains | Sydney - West | No change |
| Bogan | Orana | Establish a Rural Council or potentially merge with Warren |
| Bombala | South East | Merge with Cooma-Monaro & potentially Snowy River, or establish a Rural Council |
| Boorowa | Tableland | Merge with Harden & Young, or establish a Rural Council |
| Botany Bay | Sydney – Central | Merge with Randwick, Sydney, Waverley & Woollahra |
| Bourke | Far West | Far West Organisation |
| Brewarrina | Far West | Far West Organisation |
| Broken Hill | Far West | Far West Organisation |
| Burwood | Sydney – Central | Merge with Ashfield, Canada Bay, Leichardt, Marrickville & Strathfield |
| Byron | Northern Rivers | No change |
| Cabonne | Central West | Merge with Orange |
| Camden | Sydney – South West | No change |
| Campbelltown | Sydney – South West | No change |
| Canada Bay | Sydney – Central | Merge with Ashfield, Burwood, Leichardt, Marrickville & Strathfield |
| Canterbury | Sydney – South | Merge with Hurstville, Kogarah & Rockdale or |

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| Council | Region | What structural change did the Panel recommend for your council? |
|-----------------------|---------------------|------------------------------------------------------------------------------------------------------|
| | | possibly merge with Bankstown |
| Carrathool | Murrumbidgee | Establish a Rural Council or potentially merge with Griffith |
| Central Darling | Far West | Far West Organisation |
| Cessnock | Hunter | No change |
| Clarence Valley | North Coast | No change |
| Cobar | Far West | Far West Organisation |
| Coffs Harbour | North Coast | No change |
| Conargo | Mid-Murray | Merge with Deniliquin & Murray or establish a Rural Council |
| Coolamon | Riverina | Establish a Rural Council or potentially merge with Bland &/or Temora |
| Cooma-Monaro | South East | Merge with Bombala & potentially Snowy River |
| Coonamble | Orana | Establish a Rural Council or potentially merge with Gilgandra |
| Cootamundra | Riverina | Potentially merge with Junee |
| Corowa | Upper Murray | Merge with Urana |
| Cowra | Central West | Potentially merge with Weddin |
| Deniliquin | Mid-Murray | Merge with Conargo, Murray, & potentially Wakool |
| Dubbo | Orana | Potentially merge with Wellington &/or Narromine |
| Dungog | Hunter | Merge with Maitland |
| Eurobodalla | South East | No change |
| Fairfield | Sydney – South West | Merge with Liverpool |
| Forbes | Central West | Potentially merge with Weddin |
| Gilgandra | Orana | Establish a Rural Council or potentially merge with Coonamble |
| Glen Innes Severn | New England | No change |
| Gloucester | Mid-North Coast | Potentially merge with Great Lakes &/or Greater Taree |
| Gosford | Central Coast | Merge with Wyong |
| Goulburn- Mulwaree | Tableland | Potentially merge with Upper Lachlan |
| Great Lakes | Mid-North Coast | Potentially merge with Gloucester |
| Greater Hume | Upper Murray | Potentially merge with Albury |
| Greater Taree | Mid-North Coast | Potentially merge with Gloucester |
| Griffith | Murrumbidgee | Merge with Murrumbidgee |
| Gundagai | Riverina | Merge with Tumut or establish a Rural Council |
| Gunnedah | Namoi | Potentially merge with Liverpool Plains |
| Guyra | New England | Merge with Armidale Dumaresq |
| Gwydir | Namoi | Potentially merge with Moree Plains |
| Harden | Tableland | Merge with Boorowa & Young, or establish a Rural Council |
| Hawkesbury | Sydney - West | No change |
| Hay | Murrumbidgee | Establish a Rural Council |
| Holroyd | Sydney - West | Merge with Auburn, Parramatta, the western third of Ryde, and the North Parramatta area of the Hills |
| Hornsby | Sydney North | Merge with Ku-ring-gai |
| Hunters Hill | Sydney North | Merge with Lane Cove, Mosman, North Sydney, Willoughby & the eastern two-thirds of Ryde |

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| Council | Region | What structural change did the Panel recommend for your council? |
|----------------------|---------------------|------------------------------------------------------------------------------------------------|
| Hurstville | Sydney – South | Merge with Canterbury, Kogarah & Rockdale |
| Inverell | New England | No change |
| Jerilderie | Mid-Murray | Merge with Berrigan, or establish a Rural Council |
| Junee | Riverina | Potentially merge with Cootamundra |
| Kempsey | Mid-North Coast | No change |
| Kiama | Illawarra | No change |
| Kogarah | Sydney – South | Merge with Canterbury, Hurstville & Rockdale |
| Ku-ring-gai | Sydney North | Merge with Hornsby |
| Kyogle | Northern Rivers | Potentially merge with Lismore or Richmond Valley |
| Lachlan | Central West | Potentially merge with Parkes |
| Lake Macquarie | Hunter | Merge with Newcastle |
| Lane Cove | Sydney North | Merge with Hunters Hill, Mosman, North Sydney, Willoughby & the eastern two-thirds of Ryde |
| Leeton | Murrumbidgee | Potentially merge with Narrandera |
| Leichardt | Sydney – Central | Merge with Ashfield, Burwood, Canada Bay, Marrickville & Strathfield |
| Lismore | Northern Rivers | Potentially merge with Kyogle |
| Lithgow | Central West | No change |
| Liverpool | Sydney – South West | Merge with Fairfield |
| Liverpool Plains | Namoi | Potentially merge with Gunnedah |
| Lockhart | Riverina | Establish a Rural Council or potentially merge with Wagga Wagga |
| Maitland | Hunter | Merge with Dungog |
| Manly | Sydney North | Merge with Pittwater & Warringah |
| Marrickville | Sydney – Central | Merge with Ashfield, Burwood, Canada Bay, Leichardt & Strathfield |
| Mid-Western Regional | Central West | No change |
| Moree Plains | Namoi | Potentially merge with Gwydir |
| Mosman | Sydney North | Merge with Hunters Hill, Lane Cove, North Sydney, Willoughby & the eastern two-thirds of Ryde |
| Murray | Mid-Murray | Merge with Conargo, Deniliquin, & potentially Wakool |
| Murrumbidgee | Murrumbidgee | Merge with Griffith, or establish a Rural Council |
| Muswellbrook | Hunter | No change |
| Nambucca | North Coast | No change |
| Narrabri | Namoi | No change |
| Narrandera | Murrumbidgee | Potentially merge with Leeton |
| Narromine | Orana | Potentially merge with Dubbo |
| Newcastle | Hunter | Merge with Lake Macquarie |
| North Sydney | Sydney North | Merge with Hunters Hill, Lane Cove, Mosman, Willoughby & the eastern two-thirds of Ryde |
| Oberon | Central West | Potentially merge with Bathurst Regional |
| Orange | Central West | Merge with Cabonne and/or potentially Blayney |
| Palerang | South East | Merge with Queanbeyan |
| Parkes | Central West | Potentially merge with Lachlan |
| Parramatta | Sydney - West | Merge with Auburn, Holroyd, the western third of Ryde & the North Parramatta area of the Hills |
| Penrith | Sydney - West | No change |
| Pittwater | Sydney North | Merge with Manly & Warringah |
| Port Stephens | Hunter | No change |

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| Council | Region | What structural change did the Panel recommend for your council? |
|-------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Port-Macquarie Hastings | Mid-North Coast | No change |
| Queanbeyan | South East | Merge with Palerang |
| Randwick | Sydney – Central | Merge with Botany Bay, Sydney, Waverley & Woollahra |
| Richmond Valley | Northern Rivers | Potentially merge with Kyogle |
| Rockdale | Sydney – South | Merge with Canterbury, Hurstville & Kogarah |
| Ryde | Sydney North | Eastern two-thirds to merge with Hunters Hill, Lane Cove, Mosman, North Sydney & Willoughby; western third to merge with Auburn, Holroyd, Parramatta & the North Parramatta area of the Hills |
| Shellharbour | Illawarra | No change |
| Shoalhaven | Illawarra | No change |
| Singleton | Hunter | No change |
| Snowy River | South East | Potentially merge with Bombala & Cooma-Monaro |
| Strathfield | Sydney – Central | Merge with Ashfield, Burwood, Canada Bay, Leichardt & Marrickville |
| Sutherland | Sydney – South | No change |
| Sydney | Sydney – Central | Merge with Botany Bay, Randwick, Waverley & Woollahra |
| Tamworth Regional | Namoi | No change |
| Temora | Riverina | Potentially merge with Coolamon and/or Bland |
| Tenterfield | New England | No change |
| The Hills | Sydney - West | North Parramatta area to merge with Auburn, Holroyd, Parramatta & the western third of Ryde; the balance of the Hills to remain an individual council |
| Tumbarumba | Riverina | Establish a Rural Council or potentially merge with Gundagai & Tumut |
| Tumut | Riverina | Merge with Gundagai & potentially Tumbarumba |
| Tweed | Northern Rivers | No change |
| Upper Hunter | Hunter | No change |
| Upper Lachlan | Tableland | Potentially merge with Goulburn-Mulwaree |
| Uralla | New England | Merge with Walcha |
| Urana | Upper Murray | Merge with Corowa, or establish a Rural Council |
| Wagga Wagga | Riverina | Potentially merge with Lockhart |
| Wakool | Mid-Murray | Establish a Rural Council or potentially merge with Conargo, Deniliquin, & Murray |
| Walcha | New England | Merge with Uralla, or establish a Rural Council |
| Walgett | Far West | Far West Organisation |
| Warren | Orana | Establish a Rural Council or potentially merge with Bogan |
| Warringah | Sydney North | Merge with Manly & Pittwater |
| Warrumbungle | Orana | No change |
| Waverley | Sydney – Central | Merge with Botany Bay, Randwick, Sydney & Woollahra |
| Weddin | Central West | Establish a Rural Council or potentially merge with Forbes or Cowra |
| Wellington | Orana | Potentially merge with Dubbo |
| Wentworth | Far West | Far West Organisation |

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| Council | Region | What structural change did the Panel recommend for your council? |
|----------------|---------------------|--------------------------------------------------------------------------------------------|
| Willoughby | Sydney North | Merge with Hunters Hill, Lane Cove, Mosman, North Sydney & the eastern two-thirds of Ryde. |
| Wingecarribee | Tableland | No change |
| Wollondilly | Sydney – South West | No change |
| Wollongong | Illawarra | No change |
| Woollahra | Sydney – Central | Merge with Botany Bay, Randwick, Sydney & Waverley |
| Wyang | Central Coast | Merge with Gosford |
| Yass Valley | Tableland | No change |
| Young | Tableland | Merge with Boorowa & Harden |

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 September 2014

CITY PLANNING

Item: 183 **CP - Coal Seam Gas Waste Water Update - (95498)**

Previous Item: 126, Ordinary (29 July 2014)
 150, Ordinary (26 August 2014)

REPORT:

Executive Summary

The purpose of this report is to provide a third update on the issue of Coal Seam Gas waste water in the Hawkesbury. This report has been prepared as additional information to the two previous reports on Coal Seam Gas waste water provided to Council on 29 July 2014 and 26 August 2014.

Consultation

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

Background

On 29 July 2014, a report was provided to Council discussing the practices of Coal Seam Gas (CSG) waste water disposal. It discussed Ceemac Pty Ltd's application for a Petroleum Exploration Licence for an area on the western boundary of the LGA, the definition of 'produced water', the regulatory context and disposal and management options.

On 26 August 2014, a further report was provided to Council on the practices of CSG waste water transport and storage in the Hawkesbury. Discussions were undertaken with the Office of Coal Seam Gas, Worth Recycling Pty Ltd, BetterGROW Pty Ltd, the EPA and Sydney Water in order to prepare the report. At the time of the report's submission, Council staff were waiting on information from the Office of Coal Seam Gas about the transport and storage of CSG produced water in the Hawkesbury.

At the Council meeting on 26 August 2014, it was requested that Council consider four additional points. These are addressed below with a response.

a) *Was 30 June 2014 an end to all deliveries or a pause while this report was being considered?*

Information received from the Office of Coal Seam Gas confirms that up until the 30 June 2014, AGL contracted Worth Recycling Pty Ltd to remove CSG produced water from their Camden project. After this date Worth Recycling ceased operations and the contract to remove the produced water was awarded to Transpacific.

b) *Why is there a discrepancy between this report and what the Camden community were told regarding reporting requirements?*

Council staff are unaware of what information was provided to the community of Camden as they were not in attendance at that meeting and limited information has been provided as to what the Camden community were told at that meeting. The information contained in this and preceding reports has been sourced from correspondence with Worth Recycling, the Office of Coal Seam Gas and other relevant bodies.

c) *Why does the report say that waste is trucked off-site to Worth Recycling's reuse customers and then conclude again by mentioning discharge into the sewerage treatment plant?*

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Worth Recycling does not recycle all of its treated water, but it does treat all of the waste water received. Around 85% of the water treated at the South Windsor plant is trucked off site to its reuse customers and the remainder is released into Council's sewer system under the terms of the Trade Waste Agreement that is in place with Council.

Trade Waste Agreements are enforced in accordance with Council's Liquid Trade Waste Policy. The most current version of this Policy, dated 29 November 2011, is available on Council's website. Liquid trade waste is defined in this Policy as follows:

"Liquid trade waste is defined as any discharge directed to the sewerage system from a premise zoned or used for business, commercial or an industrial purpose. This also includes discharge from a commercial septic or holding tank, a mobile trade activity as well as any commercial activity carried out at a residential premise."

The Policy is concerned with compliance of Schedules 'A' & 'B' for liquid trade wastes discharged into Council's sewerage system. It has been developed to ensure the proper control of liquid trade waste discharged to the sewerage system and hence protection of public health, worker safety, the environment, and Council's sewerage system. Schedules 'A' & 'B' of the Policy have been adopted from the acceptance guidelines published by the NSW Office of Water. They have been adjusted to reflect the discharge licenses for South Windsor and McGraths Hill treatment plants.

The Trade Waste Agreements regulate the discharge of treated or other waste into Council's sewer system. The Policy and agreements do not track the origin of wastes generated by those premises. As mentioned previously, the transport and treating of produced water from coal seam gas operations are regulated by the EPA and Council regulates the treated waste discharged into the Council sewer system.

d) *What quantities, historically, have been dealt with by either mechanism? Given that the reporting requirements just referred to, there must be some available data which the community is entitled to access.*

As discussed in the Council report dated 26 August 2014, Worth Recycling has received produced CSG water from Sydney Gas (now AGL) Broke in the Hunter Valley between 2008 - 2010. Recently, between 1 July 2013 - 30 June 2014 just over 5 Mega Litres (MLS) was received from AGL's Camden operations.

Worth Recycling has held a Trade Waste Agreement with the Council for almost 20 years. Their current agreement expires in 30 June 2015. A review of the historical data under the current licence found that between 2009 - 2014, Worth Recycling discharged just over 164 ML/year to Council's sewer system.

| | |
|-----------|----------------|
| 2009-2010 | 22.498 ML/year |
| 2010-2011 | 31.150 ML/year |
| 2011-2012 | 42.964 ML/year |
| 2012-2013 | 34.014 ML/year |
| 2013-2014 | 33.797 ML/year |

Conformance to the Hawkesbury Community Strategic Plan

Council's opposition to CSG exploration and mining is consistent with the Caring for Our Environment Direction statements:

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

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

- Effective management of our rivers, waterways, riparian land, surface and groundwaters and natural eco-systems through local action and regional partnerships;
- Reduce our environmental footprint through resource and waste management

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That the information contained in this report be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 184 CP - Progress Report on River Dredging Investigations - (95498)

Previous Item: NM, Ordinary (30 March 2010)
152, Ordinary (28 August 2012)
NM3, Ordinary (13 November 2012)
168, Ordinary (27 August 2013)
87, Ordinary (13 May 2014)

REPORT:

Executive Summary

The purpose of this information report is to provide an update on the investigations being undertaken by Council and the State Government in relation to river dredging.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. However, should the required investigations be completed and a development application be lodged, that application will be subject to the statutory public exhibition processes applicable to that development application.

Background

The issue of dredging has been raised in a number of reports to Council over the last few years. The following is a summary of the most recent resolutions of Council in this regard.

On 30 March 2010, in response to a Notice of Motion, Council resolved the following:

"That Hawkesbury City Council:

1. *Notes, with great concern, the continuing and increasing degradation of the Hawkesbury River.*
2. *Notes that the Department of Environment and Climate Change (DECC) holds a dredging licence for the Port Hacking river system and the extraction quantities have increased since the licence was originally issued.*
3. *Call upon the State Government to immediately address siltation problems and bank erosion by:*
 - (a) *Investigating the causes of siltation and bank erosion.*
 - (b) *Making recommendations as to correcting those problems.*
 - (c) *Taking those actions (e.g. limited dredging) to make the River safe for navigation and maintaining the River and banks in a sustainable state.*
4. *Notify Local State Members of Council's resolution and request they support it."*

The following actions were taken to implement this resolution:

8 April 2010 - Letters sent to Member for Londonderry and Minister Climate Change and Environment

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28 April 2010 - Letter sent from Member for Londonderry to the Minister for Climate Change and the Environment

6 June 2010 - Letter received from Minister Climate Change and Environment advising that coastal dredging at Port Hacking differs from riverine dredging and a licence could not be issued at this time. The letter also stated, in part:

"Council may wish to consider applying for financial assistance for studies to investigate the causes of siltation and bank erosion within the estuary, such as inappropriate extractive operations, wave erosion by boats and loss of tree vegetation along riverbanks. Applications for funding will be invited under the 2011/2012 Estuary Management Program later this year."

A funding application was made to this Estuary Management Program and Council received a limited amount of funding to undertake some investigation into this matter. (Note: the funding application was limited due to the fact that Council did not comply with the application criteria that required a management plan [such as an Estuary Management Plan] that identified that investigation or dredging was an identified action from that Plan).

The matter was reported to, and considered by, the Floodplain Risk Management Advisory Committee on 18 April 2011. The Committee identified the following locations as a priority:

- Sackville Ferry
- Sackville Gorge
- Ebenezer Church
- Pitt Town Bottoms
- Sandy Point
- Cattai Creek
- Bens Point

Following receipt of the abovementioned funding, in March 2012, Council engaged WorleyParsons consultants to undertake preliminary investigations of the Hawkesbury River dredging at the above seven priority locations. The WorleyParsons report from that investigation, *"Hawkesbury River Pre-dredging Investigations between Windsor and Sackville Ferry"* concluded that, from a navigation perspective, dredging was not required at any of the locations *"Based on available data and assumptions for navigation requirements of a 50 m to 100 m fairway, with an acceptable channel bed level of -1.9 m to -2.1 m AHD and below (ie a minimum functional water depth of 1.8 m)"*.

The WorleyParsons report also concluded the following:

"If an alternative minimum functional water depth of 3.0 m were to be adopted, along with a required fairway width of 50 m to 100 m, dredging would be required at Sackville Ferry, Cattai Creek, Pitt Town Bottoms and Bens Point. Dredging in these areas would require planning approval and other licences."

The WorleyParsons report, dated 17 August 2012, was considered by Council on 28 August 2012, where it was resolved:

"That:

1. *The Hawkesbury River Dredging Investigations Report prepared by WorleyParsons dated 17 August 2012 be received and noted.*
2. *Further work on this matter will proceed upon completion of the Estuary Management Plan currently being prepared by Council and due for completion and adoption by Council prior to September 2013."*

(Work continued on the Upper Hawkesbury Estuary Management Plan and Council will recall that this Plan was adopted at the Ordinary meeting of 9 September 2014.)

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At its meeting on 13 November 2012, Council considered another Notice of Motion in relation to this matter and resolved:

"That:

1. *Council investigate the dredging of the Hawkesbury River at the seven points previously identified as having a sediment build up.*
2. *The \$46,000 previously allocated for this purpose be used to identify; volumes, types of dredged material and suitable storage locations.*
3. *Council make application to the State Government for a licence to dredge before 30 September 2013."*

In accordance with parts 1 and 2 of the 13 November 2012 resolution, and as the next stage of the consultancy from March 2012, WorleyParsons consultants were instructed to carry out Pilot Sediment Core Sampling and Analysis at the seven priority locations. The details of this investigation and findings are addressed in the report to Council on 28 August 2012.

The Council report of 28 August 2012 partly addressed the process and requirements for an application of a dredging licence. However, to further address part 3 of the above resolution another report on the requirements for a licence application was presented to Council on 27 August 2013. This report described the fact that more than one licence is required and that there is significant investigation work required prior to making that application.

On 27 August 2013, Council resolved as follows:

"That:

1. *Council receive and note the information in this report including the impacts of this on Council's resolution of 13 November 2012.*
2. *Part three of Council's resolution of 13 November 2012 be amended to the following:*
"Council continue to pursue the required information and approvals for the dredging of parts of the Hawkesbury river as previously identified by Council."
3. *Formal quotations be obtained from suitably qualified persons/companies to complete the work specified in Table 1 of this report.*
4. *Upon receipt of the quotations requested in part 3, a report on the full costing of the investigation work required for obtaining approval to dredge be brought to Council.*
5. *The matter be further discussed at the next available Briefing Session."*

Table 1 referred to in part 3 of the above is as follows:

(NOTE: The costs shown in the following table 1 are an estimate only and have not been verified via formal quotations. The costs have been estimated based on the assumptions listed at the end of the table. A change in the size of the investigation area will have a proportional increase in the cost estimates.)

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Table 1

| Item | Description | Cost Estimate (approximate) |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 1 | Detailed hydrographic survey at four dredging locations to ascertain more accurately river bed profile and dredging volume. (This is assuming a restricted area around each of the four identified locations.) | \$10,000 |
| 2 | Additional sediment sampling and analysis based on end use of the dredged sediments. Land based reuse sediments would need to be tested and classified under NSW Waste Classification Guidelines | \$50,000 |
| 3 | Planning Approvals: DA application fee to HCC and The Hills Shire including referrals to other relevant agencies and Environmental Assessment | \$5,000 |
| | Environmental Assessment preparation of EIS/SEE or REF (Consultants) NOTE: This estimate does not necessarily include specific specialist environmental studies such as flora and fauna reports. | \$50,000 |
| | Crown Land Licence and existing PO revocation application for use of land under water | \$3,000 |
| | Referral to the Federal Minister for approval under the EPBC Act | ? |
| | Fisheries Permit application and assessment fee | \$3,500 |
| | POEO Act - Licence for dredging >30,000 m ³ per year | \$1,000 |
| | EPA – Consent | ? |
| | Other permits and approvals identified in the EIS/SEE or REF | \$5,000 |
| 4 | Other unforeseen localised studies. | \$10,000 |
| TOTAL | | \$137,500 |

NOTES

The above estimate of costs has been based on the following assumptions:

1. Average dredging work at any one location is estimated to be about 500m in length and 100m in width and 1.5m deep below existing river bed level
2. Based on above, estimated average volume per 1.0m length of river dredging = 100m X 1.5m X 1m length = 150m³
3. Estimated unit cost of dredging about \$10/m³
4. Site establishment and de-establishment = \$200,000
5. No estimate has been made for the purchase or lease of the land component for the establishment of the land base operation.

Based on the above estimate the following table summarises approximate costs for dredging a 500 lineal metre section:

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Table 2

| Item | Description | Est. Cost |
|--------------------------------------------------------------------|------------------------------------------------------------------|--------------------|
| 1 | Site establishment and de-establishment | \$200,000 |
| 2 | Dredging cost 500m X 150m ³ /m at \$10/m ³ | \$750,000 |
| 3 | Project management including site supervision at 2% | \$19,000 |
| 4 | Environmental and Engineering controls at 2.5% | \$23,750 |
| 5 | Sub-Total | \$992,750 |
| 6 | Contingency/Incidental at 5% of 5 | \$49,650 |
| 7 | Compliance and monitoring survey at 1.5% of 5 | \$14,890 |
| 8 | Final reporting and audit at 1% of 5 | \$9,910 |
| Total average dredging cost for a 500 lineal metre of river | | \$1,067,200 |

The matter was presented to the Councillor Briefing Session of 15 October 2013. At this Briefing Session, the range of investigations required and the preparation of a business case were discussed in relation to parts 3 and 4 of the 27 August 2013 resolution. It was agreed at this Briefing Session that the formal quotations could not be finalised until Council had defined matters such as dredging type, land base for processing, market for dredged product, etc. It was also agreed at the Briefing Session that to assist with this consideration a formal business case was to be prepared prior to obtaining formal quotations from contractors to undertake the work identified in the above Table 1.

The objective of the business case preparation is *“to develop a business case/plan to determine the potential viability and the justification of resource investment in undertaking navigation dredging of the Hawkesbury River in at least the seven identified priority locations between “The Breakaway” (upstream of Windsor Bridge) and Sackville Ferry.”*

The brief for the business case work includes the following:

- *“A detailed business case for the proposed dredging works;*
- *Identification of dredging options ie dredging of seven priority locations vs. the entire river bed of the investigation area;*
- *Identification of potential dredging methods (mechanical e.g. grab bucket and hydraulic e.g. cutter suction);*
- *Identification of suitable location for land base dredging operation;*
- *The identification of key risks associated with the proposal and mechanisms to minimise these risks.”*

WorleyParsons has been engaged to undertake this business case and it is expected that this work will be completed by the end of 2014. When a draft of the business case has been prepared the brief allows for the consultant to give a briefing to the Councillors of the business case and the implications. This will be scheduled as soon as practicable after the completion of the draft document.

In addition to the above actions, on 13 May 2014 Council considered a report on the Hawkesbury-Nepean Valley Flood Management Review Taskforce stage 1 report. The resolution, in part, from that meeting was as follows:

“That Council:

1. *Note the progress of the Hawkesbury-Nepean Valley Flood Management Review and continue to work with the relevant State Agencies to progress that Review.*
2. *Continue work on dredging investigations as previously resolved and not pursue additional regional mitigation works until the completion of the Review and the recommendations from that Review are finalised.”*

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The General Manager and Director City Planning are attending regular stakeholder meetings for the stage 2 work of the Taskforce and this has included the sharing of Council's information to date in relation to dredging investigations as described previously in this report.

In addition, arrangements are being made for the Taskforce to make a presentation on its activities and progress to a Councillor Briefing Session in the near future.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Theme

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

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

- Effective management of our rivers, waterways, riparian land, surface and groundwaters, and natural eco-systems through local action and regional partnerships

Financial Implications

The investigations required for the application to dredge will require significant staff time as well as a number of environmental and engineering studies as discussed previously in this report. The preparation of the business case for this work is available in the 2014/2015 Adopted Operational Plan.

The finalisation of a land base for dredging operations will require a separate costing based on Council's desire to either purchase or enter into a long term lease for the use of a property or properties for the dewatering and storage of dredge material. Depending on this decision the financial implications of that decision can be significant.

RECOMMENDATION:

That the report be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 30 September 2014****SUPPORT SERVICES****Item: 185****SS - Monthly Investments Report - August 2014 - (95496, 96332)****REPORT:****Executive Summary**

According to Clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

This report indicates that Council held \$44.90 million in investments at 31 August 2014.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$44.90 million in investments as at 31 August 2014. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

| Investment Type | Institution Short Term Rating | Institution Long Term Rating | Lodgement Date | Maturity Date | Interest Rate % | Principal \$ | Percentage of Portfolio | Total \$ |
|----------------------------------|-------------------------------|------------------------------|----------------|---------------|-----------------|--------------|-------------------------|------------------|
| On Call | | | | | | | | |
| ANZ | A1+ | AA- | | | 3.10% | 2,000,000 | 4.45% | |
| CBA | A1+ | AA- | | | 2.35% | 1,400,000 | 3.12% | |
| Total On-call Investments | | | | | | | | 3,400,000 |
| Term Investments | | | | | | | | |
| ANZ | A1+ | AA- | 20-Nov-13 | 19-Nov-14 | 3.85% | 2,000,000 | 4.45% | |
| ANZ | A1+ | AA- | 27-Nov-13 | 26-Nov-14 | 3.85% | 1,000,000 | 2.23% | |
| ANZ | A1+ | AA- | 20-Aug-14 | 04-Feb-15 | 3.69% | 1,000,000 | 2.23% | |
| ANZ | A1+ | AA- | 29-Aug-14 | 08-Apr-15 | 3.69% | 1,500,000 | 3.34% | |
| ANZ | A1+ | AA- | 29-Aug-14 | 22-Apr-15 | 3.69% | 1,500,000 | 3.34% | |
| ANZ | A1+ | AA- | 28-May-14 | 27-May-15 | 3.70% | 1,000,000 | 2.23% | |
| ANZ | A1+ | AA- | 11-Jun-14 | 10-Jun-15 | 3.70% | 1,500,000 | 3.34% | |
| ANZ | A1+ | AA- | 11-Jun-14 | 10-Jun-15 | 3.70% | 500,000 | 1.11% | |
| ANZ | A1+ | AA- | 18-Jun-14 | 17-Jun-15 | 3.70% | 500,000 | 1.11% | |
| ANZ | A1+ | AA- | 23-Jul-14 | 22-Jul-15 | 3.70% | 1,000,000 | 2.23% | |
| ANZ | A1+ | AA- | 06-Aug-14 | 06-Aug-15 | 3.70% | 2,000,000 | 4.45% | |
| ANZ | A1+ | AA- | 20-Aug-14 | 19-Aug-15 | 3.71% | 2,000,000 | 4.45% | |
| NAB | A1+ | AA- | 03-Sep-13 | 03-Sep-14 | 3.90% | 2,000,000 | 4.45% | |
| NAB | A1+ | AA- | 19-Dec-13 | 15-Oct-14 | 3.81% | 500,000 | 1.11% | |
| NAB | A1+ | AA- | 29-Jan-14 | 29-Oct-14 | 3.75% | 2,000,000 | 4.45% | |

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| Investment Type | Institution Short Term Rating | Institution Long Term Rating | Lodgement Date | Maturity Date | Interest Rate % | Principal \$ | Percentage of Portfolio | Total \$ |
|----------------------------------------------|-------------------------------|------------------------------|----------------|---------------|-----------------|--------------|-------------------------|-------------------|
| NAB | A1+ | AA- | 19-Dec-13 | 17-Dec-14 | 3.83% | 1,500,000 | 3.34% | |
| NAB | A1+ | AA- | 15-Jan-14 | 17-Dec-14 | 3.82% | 1,000,000 | 2.23% | |
| NAB | A1+ | AA- | 05-Mar-14 | 04-Feb-15 | 3.73% | 1,000,000 | 2.23% | |
| NAB | A1+ | AA- | 18-Jun-14 | 19-Mar-15 | 3.73% | 1,000,000 | 2.23% | |
| NAB | A1+ | AA- | 20-Aug-14 | 22-Jul-15 | 3.66% | 1,000,000 | 2.23% | |
| NAB | A1+ | AA- | 21-Aug-13 | 19-Aug-15 | 4.25% | 1,000,000 | 2.23% | |
| NAB | A1+ | AA- | 03-Sep-13 | 02-Sep-15 | 4.10% | 2,000,000 | 4.45% | |
| Westpac | A1+ | AA- | 05-Mar-14 | 15-Oct-14 | 3.70% | 1,000,000 | 2.23% | |
| Westpac | A1+ | AA- | 08-Apr-14 | 19-Nov-14 | 3.85% | 2,000,000 | 4.45% | |
| Westpac | A1+ | AA- | 23-Apr-14 | 17-Dec-14 | 3.75% | 500,000 | 1.11% | |
| Westpac | A1+ | AA- | 15-May-14 | 17-Dec-14 | 3.75% | 1,000,000 | 2.23% | |
| Westpac | A1+ | AA- | 15-Jan-14 | 15-Jan-15 | 3.75% | 2,000,000 | 4.45% | |
| Westpac | A1+ | AA- | 28-May-14 | 15-Jan-15 | 3.75% | 1,000,000 | 2.23% | |
| Westpac | A1+ | AA- | 23-Jul-14 | 15-Jan-15 | 3.75% | 500,000 | 1.11% | |
| Westpac | A1+ | AA- | 29-Jan-14 | 29-Jan-15 | 3.65% | 1,000,000 | 2.23% | |
| Westpac | A1+ | AA- | 6-Aug-14 | 29-Jan-15 | 3.80% | 1,000,000 | 2.23% | |
| Westpac | A1+ | AA- | 19-Mar-14 | 19-Mar-15 | 3.70% | 2,000,000 | 4.45% | |
| Westpac | A1+ | AA- | 25-Jun-14 | 25-Jun-15 | 3.75% | 500,000 | 1.11% | |
| Westpac | A1+ | AA- | 04-Jul-14 | 08-Jul-15 | 3.75% | 500,000 | 1.11% | |
| Total Term Investments | | | | | | | | 41,500,000 |
| TOTAL INVESTMENT AS AT 31 August 2014 | | | | | | | | 44,900,000 |

Performance by Type

| Category | Balance \$ | Average Interest | Bench Mark | Bench Mark % | Difference to Benchmark |
|--------------|-------------------|------------------|----------------------------------|--------------|-------------------------|
| Cash at Call | 3,400,000 | 2.79% | Reserve Bank Cash Reference Rate | 2.50% | 0.29% |
| Term Deposit | 41,500,000 | 3.78% | UBS 90 Day Bank Bill Rate | 2.63% | 1.15% |
| Total | 44,900,000 | 3.71% | | | |

Restricted/Unrestricted Funds

| Restriction Type | Amount \$ |
|-------------------------------|-------------------|
| External Restrictions -S94 | 11,348,488 |
| External Restrictions - Other | 3,197,006 |
| Internal Restrictions | 21,933,625 |
| Unrestricted | 8,420,881 |
| Total | 44,900,000 |

Unrestricted funds, whilst not subject to a restriction for a specific purpose, are fully committed to fund operational and capital expenditure in line with Council's adopted Operational Plan. As there are timing differences between the accounting for income and expenditure in line with the Plan, and the corresponding impact on Council's cash funds, a sufficient level of funds is required to be kept at all times to ensure Council's commitments are met in a timely manner. Council's cash management processes are based on maintaining sufficient cash levels to enable commitments to be met when due, while at the same time ensuring investment returns are maximised through term investments where possible.

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In addition to funds being fully allocated to fund the Operational Plan activities, funds relating to closed self-funded programs that are subject to legislative restrictions, cannot be utilised for any purpose other than that specified. Externally restricted funds include funds relating to Section 94 Contributions, Domestic Waste Management, Sewerage Management, Stormwater Management and Grants.

Funds subject to an internal restriction refer to funds kept aside for specific purposes, or to meet future known expenses. This allows for significant expenditures to be met in the applicable year without having a significant impact on that year. Internally restricted funds include funds relating to Tip Remediation, Workers Compensation, and Election.

Investment Commentary

The investment portfolio increased by \$5.20 million for the month of August 2014. During August 2014, income was received totalling \$11.40 million, including rate payments amounting to \$7.05 million, while payments to suppliers and staff costs amounted to \$5.30 million.

The investment portfolio currently involves a number of term deposits and on-call accounts. Council's current investment portfolio is not subject to share market volatility.

Council has a loan agreement for an amount of \$5.26 million under the Local Government Infrastructure Renewal Scheme (LIRS). The full amount was drawn down upon signing the agreement in March 2013, with funds gradually being expended over a period of approximately two years. The loan funds have been placed in term deposits, with interest earned on unexpended invested loan funds being restricted to be used for works relating to the LIRS Program projects.

As at 31 August 2014, Council's investment portfolio is all invested with major Australian trading banks and in line with Council's Investment Policy.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Independent advice is sought on new investment opportunities, and Council's investment portfolio is independently reviewed by Council's investment advisor each calendar quarter.

Council's investment portfolio complies with Council's Investment Policy, adopted on 27 May 2014.

Investment Certification

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005, and Council's Investment Policy.

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

Funds have been invested with the aim of achieving budgeted income in 2014/2015.

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RECOMMENDATION:

The report regarding the monthly investments for August 2014 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 September 2014

Item: 186

SS - Councillor Discretionary Funding - (95496, 124715, 105109)

REPORT:

Executive Summary

At its Ordinary Meeting on 27 May 2014, Council considered a report regarding the economic and social benefits and costs of events in the Hawkesbury and resolved, in part, as follows:

"That:

3. *A report be brought back to Council about the feasibility of Hawkesbury City Council establishing a Councillor Sponsorship/Discretionary Fund, using other Councils such as Blue Mountains City Council as an example."*

The purpose of this report is to submit the information requested in accordance with the resolution above, including an outline of an appropriate framework that would be required to be established should Council determine to proceed to implement a similar discretionary funding program as that existing at Blue Mountains City Council (BMCC).

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. However, should Council consider establishing a Councillor Sponsorship/Discretionary Fund, based on the framework outlined in this report, it would need to give consideration to the public consultation process required under Section 356 and/or Section 610E of the Local Government Act 1993 (the Act).

Background

At its Ordinary Meeting on 27 May 2014, Council considered a report regarding the economic and social benefits and costs of events in the Hawkesbury and resolved, in part, as follows:

"That:

3. *A report be brought back to Council about the feasibility of Hawkesbury City Council establishing a Councillor Sponsorship/Discretionary Fund, using other Councils such as Blue Mountains City Council as an example."*

In accordance with the resolution above, BMCC was contacted for the purposes of obtaining information regarding the Councillor Sponsorship/Discretionary Fund (CDF) as suggested in the resolution above.

The Office of Local Government (OLG) was also contacted to seek guidance regarding the appropriate process to establish a CDF and the appropriate associated governance, administrative and reporting frameworks that would be required if a CDF was established.

In preparing this report, publications including findings and recommendations issued relevant to the matter of CDFs in councils in Queensland and Victoria, were also used as reference.

Councillor Discretionary Fund at BMCC

BMCC have a Community Assistance Program (Program) including a \$2,000 annual allocation for each councillor for Minor Local Projects (MLP) funding. Guidelines on the types of activities that can be funded under the Program are provided, and it is at the councillor's discretion, within those guidelines, as to which community group the funding is allocated to. Under the guidelines it is community organisations not individuals or teams who receive Council funding. Councillors may wish to jointly fund a particular community group. All MLP funding allocations need Council approval, and are appropriately tracked and reported through the financial year.

The BMCC Mayor has a Mayoral Contingency Fund of \$7,500 each year. The criteria for allocating funds from the Mayoral Contingency Fund are different to those applicable to the MLP criteria and are not reportable to Council prior to expenditure, but are included in the same reports recommending MLP funding allocation.

A CDF at BMCC and other councils is generally similar to a small grants program, with each councillor having an allocation to distribute at their discretion. It is a mechanism whereby funding is available to financially assist community groups, with funding allocation being, to varying extents at a councillor's discretion.

Blacktown City Council was also contacted regarding the matter of CDFs. Blacktown City Council has an allocation of "ward votes" with approximately \$100,000 annually being allocated to each ward as part of the budget process. There is no defined program or set eligibility criteria for fund allocation. All allocations are approved by Council.

Legislative Framework

The Act is silent on the specific matter of CDFs, but does provide avenues and direction for a council to provide financial assistance subject to specified criteria being met.

Section 356 of the Act allows a council, in accordance with a resolution of the council, to contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions. Council provides financial assistance to others, in line with the requirements of Section 356 through its Community Sponsorship Program.

Section 610E of the Act allows a council to waive or reduce fees in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced. Council supports others within the context of Section 610E through waiving and/or reduction of fees as adopted by Council from time to time for a variety of events.

In addition to reference to the Act, further advice from the OLG was sought regarding the appropriate process to establish a CDF and the appropriate associated governance, administrative and reporting framework that would be required.

The OLG advised that if a CDF was established it would be highly recommended that a governance framework similar to that applicable under a Section 356 Program is established.

Based on the OLG's advice, a report issued by the Local Government Investigations and Compliance Inspectorate (Victoria) in October 2013, regarding a review of Councillor Discretionary Funds was consulted when preparing this report. A similar report arising from a similar review undertaken for Queensland councils by the Auditor General is also relevant to this report. The latter addresses CDFs as part of an overall review on processes associated with community grants administration.

In summary, the reviews undertaken in Victoria and Queensland respectively, regarding the issue of CDFs, highlighted undesirable practices leading to potential breaching of applicable legislation and high level of risk exposure for councillors and councils. Both reports provide recommendations to address the relevant governance gaps identified through the review.

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The findings and recommendations in these reports provide a good reference for Council to inform itself on the common pitfalls of CDF programs and best practice frameworks that should be applied if it were establish a CDF.

Council may wish to refer to the websites below to view the full reports referred to above:

http://www.dpcd.vic.gov.au/_data/assets/word_doc/0012/162201/Review-of-Councillor-Discretionary-Funds.doc.

https://www.gao.qld.gov.au/files/file/Reports/2008_Report_No.7.pdf.

Councils with CDF programs need effective accountability measures in place, and must ensure that spending practices are in accordance with legislative requirements. Avoiding all discretionary spending is the most effective way to minimise risk.

A good CDF program requires strong and auditable processes, which are open and transparent.

Some characteristics of good CDF programs include:

- a requirement to submit written applications that indicate how funds will be used;
- publicly available policy regarding who is eligible for CDF grants and how eligibility is assessed;
- transparent processes for assessing applications;
- publicly available information regarding CDF recipients;
- a requirement for acquittals, to ensure that grants are used for the purpose that council has granted the funds
- measures to protect against conflict of interest; and
- appropriate approval mechanisms in compliance with the Act.

Establishment of a Councillor Discretionary Fund

Council could consider establishing a CDF similar to what is in place at BMCC, or any other council that may be used as a model. An annual allocation could be made for a Small Grants Program with equal amounts being allocated to each of the Councillors and potentially a larger amount for the Mayor.

The establishment of a CDF would need to take into consideration legislative requirements under the Act and best practice governance requirements as detailed in this report, including, but not limited to, appropriate funding allocation processes, and approval and reporting requirements.

The establishment and level of a CDF would also need to be within the context of funding availability in the current and future financial years and the financial assistance already being provided by Council through its Section 356 Community Sponsorship Program, Variation of Fees and Event Sponsorship.

The suggested characteristics of a CDF would be as follows:

- **Applications for funding**

Organisations or individuals requesting funds from the Council would be required to apply in writing, indicating the need for the funds and how the grant will be used. Applications should include some type of justification for the requested amount.

This process will enable an assessment process based on merit and fit into Council's overall objectives.

- **Criteria for eligibility**

Eligibility for community groups or individuals would be based on a set of established assessment criteria. The criteria would be very similar to those detailed in Council's Sponsorship Policy (May 2007).

A set of established criteria would ensure that applications are assessed against consistent criteria, as well as ensuring funds are allocated in line with Council's objectives at all times.

- **Assessment of Applications**

Council may wish to implement a framework whereby each respective councillor undertakes the eligibility assessment process for funding applications they may wish to fund. However, this framework, whilst permitted, may not withstand scrutiny and exposes councillors as individuals, and Council as a whole, to risk. Assessment by individual councillors could result in inconsistencies and actual or perceived bias towards certain groups in the community. Potential claims regarding conflict of interests and misuse of Council funds for personal benefit could also arise and may be difficult to defend.

Assessment by individual councillors is therefore not recommended. It would be more prudent for assessment against the eligibility criteria to be undertaken by Council staff. This would ensure consistency and reduces councillors' risk exposure.

- **Documentation**

A CDF would be required to be supported by appropriate documentation. Councillors would be required to complete a standard form whereby they recommend the allocation of funding to eligible organisations or individuals. Funding recipients would be required to acknowledge the receipt of funds and sign a Sponsorship Agreement. For financial and other auditing purposes a request for payments in the form of an invoice or an otherwise acceptable claim for payment would need to be provided to Council to enable payments to be processed. An acquittal of funds would need to be completed by the funds' recipients showing how the funds were expended.

The completion and provision of the documentation above would ensure that there is a clear paperwork trail supporting the outflow of Council's funds. This not only would satisfy audit requirements but also protects councillors as individuals and Council as a whole from the risk, real or perceived, of misuse of funds. The recipients' acknowledgement supports a commitment for funds to be used for the purpose intended, ultimately contributing to Council's objectives. The acquittal of the funds would be used as evidence that funds were spent in line with the purpose they were intended for.

- **Approval and Reporting**

A CDF would need to also be supported by a robust reporting and approval mechanism. A standard report requesting Council approval to allocate a specified amount to an organisation or individual from a councillor's allocation would need to be submitted for Council consideration. This report would need to be submitted prior to any payments being made. In addition, a quarterly report detailing the status of each respective councillor's allocation would need to be submitted to Council for information.

The approval process would ensure an oversight on funding allocations by each individual councillor and the public, therefore supporting Council's commitment to transparency. The quarterly status reports would also support full transparency and reflect sound financial recording processes. These reporting mechanisms would protect councillors as individuals and Council as a whole from the risk of perception of misuse of funds.

Summary

As can be seen from the suggested best practice characteristics of what constitutes an accountable CDF, the establishment of a CDF should be supported by a robust governance framework.

Whilst Council could establish such a framework, it may wish to consider Council's existing frameworks and associated governance frameworks underpinning community sponsorship programs. Council may wish to replicate or build on these existing frameworks to support the establishment of a CDF, or, alternatively may wish to consider utilising existing or enhanced community sponsorship programs to allocate funding for community projects or initiatives. The latter alternative would be more cost effective from an administration perspective and also eliminates the risks associated with CDFs.

An overview of existing programs and frameworks are provided below.

Existing Financial Assistance and Sponsorship Frameworks

Section 356 Financial Assistance

Council seeks to advance its strategic and operational objectives by providing financial and other support to individuals, community groups and business entities. To facilitate the provision of this type of financial assistance, Council had adopted a Sponsorship Policy and established a Community Sponsorship Program. The Program provides for the following categories of financial assistance:

- 3 Year Event Sponsorship
- Access to Community Facilities
- Program or Activity Seeding Grant
- Minor Assistance
- Accessibility Improvements
- Council Fees refunds for Council owned buildings or facilities

Details on the above categories are included in the 2014/2015 Adopted Operational Plan.

In addition to these categories of financial assistance, Council also sponsors the Hawkesbury Sister Cities Program, UWS Scholarships and contributes funding towards the staging of the Hawkesbury City Eisteddfod. Council also provides a range of in kind services through the provision of staff and the use free of charge of community rooms and other Council owned buildings.

The Community Sponsorship Program is supported by the Sponsorship Policy (May 2007) which stipulates and details the eligibility criteria for individuals and/or organisations seeking funding / sponsorship. The Policy also details the process supporting the funding allocation and administration requirement of the Program. The Sponsorship Policy can be accessed at the link below:

<http://council.hawkesbury.nsw.gov.au/masterviewui/user/dwsobject/default.aspx?page=found&1=sponsors hip>.

For the 2014/2015 financial year Council allocated \$91,000 towards these financial assistance initiatives. The relevant programs and funding allocation was advertised and exhibited as part of the 2014/2015 Draft Operational Plan.

Applications by various organisations or individuals for funding under the Community Sponsorship Program are assessed by Council staff against the eligibility criteria detailed in the Sponsorship Policy and recommended allocations are submitted to Council for approval. A Sponsorship Agreement is signed by recipients of the funds and an invoice or request for payment is obtained as supporting documentation for payments. All payments are issued directly to the recipients.

This allocation process ensures an independent assessment based on consistent criteria, and the Council approval process ensures transparency. The documentation and payment processes in place for this Program ensure payments made can withstand financial and other auditing processes.

Fee Variations

In addition to financial assistance under the provisions of Section 356 of the Act, Council has also on a number of occasions provided assistance in terms of waived or reduced fees, in line with Section 610E of the Act. In the 2014/2015 Adopted Operational Plan Council has determined the following categories for which the provisions of Section 610E could be called upon:

- Hardship
- Charity
- Not for Profit
- Commercial

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Council has provided financial assistance through variations of fees to various organisations including event and markets organisers. Requests for variation of fees are assessed against the categories above and recommendations are submitted to Council for approval.

This process ensures an independent assessment based on consistent criteria and the Council approval process ensures transparency.

Event Sponsorship

As part of the 2014/2015 Adopted Operational Plan, Council has allocated an additional \$20,000 to fund the sponsorship for a number of flagship events in the Hawkesbury and to support a revision of the Community Sponsorship Program to allow a dedicated allocation for events only. The framework supporting the allocation of these funds is based on that underpinning the Community Sponsorship Program.

This process ensures an independent assessment based on consistent criteria and the Council approval process ensures transparency.

Conclusion

This report provides an overview of the relevant matters to be considered if Council wishes to establish a CDF. The information is submitted for Council's information and consideration. Should Council wish to proceed with establishing a CDF, to facilitate this, it is suggested that a further report outlining the eligibility criteria, application process and administrative arrangements, is submitted for Council's consideration.

Conformance to the Hawkesbury Community Strategic Plan

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

- Have transparent, accountable and respected leadership and an engaged community
- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services

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

- Achieve community respect through good corporate governance and community leadership and engagement
- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations

Financial Implications

The establishment of a CDF as outlined in this report would require additional funding currently not available in the 2014/2015 Adopted Operational Plan and subsequent years included in Council's Long Term Financial Plan.

Depending on the level of discretionary funding that would be available to each respective councillor under a CDF framework as determined appropriate by Council, funds would need to be identified and reallocated from existing works and/or programs to fund the establishment of such program.

The establishment of a CDF as outlined in this report would also attract additional costs in terms of governance, administration and reporting. Associated processes would have cost implications in terms of staff time in the areas of governance and financial reporting.

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If Council pursued the option of enhancing an existing community sponsorship program, the financial implications would be limited to any additional funding allocated to the programs, which would still need to be reallocated from existing works and/or programs.

RECOMMENDATION:

The report regarding the establishment of a Councillor Discretionary Fund be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 September 2014

Item: 187

SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)

REPORT:

Executive Summary

The Local Government Act, 1993 details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This report provides information regarding two Returns recently lodged with the General Manager by Designated Persons. It is recommended that Council note, that the Disclosure of Pecuniary Interests and Other Matters Returns, lodged with the General Manager, have been tabled.

Consultation

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

Background

Section 450A of the Local Government Act, 1993 relates to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

- "1. The General Manager must keep a register of returns required to be lodged with the General Manager under section 449.
2. Returns required to be lodged with the General Manager under section 449 must be tabled at a meeting of the council, being:
 - (a) In the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or
 - (b) In the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or
 - (c) In the case of a return otherwise lodged with the general manager—the first meeting after lodgement."

With regard to Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons, in accordance with Section 449 of the Act, is currently kept by Council as required by this part of the Act.

With regard to Section 450A(2), all Returns lodged by Councillors and Designated Persons, under Section 449 of the Act, must be tabled at a Council Meeting as outlined in subsections (a), (b) and (c).

With regard to Section 450(2) (a), the following Section 449(1) Returns have been lodged:

| Position | Return Date | Date Lodged |
|--------------|-------------|-------------|
| Town Planner | 18/06/2014 | 07/08/2014 |
| Town Planner | 26/06/2014 | 07/08/2014 |

The above Designated Persons have lodged their Section 449(1) Returns prior to the due dates (being three months after the Return Dates), as required by the Act for the receipt of the Returns.

ORDINARY MEETING

Meeting Date: 30 September 2014

The above details are now tabled in accordance with Section 450A(2)(a) of the Act, and the abovementioned Returns are available for inspection if requested.

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ordinary

section 4

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 4 - Reports of Committees

ROC Development Application Monitoring Advisory Committee - 31 July 2014 - (127794)

Minutes of the Meeting of the Development Application Monitoring Advisory Committee held in Council Chambers, Windsor, on Thursday, 31 July 2014 commencing at 5pm.

Present: Councillor Kim Ford, Chairperson
 Councillor Mike Creed, Deputy Chairperson
 Councillor Warwick Mackay
 Councillor Bob Porter

Apologies: Councillor Tiffany Tree

In Attendance: Mr Peter Jackson, Hawkesbury City Council
 Mr Matthew Owens, Hawkesbury City Council
 Ms Shari Hussein, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Councillor Bob Porter and seconded by Councillor Warwick Mackay that the apology be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Warwick Mackay and seconded by Councillor Bob Porter that the Minutes of the Development Application Monitoring Advisory Committee held on the Thursday, 20 February 2014, be confirmed.

SECTION 4 - Reports for Information

1. Development Application Statistics - 1 January 2014 - 31 March 2014

RECOMMENDATION TO COMMITTEE:

That the information regarding the Development Application Statistics for the period 1 January 2014 – 31 March 2014 be received and noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Porter.

That the information regarding the Development Application Statistics for the period 1 January 2014 – 31 March 2014 be received and noted.

2. Development Application Statistics - 1 April 2014 - 30 June 2014

RECOMMENDATION TO COMMITTEE:

That the information regarding the Development Application Statistics for the period 1 April 2014 – 30 June 2014 and the comparative yearly figures be received and noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Mackay.

That the information regarding the Development Application Statistics for the period 1 April 2014 – 30 June 2014 and the comparative yearly figures be received and noted.

3. Development Application (DA) Riverfront Land/Properties - January - March 2014

Councillor Bob Porter declared a pecuniary interest in this matter as he is part owner of a property referred to in the report and left the meeting and did not take part in the discussion or voting on this matter.

RECOMMENDATION TO COMMITTEE:

That the information regarding the development application processing and requirements for riverfront land/properties January 2014 – March 2014 be received and noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Creed, seconded by Councillor Mackay.

That the information regarding the development application processing and requirements for riverfront land/properties January 2014 – March 2014 be received and noted.

4. Development Application (DA) Riverfront Land/Properties - April - June 2014

Councillor Bob Porter declared a pecuniary interest in this matter as he is part owner of a property referred to in the report and left the meeting and did not take part in the discussion or voting on this matter.

RECOMMENDATION TO COMMITTEE:

That the information regarding the development application processing and requirements for riverfront land/properties - April 2014 – June 2014, be received and noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Creed, seconded by Councillor Mackay.

ORDINARY MEETING
Reports of Committees

That the information regarding the development application processing and requirements for riverfront land/properties - April 2014 – June 2014, be received and noted.

SECTION 5 - General Business

At this stage of the meeting (5:17pm) the Chairperson, Councillor Kim Ford, left the meeting and the Chair was assumed by the Deputy Chairperson, Councillor Mike Creed.

- Councillor Bob Porter referred to the "Duty Planner" service provided by Council and asked if statistics were kept as to how many enquiries received proceeded to the receipt of a development application. Ms Hussein indicated that specific statistics on this were not kept and general discussion about the value of the service followed.

The meeting terminated at 5:30pm.

Submitted to and confirmed at the meeting of the Development Application Monitoring Advisory Committee to be scheduled.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC Floodplain Risk Management Advisory Committee - 21 August 2014 - (86589)

The meeting commenced at 4:30pm in Council Chambers.

Present: Councillor Bob Porter, Chairperson
 Mr Trevor Devine, Deputy Chairperson
 Councillor Mary Lyons-Buckett, Hawkesbury City Council
 Councillor Warwick Mackay, Hawkesbury City Council
 Mr Les Sheather, Community Representative
 Mr Geoffrey Bessell, Community Representative
 Mr Ted Books, Community Representative
 Snr Inspector, Robert Bowman - Department of Primary Industries
 Mr Damian Moon, Community Representative
 Mr Harry Panagopoulos, Office of Environment and Heritage

Apologies: Councillor Jill Reardon, Hawkesbury City Council
 Councillor Tiffany Tree, Hawkesbury City Council
 Mr Matthew Owens, Hawkesbury City Council
 Mrs Shari Hussein, Hawkesbury City Council
 Mr Kevin Jones, SES
 Mr Peter Cinque, SES
 Mrs Louise Markus MP - Federal Member for Macquarie
 Mr Ray Williams MP, Member for Hawkesbury
 Mr Bart Bassett MP, Member for Londonderry

In Attendance: Mr Peter Jackson, Hawkesbury City Council
 Mr Phillip Pleffer, Hawkesbury City Council
 Mr Chris Amit, Hawkesbury City Council
 Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council

Non Attendance: Ms Kirstan Smelcher, RAAF

REPORT:

RESOLVED on the motion of Mr Trevor Devine and seconded by Mr Ted Books that the apologies be accepted.

CONFIRMATION OF MINUTES

Mr Devine asked for a correction to the previous Minutes at Page 7 where a notation was inserted in relation to his appearing to have quoted from a Table in a draft document. Mr Devine advised he was disappointed the note had been placed as he had referenced and relied upon information ascertained from the Business Paper and raised concern if that information was not correct, then from where was he to source his information. Mr Devine reiterated he believed the Tables 4(b) and 5(b) cannot be found within the Executive Summary.

RESOLVED on the motion of Mr Les Sheather and seconded by Mr Ted Books that the Minutes of the Floodplain Risk Management Advisory Committee held on the 12 June 2014, be confirmed.

4:33pm - Mr Amit arrived at the meeting

SECTION 3 - Reports for Determination

ITEM: 1 Declarations of Interest

DISCUSSION:

- Mr Sheather advised he does not own property in the Hawkesbury floodplain, however he does have members of his family who do own such property. Mr Sheather asked if he should declare interests relating to his family's properties.

The Chair responded only property owned by Mr Sheather would be applicable.

RECOMMENDATION TO COMMITTEE:

That:

1. General disclosures of interest listed in this report be received.
2. Other specific disclosures of interest be declared if deemed appropriate.

MOTION:

RESOLVED on the motion of Mr Geoffrey Bessell, seconded by Mr Damian Moon

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. General disclosures of interest listed in this report be received.
2. Other specific disclosures of interest be declared if deemed appropriate.

SECTION 4 - Reports for Information

ITEM: 2 Plain English Summary of Items 4(a) - (f) of the Hawkesbury Floodplain Risk Management Study and Plan

Mr Pleffer conducted a presentation in support of his report.

DISCUSSION:

- The Chair referred to town planning actions set out in 4(b) and 4(d) of the report and surmised exceptional circumstances provisions would become void due to the resolution of Council on 29 July 2014 (which rejected changes to the current building height standards in relation to flood levels).
- Mr Jackson responded the purpose of the report was to explain the items listed in 4(a) - (f) of the FRMS&P in a plain English summary and advised at this stage there was not going to be an exceptional circumstances application. Mr Jackson confirmed the report did not change the Council resolution of 29 July 2014.

ORDINARY MEETING

Reports of Committees

- Councillor Mackay concurred, stating provided the Committee did not change the resolution or add a Motion to this report, that Council resolution would not change as this report was to be received only.
- Mr Sheather referred to concessional development provisions and asked if there would be a requirement for dwellings in areas effected by a flood over 1:100, where flood proof materials were not necessarily used (eg McGraths Hill), to be re rebuilt using flood compatible building components and methods.
- Mr Pleffer responded concessional development provisions would be available to the applicant and existing floor heights may be relied upon if the applicant could demonstrate that the new building could be built in a way to make it more flood resilient and overall a better building.
- Mr Books made reference to the 1:100 flood referred to throughout the flood study and asked if that was based on a manmade flood or a natural flood, advising he believed releases from Warragamba Dam increased levels of flooding.
- Mr Pleffer responded the flood level was based on outputs from models calibrated against actual flood events.
- Mr Books raised concern computer modelling may be inaccurate, citing the largest flood in the last 147 years was 15.3 metres and to calibrate against actual events would require testing dating back to 1867. Mr Books added to arrive at a level of 17.3 metres by calibrating on actual events would indicate there was an issue with the computer modelling.
- Mr Panagopoulos made reference to a workshop he recently attended with Mr Pleffer and other members of the Taskforce and Stakeholders Reference Panel for the Hawkesbury Nepean Flood Management Review. Mr Panagopoulos reported the workshop, co-ordinated by INSW, sought members input in relation to the Hawkesbury Nepean Regional Flood Study which is to focus on existing flood risks in the Hawkesbury. Mr Panagopoulos advised it was agreed to revisit the issue of computer modelling, adding the team were well equipped with the latest models.
- Mr Panagopoulos further reported INSW had indicated (via Mr Owens) that an invitation had been extended to Council to be briefed on the Hawkesbury Nepean Valley Flood Management Review, Stage 2, which would provide an opportune time for questions raised by the Committee to be answered by experts in their field, and encouraged members to direct, (in writing), to the Chair, their flood related questions for forwarding on to the taskforce as part of a community engagement process.
- Mr Jackson reported he had been in attendance at those meetings and confirmed that invitation would be taken up.
- The Chair commenced initiating the winding up of the meeting and Councillor Lyons-Buckett addressed the Chair advising she was not aware the FRMAC meeting had an 'end time' and expressed disappointment she was not able to view the remainder of Mr Pleffer's presentation due its being cut short due to apparent time constraints. Councillor Lyons-Buckett suggested members should be informed in future if a meeting 'end time' was to be imposed.

RECOMMENDATION TO COMMITTEE:

That this report be received.

MOTION:

RESOLVED on the motion of Mr Les Sheather, seconded by Mr Geoffrey Bessell

Refer to COMMITTEE RECOMMENDATION

ORDINARY MEETING
Reports of Committees

COMMITTEE RECOMMENDATION:

That this report be received.

SECTION 5 - General Business

- The Chair made reference to the impending Special Meeting on 16 September where the appointment of Council Committees for the next term of Council will be determined. The Chair thanked the Committee for his term as Chair of the FRMAC.
- Mr Sheather referred to the opportunity Mr Panagopoulos had spoken about in relation to the invitation for this Committee's input to be put forth to the Taskforce working on the State Review, and recommended that invitation should be taken up and suggested the Committee put their flood related questions in writing for the purpose of forwarding to the Taskforce.
- Mr Devine asked of the progress of establishing a technical working group to identify the upgrade of Jim Anderson Bridge.
- Mr Amit responded correspondence had been sent to the RMS and to date no response had been received.

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Mr Trevor Devine

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That correspondence be forwarded to the State Member for Londonderry seeking urgent assistance in obtaining a response from the RMS in relation to acquiring a representative from that Authority to join a proposed technical working group to identify the upgrade of Jim Anderson bridge in relation to emergency management.

- Mr Books reported as he had experienced numerous flood events over the years and had been involved with various repair works to riverbanks, he suggested he make a compilation of information outlining flooding problems, causes and costs of repair works involved. Mr Books added he believed all flooding since 1961 had been manmade (referring to the release of water from the Dam).
- Mr Amit made reference to the Stakeholder Reference Panel for the Hawkesbury Nepean Valley Flood Management Review and advised whilst the working group had not been formally formulated, Council had provided comments to INSW about potential upgrades to evacuation routes which included the Jim Anderson Bridge.
- Mr Panagopoulos made reference to approaches by INSW to Council in relation to obtaining the business case prepared by Worley Parsons regarding dredging parts of the river.
- Mr Pleffer responded he was of the understanding the business case for dredging had not been prepared as yet and he would arrange for Mr Owens to contact Paul Fuller of INSW, upon Mr Owens return from leave on 8 September.

The meeting closed at 5:46pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC Local Traffic Committee - 8 September 2014 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on 8 September 2014 commencing at 3pm.

| | |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Present: | Councillor Kim Ford (Chairman) Inspector Ian Woodward, NSW Police Force Snr Constable David Gillard, NSW Police Force Mr Steve Grady, Busways |
| Apologies: | Mr Bart Bassett, MP (Londonderry) Mr Kevin Conolly, MP (Riverstone) Mr Ray Williams, MP (Hawkesbury) Mr James Suprain, Roads and Maritime Services Ms Jill Lewis, NSW Taxi Council |
| In Attendance: | Mr Chris Amit, Manager, Design and Mapping Services Ms Laurel Tweedie, Administrative Officer, Infrastructure Services Ms Jillian Bentham, Events Co-ordinator |

The Chairman tendered an apology on behalf of Mr James Suprain, Roads and Maritime Service and Mr Kevin Conolly, MP (Riverstone) advising that Mr James Suprain, Roads and Maritime Service and Mr Kevin Conolly, MP (Riverstone), concurred with recommendations as contained in the formal agenda and had granted proxy to himself to cast votes on their behalf.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the Motion of Councillor Kim Ford, seconded by Inspector Ian Woodward that the minutes from the previous meeting held on Monday, 11 August 2014 be confirmed.

Item 1.2 Business Arising

There was no business arising from previous minutes.

SECTION 2 - Reports for Determination

Item: 2.1 LTC - 8 September 2014 - Item 2.1 - Rosemont Training Ride 2014 - Webbs Creek (Hawkesbury) - (80245, 85005)

REPORT:

Introduction:

An application has been received from Zone One of The NSW Endurance Riders' Association seeking approval (in traffic management terms) to conduct the Rosemont Training Ride 2014, based at the Rosemont Farm located at 493 Webbs Creek Road, Webbs Creek and in and around the Webbs Creek area. The event will be held on Saturday, 1 November 2014 and Sunday, 2 November 2014.

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The event organiser has advised:

- This event was previously held in 2007.
- The event is a horse training ride undertaken over a distance of 40 kilometres.
- This is a timed event and not a race.
- The event will be undertaken between 7am and 4pm.
- There will be approximately 100 horse riders participating.
- Spectators are not expected for the event.
- Start and end point for the event will be from the Rosemont Farm located at 493 Webbs Creek Road, Webbs Creek.
- The Training Ride will be conducted on the tracks within the Parr State Conservation Area, Yengo National Park, private property and along a three kilometre section of Webbs Creek Road, which is unsealed.
- Road closures are not required.
- Wicen are at all checkpoints on the course, who will communicate with the ride base on the progress of all riders as they follow the course. This communication is also used to convey an emergency on the course.

Details of the Event Course Map for the event are contained in Attachment 1.

Discussion:

It would be appropriate to classify the event as a “**Class 2**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may impact minor traffic and transport systems and there may be a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document Nos: 4893460 and 4918804):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Risk Management Plan,
5. Event Course Map,
6. Copy of Insurance Policy which is valid to 01 January 2015, however does not include the Roads and Maritime Services as an Interested Party,
7. Copy of the application to the NSW Police Force.

COUNCIL RECOMMENDATION:

RESOLVED on the motion of Inspector Ian Woodward, seconded by Councillor Kim Ford.

Support for the Recommendation: Unanimous.

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Rosemont Training Ride, based at 493 Webbs Creek Road, Webbs Creek, and in and around the Webbs Creek area, planned for Saturday, 01 and Sunday, 02 November 2014 be classified as a **"Class 2"** special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;

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- 4e. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
- 4f. As the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with the associated fee, to occupy the road;
- 4g. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and outlined in the TMP;
- 4h. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use of the Parr State Conservation Area and the Yengo National Park; **a copy of this approval to be submitted to Council**;
- 4i. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4j. the event organiser is to obtain approval from the NSW Department of Primary Industries for the use of any Crown Road or Crown Land; **a copy of this approval to be submitted to Council**;
- 4k. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event; **a copy of this approval to be submitted to Council**;
- 4l. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4m. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4n. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4o. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**;
- 4p. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

- 4q. access is to be maintained for businesses, residents and their visitors;
- 4r. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;

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- 4s. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4t. the riders are to be made aware of and are to follow all the general road user rules whilst riding on public roads;
- 4u. in accordance with the submitted TMP and associated TCP, appropriate advisory and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4v. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4w. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 4x. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

APPENDICES:

AT – 1 Event Course Map – Rosemont Training Ride.

AT - 2 Special Event Application – (ECM Document Nos. 4893460 and 4918804) - see attached

AT – 1 Event Course Map – Rosemont Training Ride



ORDINARY MEETING
Reports of Committees

Item: 2.2 LTC - 08 September 2014 - Item 2.2 - Sydney Blues and Roots Festival - Windsor 2014 - (Riverstone) - (80245, 114164)

REPORT:

Introduction:

An application has been received from the promoters of the Sydney Blues and Roots Festival, seeking approval (in traffic management terms) to conduct the Sydney Blues and Roots Festival – Windsor 2014, in Holland's Paddock, Windsor from Friday, 24 October 2014 to Sunday, 26 October 2014.

The event organiser has advised:

- This is an annual event which has been held for the last five years.
- The Sydney Blues and Roots Festival is a music festival to be held, for the second year, in Holland's Paddock, Windsor. Previously the event has been held in Thompson Square Park and around the Windsor Town Centre.
- The Festival is being run between Friday evening and Sunday evening during the following times:
 - Friday, 24 October 2014 – 5:30pm to 11pm
 - Saturday, 25 October 2014 – Noon to 11pm
 - Sunday, 26 October 2014 – Noon to 10:30pm
- The Festival will be a ticketed event.
- Based on attendances at the previous Festivals, it is expected that approximately 1,000 patrons per day will attend the Festival in 2014.
- Due to the proximity of the venue and the amount of pedestrian traffic that will be generated, several risk assessments have been conducted and the results have indicated that no road closures are required for the control and monitoring of pedestrian traffic because the Festival is to be located in the township of Windsor and the performance stages will be located within the park and surrounded by temporary fencing.
- Pedestrians will have adequate facilities to traverse through and around the festival site at all times thus ensuring pedestrian safety at all times. Certified Traffic Controllers will be made available however during busy peak times to minimise any issues with vehicular traffic.
- Local parking arrangements will be made available. There is ample parking available in town centre roads and local parks parking areas.
- Arrangements have been made with the Hawkesbury Sports Council for camping at Deerubbin Park.
- Emergency vehicles will be given priority at all times.

Refer to Attachment 1 - Sydney Blues and Roots Festival Site.

Discussion

It would be appropriate to classify the event as a “**Class 2**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may impact minor traffic and transport systems and there may be a low scale disruption to the non-event community.

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Traffic controlled crossing points will be provided in The Terrace and Johnston Street to ensure the safe passage of pedestrians to the venue site. It is anticipated that a considerable number of pedestrians will access the venue site from the camp site located at Deerubbin Park and across The Terrace between Johnston Street and New Street.

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document No 4920495)

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Traffic Management Plan (TMP) that only gives a brief outline of the event,
5. Event Site Plan for Holland's Paddock.

Council resolved to grant exclusive use of Holland's Paddock for the event at its meeting on 24 June 2014.

COUNCIL RECOMMENDATION:

RESOLVED on the motion of Inspector Ian Woodward, seconded by Councillor Kim Ford.

Support for the Recommendation: Unanimous.

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Sydney Blues and Roots Festival - Windsor 2014 event, located in Holland's Paddock, Windsor from Friday, 24 October 2014 to Sunday, 26 October 2014 be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser **is to submit a Transport Management Plan (TMP) for the entire event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4e. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4f. As the event requires traffic control on public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with the associated fee, to occupy the road;
- 4g. the event organiser is to obtain written approval from Hawkesbury Sports Council Inc for the use of Deerubbin Park; **a copy of the correspondence to be submitted to Council;**
- 4h. the event organiser is to obtain approval from respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council;**
- 4i. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4j. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4k. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**

ORDINARY MEETING
Reports of Committees

- 4l. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4m. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

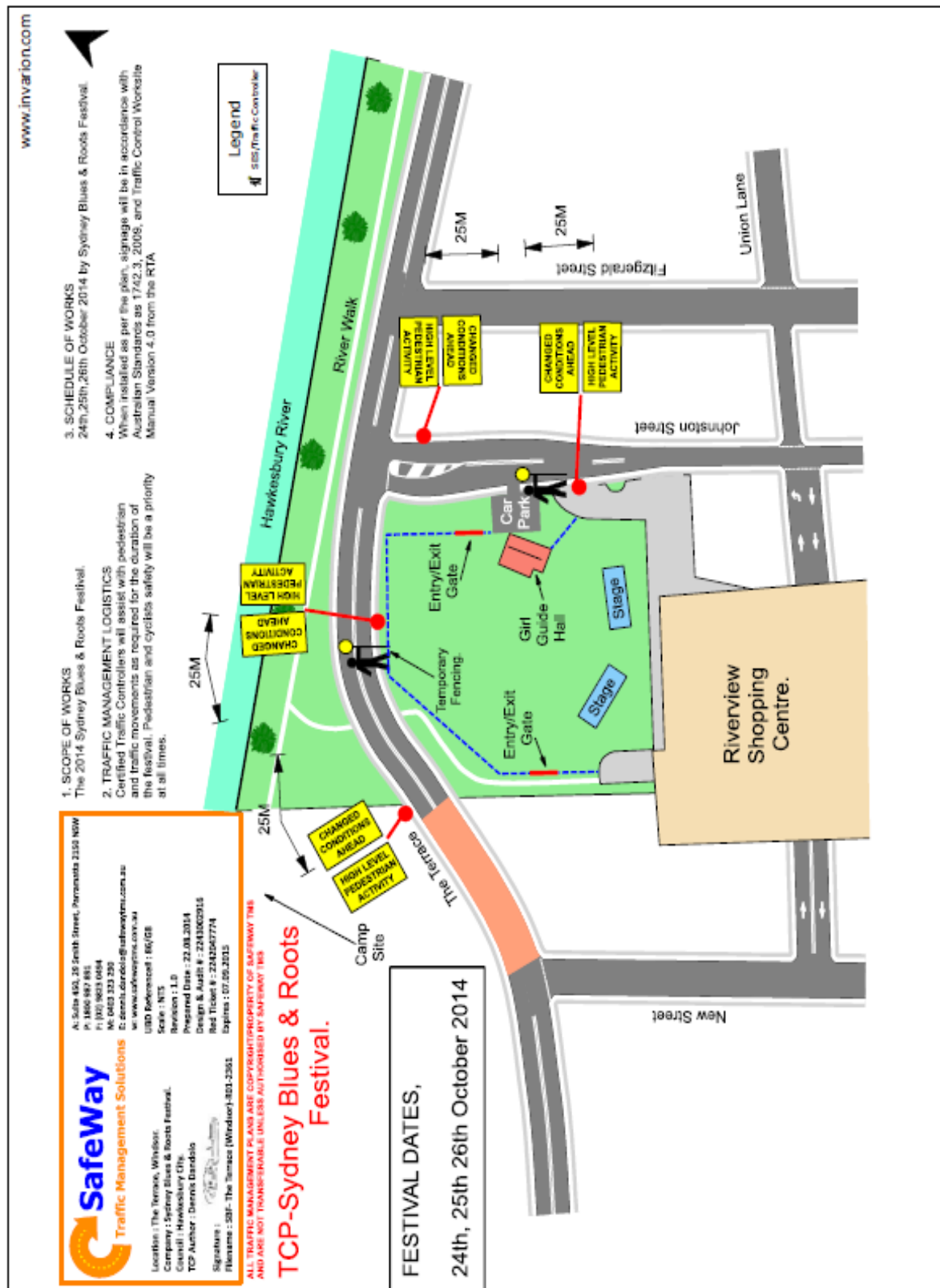
During the event:

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4s. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

APPENDICES:

- AT - 1** Sydney Blues and Roots Festival Site Plan
- AT - 2** Special Event Application - (ECM Document No 4920495) - *see attached.*

AT 1 - Sydney Blues and Roots Festival Site Plan



ORDINARY MEETING
Reports of Committees

SECTION 3 - Reports for Information

There were no reports for information.

SECTION 4 - General Business

There was no General Business.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on 13 October 2014 at 3pm in the Large Committee Room.

The meeting terminated at 3:45pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

REPORT:

Questions - 9 September 2014

| # | Councillor | Question | Response |
|---|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Porter | Enquired if the parking in Fitzgerald Street, Windsor could be reviewed. | The Director Infrastructure Services advised that the matter will be investigated and referred to Local Traffic Committee if required. |
| 2 | Calvert | Enquired about what appeared to be earthworks near Grose Vale Road and asked if there is an application for works in that location. | The Director City Planning advised that the earthworks are part of the road and drainage works approved with DA0852/08 for the seniors living development. These most recent construction works were approved on 1 July 2014. |
| 3 | Paine | Requested that the monument in Thompson Square, Windsor be rejuvenated. | The Director Infrastructure Services advised that instructions have been issued to investigate the cleaning of the monument in Thompson Square, Windsor in accordance with any heritage conservation required. |
| 4 | Paine | Enquired if the application for 5 New Street, Windsor could have a conservation plan as the building that is to be demolished is surrounded by heritage buildings. | The Director City Planning advised that an approval for demolition was issued by a Private Certifier on 27 August 2014 (received at Council on 1 September 2014). In this regard there is no scope for the preparation of a conservation management plan of this building that is not heritage listed. |
| 5 | Paine | Enquired if it is possible to have the area around the Jolly Frog Hotel cleaned up. | The Director City Planning advised that the owner's representative has been contacted to undertake some maintenance works as required. Ongoing maintenance of the footpath area will be undertaken by Council staff. |

ORDINARY MEETING**Questions for Next Meeting**

| # | Councillor | Question | Response |
|---|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6 | Creed | Requested that a series of road signs be placed on Grose Vale Road or a request be submitted to the Local Traffic Committee, in order to reduce the dangerous driving on Grose Vale Road. | The Director Infrastructure Services advised that a request has been forwarded to Roads and Maritime Services to review the speed limit signs and painted symbols in the Kurrajong Village area on Grose Vale Road. The request includes repeater 40km/h painted symbols and speed limit signs when the speed changes from 40 to 60km/h. Advisory safety signage will also be investigated. |

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 188 **GM - Legal Matter - Potential Options Available to Council - Redbank at North Richmond - (79351) CONFIDENTIAL**

Previous Item: NM, Extraordinary (9 September 2014)

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(g) of the Act as it relates to legal advice concerning Council's options regarding further development of the development referred to as Redbank at North Richmond and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 189

CP - Tender No. 00944 - Purchase of Garbage Collection Vehicle Comprising Cab Chassis and Compaction Body - (95498, 96330) CONFIDENTIAL

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 190

IS - Tender No. 00946 - Supply of Bulk Materials for Civil Construction - (95495, 79344) **CONFIDENTIAL**

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of bulk materials for civil construction to Council and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 191 **SS - Property Matter - Lease to Barry Davis and Mahalachmi Davis - Unformed Road - Part of Rickaby Street, South Windsor - (82517, 5498, 112106, 95496)**
CONFIDENTIAL

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 192 **SS - Property Matter - Lease to Stephen Hile - 139 March Street, Richmond - (22455, 98759, 112106, 95496) CONFIDENTIAL**

Reason for Confidentiality

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

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

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



ordinary
meeting

end of
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