



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 24 April 2007

location: council chambers

time: 5:00 p.m.



mission statement

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

How Council Operates

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

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

Ordinary Meetings of Council are held on the second Tuesday of each month, except January, and the last Tuesday of each month, except December. The meetings start at 5:00pm with a break from 7:00pm to 7:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When a Special Meeting of Council is held it will usually start at 7:00pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

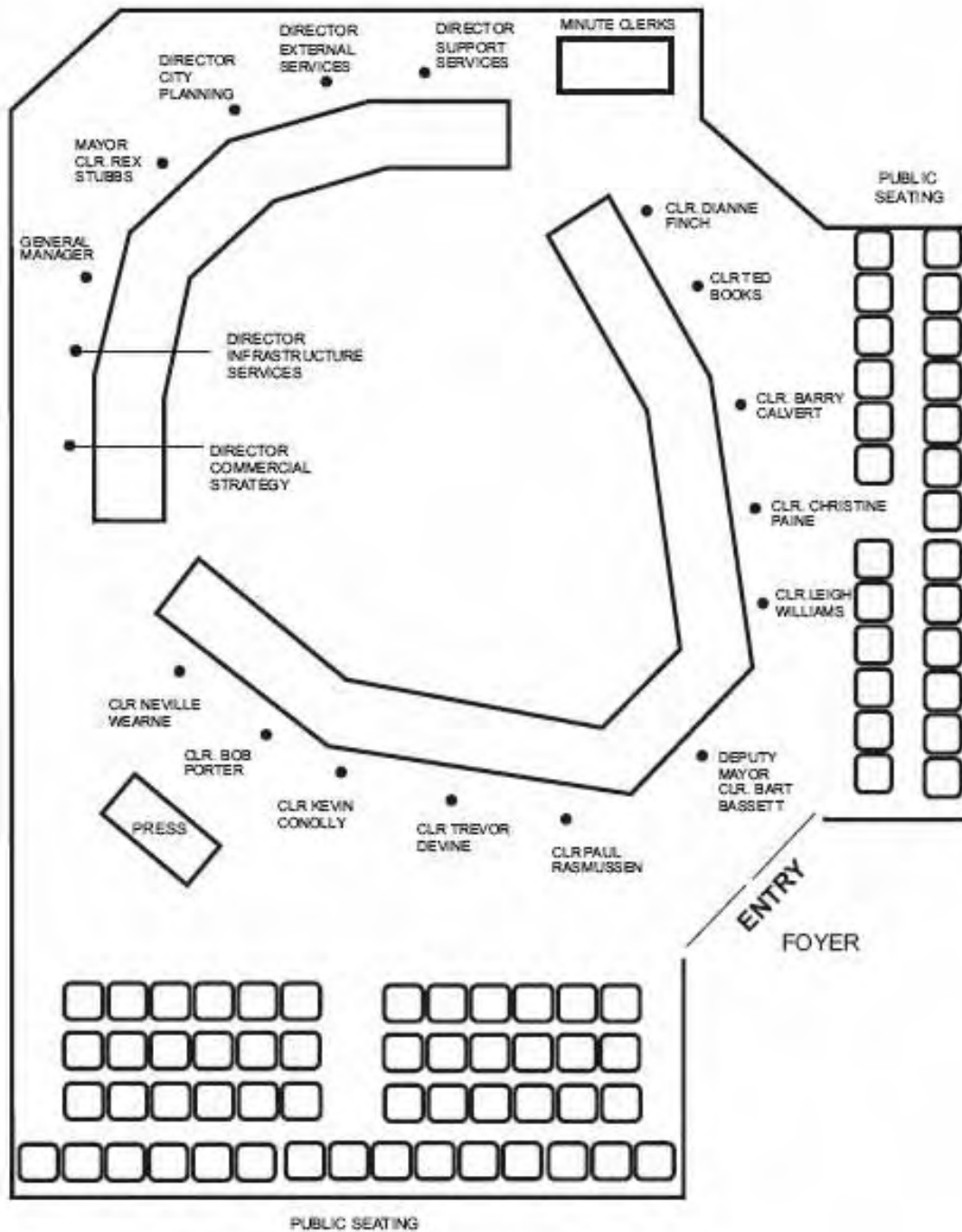
Website

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

Further Information

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

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SECTION 2 - Mayoral Minutes

MM - Visit by Weddin Shire Council - (79351)

REPORT:

On 17 March 2007 the Mayor, Deputy Mayor and General Manager of Weddin Shire Council visited the Hawkesbury to meet with Mayor Clr (Dr) Stubbs, General Manager Graeme Faulkner and Personal Assistant Robyn Felsch.

A number of areas of common interest and possible benefit were discussed, and the two executives agreed there were potential benefits from a city-country alliance between the two councils.

It was also agreed, subject to confirmation by the councils, that a Memorandum of Understanding be developed to spell out the terms of the alliance.

The meeting was very cordial and both parties feel optimistic of a successful undertaking.

Funding

There will be no impact on funding.

RECOMMENDATION:

That Council agree in principle to a city-country alliance with Weddin Shire Council, and a Memorandum of Understanding to that effect be jointly developed for consideration by the Councils.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

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SECTION 3 - Notices of Motion

RM Rescission Motion - Rural Residents to be Notified of Neighbouring Development Applications - (95496, 90477, 80096, 90479)

Submitted by: Councillor B Bassett
 Councillor K Conolly
 Councillor B Porter

NOTICE OF MOTION:

That Council's resolution of 13 March 2007 (Minute No. 61 re Notice of Motion 3) regarding rural residents being notified of neighbouring development applications be and is hereby rescinded.

BACKGROUND:

Council's resolution in respect of this matter, as a result of a Notice of Motion submitted by Councillor L Williams, was as follows:

"That there be a requirement to notify Development Applications for rural properties to surrounding residents with the exception of: Exempt and Complying Development, demolition of non-heritage items, tennis courts (private use and without lights) and other minor development as described in Section 3.3 of the DCP where such development is of negligible impact on public amenity and negligible fire impact."

Following the above resolution it would appear that there may have been some unintended consequences that are unreasonably delaying the efficient processing of development applications covered by these new requirements.

It is understood that in one particular case this new requirement had the potential to require a development application for the removal of a tree located some 400 metres from the property boundary to be notified to neighbours and, therefore, subject to unreasonable delay. Whilst it is also understood that the issue was resolved in this case there is potential for other undesirable effects to occur as a result of this requirement.

Therefore, it is proposed that this resolution be rescinded at this stage. In the event that this rescission motion is successful it is proposed to move a subsequent motion that the matter be referred to a Councillors Briefing Session so that details of existing DCP requirements in this regard can be workshopped so as to ensure that they are both practicable and workable.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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NM 1 Anomalies found in Hawkesbury Local Environmental Plan 1989 to be rectified - (90480, 90476, 95496)

Submitted by: Councillor T Books
 Councillor T Devine

NOTICE OF MOTION:

That:

1. The following list of anomalies in Hawkesbury Local Environmental Plan 1989, be rectified in the template LEP and a report be provided to Council on how these and other anomalies will be resolved.
 - a) Truck depots are prohibited in the Rural Living Zone but bus depots and heliports are permissible. All such uses should be prohibited except on main arterial roads.
 - b) Self storage units are prohibited in all zones. They should be permitted in the industrial zones.
 - c) Tourist facilities are permissible in the rural and environmental protection zones, but there are no objectives in any of the zones which are relevant to tourist facilities. A suitable objective should be added to all zones where tourist facilities are permissible, eg "To encourage tourist facilities which are appropriate to the constraints of the land".
 - d) Light industry is permissible in the business 3(b) zone. This should be restricted to industrial zones only.
 - e) Windsor Leagues Club and Hawkesbury Race Club are incorrectly zoned open space.
 - f) The definition of "rural shed" should be reviewed to include all sheds within a rural zone.
 - g) The land adjoining Nepean Park (Springwood Road Yarramundi) owned by Mrs Williams be included in the Nepean Park zone.
 - h) The land owned by Mr Smith in Chappel Street Richmond be included in the adjoining residential zone, or a zoning appropriate for an aged care facility.
2. The report should also address whether the new "B6 Enterprise Corridor" and "RU6 Transition" zones have been considered and where they will be implemented in the template LEP.

NOTE BY MANAGEMENT:

In order to fully address this Notice of Motion a very detailed response is required. A report on the options available to address some of these matters raised in the Notice of Motion can be reported to Council, along with the progress to date of the conversion of the LEP into the Standard LEP format.

It should be noted that the funding received for this work is subject to a set timeframe. Discussions with the Department in relation to this matter indicate that the work is to be a conversion of the Hawkesbury LEP into the Standard Template format only and is not to include Policy changes. In this regard a Policy change relates to an increase or decrease in permitted uses of a zone or locality. This issue will be detailed in the future report.

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It is recommended to Council, regarding this Notice of Motion:

"That the above matters be the subject of a future report to Council. The report is to also provide an update on the progress to date, and revised timeline, for the conversion of the Hawkesbury LEP 1989 to the Standard LEP Template."

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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NM 2 Hawkesbury River System "River Summit" (90480, 90476, 90477, 80108, 79353, 95496)

Submitted by: Councillor T Books
 Councillor T Devine
 Councillor B Porter
 Councillor R Stubbs

NOTICE OF MOTION:

That Council endeavour to conduct a "River Summit" including all interested parties, such as relevant Ministers, local members of parliament, councils, the Catchment Management Authority, LGAG and commercial representatives, with a view to investigating actions that can be taken, such as appropriate dredging, to improve water quality, reduce and control weed infestation and enhance access to this most important community asset.

BACKGROUND:

The continuing deteriorating condition of the Hawkesbury River system is a growing concern to the community. Council should take all and any action possible to facilitate an improvement to both the condition and ongoing management of this community asset.

Siltation build up in river channels needs to be investigated to see what impact it has on overland flooding.

Scientific information tabled at the Flood Plan Conference, Narooma in February 2005 stated that not keeping channels clear can have up to three metres of impact on overland flooding. If this is found to be relevant to the Hawkesbury and no action is taken, who will be liable.

Council should be investigating all possible actions that could lead to improving the river system. At present, community access to the river is being reduced due to its deteriorating condition with commercial interests also being seriously affected. For example, at present farmers are experiencing difficulty with equipment being blocked or damaged due to weed infestation.

There are, no doubt, a number of actions that can be taken to improve the situation, including dredging to improve river flows while at the same time providing a revenue stream that could assist further river improvement and rehabilitation. Council can be in a position to take the lead in this area and the organisation of a "River Summit" could be the first step in this process. However, it is vitally important that such a Summit is attended by all organisations and persons who have an interest in the river system.

NOTE BY MANAGEMENT:

The Hawkesbury Nepean Catchment Management Authority have recently prepared the "Hawkesbury Nepean River Health Strategy" which was launched by the Hon Ian Macdonald, Minister for Natural Resources, at Penrith in March 2007. The impacts and implications of the Strategy for Council are still being assessed by staff and will be reported to Council when that assessment is completed.

The Hawkesbury-Nepean Catchment Management Authority (CMA) were requested, by the NSW Government, in June 2004 to prepare and implement a River Health Strategy for the Hawkesbury Nepean. Whilst the Strategy was prepared by the CMA, contributors to the process included, farmers, commercial and recreational fishers, bushwalkers, environment groups, Landcare, non-government organisations, community groups, individuals, staff from affected Councils and state government departments.

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The Strategy is based on four main management objectives:

1. Maintain the condition of river reaches where they are in natural or near natural condition;
2. Maintain and improve river reaches where they are in good condition;
3. Improve the environmental condition of the remaining river reaches; and
4. Achieve the highest environmental and community gain for the resources invested.

Management actions and spatial priorities in eight management themes include:

1. Improving the management of riparian lands;
2. Managing severe immediate threats and severe downstream impacts;
3. Managing important wetlands;
4. Improving aquatic habitat condition and connectivity;
5. Aquatic weeds management;
6. Improving management of public recreation on riverbanks;
7. Supporting the community to take action; and
8. Managing habitat for flagship species.

Given that the Strategy has only recently been prepared and released, many of the attendees proposed in this Notice of Motion were involved in the Strategy preparation and staff are still assessing the impacts the Strategy may have on Hawkesbury Council, it would not seem appropriate to hold a river summit. Appropriate action on the Strategy may be considered further when the full impact of the Strategy is considered.

It is recommended to Council:

"That a summary of the Hawkesbury-Nepean River Health Strategy and it's implications for Hawkesbury City Council be the subject of a future report to Council."

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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NM 3 Reconsider Resolution to Sell Ham Street Hall, South Windsor - (95496, 80106)

Submitted by: Councillor P Rasmussen

NOTICE OF MOTION:

That Council:

1. Reconsider its resolution to sell the Ham Street Hall, South Windsor; at this time.
2. Take note of the fact that the new community facilities to be built in South Windsor will be inadequate and unsuitable for a number of community groups currently using the old Ham Street Hall, in particular youth dance and special interest groups needing specialised features provided by the hall.
3. Conduct a survey of the South Windsor community to determine the level of community facilities needed now and in the near future.
4. Establish a community partnership with user groups of Ham Street Hall which would ensure that ongoing maintenance and care was carried out at least cost.

BACKGROUND:

- The Ham Street Hall, South Windsor has a number of local user groups who require the special features e.g. sprung wooded floors, close proximity, etc. offered by this community facility.
- South Windsor is a growing area comprising young families and on any reasonable assessment has inadequate community facilities at this time to cater for the diverse needs of its community. There is a strong likelihood that additional community facilities will be required in the near term. The State Government has listed Bligh Park 2 as a housing release area under consideration in its MDP. Council is actively pursuing this housing option.
- The property will gain in capital value over time and selling this community asset at a time when property values are down would not derive the best value for ratepayers.
- The community user groups have indicated their strong attachment to this facility and a working partnership between them, the local South Windsor community and Council could well see the cost of maintaining this facility over time become much less. A Community Council Working Partnership (CCWP) of this type could have long term social capital benefits.

NOTE BY MANAGEMENT:

Planning for a new Community Centre for South Windsor commenced in 1998. The need for a new Centre to replace the existing Ham Street Hall was based on a recognition of the limitations of the existing facility as a venue for the broad range of community activities that are ordinarily conducted in community centres; and which could respond to the changing needs of the South Windsor Community (which has been identified as an area of relative socio-economic disadvantage). As Council has been previously advised, the Ham Street Hall is not wheelchair accessible, has external toilets, limited parking and is surrounded by residences which restricts its hours of operation and its uses. As a result, the Ham Street Hall is underutilised - the total current usage is approximately 121 hours per month (or 36% of its nominal capacity) with one tenant (dance studio) accounting for 80% of the current usage at the Hall.

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In 1999, Council established a Task Force - made up of representatives of the South Windsor Public School, the Hawkesbury Area Local Command, Bligh Park Community Services Inc., Bligh Park Youth Project, South Windsor Seniors Group, Ham Street Hall Committee, South Windsor Playgroup and the South Windsor Main Street Committee - to consult with the community on the location and design of a new Centre.

A public meeting was held in April 1999, and a community survey conducted. On the basis of the findings of these consultations, the Task Force prepared an initial design brief for the Centre which was subsequently revised a number of times during 2001 and 2002 (to accommodate a different location for the Centre from the originally proposed McLeod Park site). In late 2002, Council was successful in securing funds from the Department of Community Services to engage a consultant to review and update the design brief for the proposed South Windsor Family Centre.

The consultant conducted interviews with service providers and residents to determine current and future priorities for the types of services and facilities which should be provided from the Centre. The consultants brief was forwarded to an architect who designed the Centre on the basis of the requirements identified in the design brief.

The South Windsor Family Centre (which is due to be completed in May 2007) has been designed as a multi-purpose community facility. It will provide a venue for playgroups and child care; an informal meeting place for parents with a parent resource library and internet facilities; an early intervention family service to support the parents of South Windsor to raise their children; a training facility for young people with disabilities; a centre based meals program for senior residents; and a small community meeting space.

The South Windsor Family Centre will be unable to accommodate two of the four current users of the Ham Street Hall. This inability flows from the space requirements of the two user groups who require access to 144m² of unencumbered floor space with a sprung wooden floor (which could not be reproduced in the SWFC without limiting its broader community uses) and the hours required to accommodate their activities - particularly for the dance studio which enjoys exclusive use of the current Ham Street Hall for four hours a day, six days a week (Monday to Saturday). The second group - Amaranth - an exclusively female branch of the Freemasons - use the hall on the first and last Thursday of each month for a total of six hours per month.

Management understands that the dance studio has contacted other community centres but has been unable to negotiate a suitable arrangement with the community committees who operate the centres. These community centres operate on the basis of providing equitable use of facilities to support the activities of different dance schools and a broad range of other social and leisure groups.

Council has resolved to sell the Ham Street Hall and to utilise the funds realised from its sale to contribute to the costs of constructing the South Windsor Family Centre. Should the Hall not be sold, there will be a funding shortfall.

The South Windsor Family Centre has been designed and constructed to meet the current and future needs of the South Windsor Community (as determined by the outcomes of community consultations and evidence-based practice).

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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NM 4

Recording of Councillors Votes in Minutes - (80105, 95496)

Submitted by: Councillor L Williams

NOTICE OF MOTION:

That the minutes of Council meetings record which Councillors voted 'for' and which councilors voted 'against' each resolution.

BACKGROUND:

One of the most common complaints I receive regarding Council's meeting practice is that there is no record of how Councillors voted. While voting is public, many people cannot get to meetings to see how each member voted. Others, although in attendance, find it hard to see the lights on the voting board.

By publishing how Councillors voted it would resolve these issues and help create a perception that Council is being completely transparent in its decisions.

NOTE BY MANAGEMENT:

It will be recalled that when the Council's Code of Meeting Practice was reviewed in 2004 one of the submissions suggested that the Code should require the results of voting to be recorded, except where the motion was in a closed meeting or was carried "on the voices".

As pointed out at the time, the only requirements that are mandatory for a Council in relation to recording voting patterns on any matters before the Council relate to the names of the mover and seconder of a motion being recorded; where a Division is called for in relation to a decision of the Council or where a Councillor may request that her or his name be recorded as having voted against a motion.

In addition, the purpose of the minutes of a meeting of the Council or its committees is to record the decisions made by the Council as the governing body in respect of those matters placed before it, not the views or decisions of individual Councillors. Once the resolution has been passed it is the "Council's decision".

As the Notice of Motion, to be implemented, effectively proposes a change to the Council's Code of Meeting Practice, being the document that guides the proceedings of a Council meeting, it is considered that should Council wish to proceed with the suggested course of action that the Code itself would require amendment to provide for this proposal and to be placed on public exhibition prior to implementation.

However, there are arguments for and against such a process in that on the one hand it can increase transparency in the decision making process and conversely, it has the potential to increase meeting workloads and delay the proceedings of a meeting each time a vote is taken.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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NM 5 Properties Not Included on Reticulated Sewerage Schemes - (90479, 95496)

Submitted by: Councillor B Bassett

NOTICE OF MOTION:

That a report be prepared outlining options which may be available for effluent treatment for those properties currently on pump out and not included on proposed reticulated sewerage schemes.

ATTACHMENTS:

There are no supporting documents for this report.

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 67 **CP - Dwelling House - Two Storey Dwelling, Lot 13 DP 230176, 20 Holmes Drive, Cumberland Reach NSW 2756 - (DA0568/06, 21323, 21324, 100489, 80524, 95498)**

Development Information

Applicant: Craig Harold Dodge
Clarine Therese Dodge
Applicants Rep: Mr G Falson & R E Collis Design
Owner: Mr C H Dodge & Mrs C T Dodge
Area: 4009.000m2
Zone: Environmental Protection - Agriculture Protection
Environmental Protection - Agriculture Protection (Scenic) Under Hawkesbury Local
Environmental Plan 1989.
Advertising: 3 August 2006 to 17 August 2006
Date Received: 21 July 2006

Key Issues: ♦ Loss of Water Views
 ♦ Clause 25 of HLEP 1989

Recommendation: Deferred Commencement

REPORT:

Introduction

The application seeks approval to demolish the existing dwelling on the property and construct a two-storey dwelling. This application is being reported to Council at the request of Councillors Devine and Books.

Background

The existing structure which had been used as a residence for over 30 years, is proposed to be replaced by a new two-storey brick veneer dwelling.

The Proposal

The application proposes to construct a two-storey dwelling, which will replace the existing fibro structure and is proposed to be located in the same vicinity. This location is approximately 70 metres from the front boundary and 100 metres from the Hawkesbury River. The dwelling has been designed to follow the contours of the block and utilise the existing Septic system. The dwelling siting takes into account the site constraints including stormwater easement burdening the property.

The ground level at the lowest point where the house is proposed is 8.5 AHD and rises to 12.7 AHD at the top of the block.

Statutory Situation

The property is Zoned Environmental Protection (Agricultural Protection). Dwellings are permissible with the Consent of Council.

Community Consultation

The adjoining neighbours were notified in accordance with the requirements of the notification Chapter of Hawkesbury's Development Control Plan. During the period two submissions objecting to the proposal and two submissions from occupants in the street in support of the proposal were received.

Both the Applicant and a respondent have engaged professional Consultants to state their views. The neighbours Mr & Mrs Shepherd have engaged Michael Brown Planning and the applicant has engaged R & P Collis Design and Falson & Associate Pty Ltd to respond to the comments received.

Submissions regarding the proposal have been received from both adjoining neighbours. A letter in support of the application has been received from another neighbour.

The respondents raised the following issues:

- The removal of the asbestos
- Impact on the easement
- Loss of water views
- Clause 25 of the Hawkesbury DCP
- Glare from the proposals' glazing

These matters are discussed further in the report.

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Planning Assessment

DCP Assessment

The following table provides a summary of applicable development standards and a compliance checklist.

Element	Rules	Provides	Complies
Height	(a) New buildings are to be constructed within the Building Height Plane for the relevant residential use. (Refer to Table 1). The Building Height Plane is to be adjusted for sloping sites to follow the natural ground level.	N/A area is flood affected	N/A
	(b) Building to the side and back boundary within the Building Height Plane is permitted where: It can be shown that the building to the boundary doesn't reduce the privacy of neighbouring dwellings and their private open space and does not reduce their existing solar access; and The continuous length of the boundary walls is not more than 10m or is a maximum of 50% of the boundary length; whichever is the shorter.	N/A	N/A
	(c) Exemptions to the Building Height Plane may be granted in the following circumstances: Single dwellings proposed on flood prone land; Single dwellings proposed on lots with a frontage of less than 14m at the building line; and Chimneys, satellite dishes and aerals Applicants seeking an exemption to the Building Height Plane must demonstrate clearly why the compliance is unreasonable.	Exemption applies	√
Setbacks	(a) For sites fronting main or arterial roads, buildings are to be set 10 metres back from the front boundary unless there are exceptional physical circumstances. The 10m setback commences after any road widening which may affect the subject land.	Proposed 70m from the front boundary.	√
	(b) For sites fronting a local road buildings are to be set 7.5m back from the front boundary. In areas where there is prior	N/A	

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Element	Rules	Provides	Complies
	development the established pattern is to be regarded as the standard setback.		
	(c) For battleaxe blocks the general setback from the rear boundary of the property in front is to be 6 metres.	N/A	
	(d) For the minor frontage on corner blocks, the minimum building setback is to be 2 metres.	N/A	
Development Fronting Rear Lanes	(a) The front of the dwellings are to face the rear lane.		N/A
	(b) The laneway is to be constructed to a width of 4.5m wide sealed pavement from a sealed road to and over the frontage of the site. Kerb and guttering is also to be provided along one side of the rear lane.	Proposal does not front a rear lane.	N/A
	(c) Buildings are to front the rear lane and setback a minimum of 5.5m from the boundary to the rear lane.		N/A
	(d) Access to the site is to be widened to allow for satisfactory manoeuvring for vehicles entering or leaving the site.		N/A
	(e) Front fences are to be a maximum height of 1.2m to maximise site distances for vehicles leaving the site.		N/A
	(f) Visitor parking shall be provided at a rate of one per single dwelling and two per each five units or part thereof. Parking spaces shall be located clear of the access to the garage/carports.		N/A
	(g) A 1.2m wide legal pedestrian and service access is to be provided to the front street.		N/A
Landscaped Areas	(a) All forms of residential development are to contain pervious soft landscaped areas to a total of 30% of the total site area. This may be calculated by adding together soft landscaped areas of private and common open space. Development proposals, where required, are to indicate the proportion of the total site area that is: total "soft" landscaped area; total ground level private open space;	Area has existing landscaping over 30% of the site.	√

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Element	Rules	Provides	Complies
	and total common open space		
Private Open Space	<p>(a) Single dwelling houses and multi unit housing are to provide at least one area of private open space for each dwelling.</p> <p>(b) The total of private open space at ground level must be a minimum of 20% of the site area, regardless of permeability of the surface. This space must:</p> <p>be capable of containing a rectangle 5 metres x 6 metres that has a slope less than 1:10;</p> <p>not be comprised of any area with a dimension less than 4 metres; and</p> <p>be exclusive of clothes drying areas, driveways, car parking and other utility areas.</p> <p>(c) Private open space shall not be located in the front boundary setback.</p> <p>(d) Any above ground level balcony or rooftop area designed for private open space must have minimum area of 10 square meters with a minimum dimension of 2 metres. This area is not included in the calculation for the provision of total private open space.</p>	Complies	√
Common Use Open Space	<p>(a) For development proposals that contain 5 or more units common use open space is encouraged. Concessions may be given where it is demonstrated that sufficient useable private open space has been provided.</p> <p>(b) The communal open space should generally have access only from within the site.</p> <p>(c) Common open space for multi-unit housing developments should be accessible from all dwellings within the development. Surveillance of this space should be possible from at least 2 dwellings.</p> <p>(d) Any proposed communal recreational facilities must be designed and located to avoid nuisance or danger to neighbours,</p>	N/A	N/A

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Element	Rules	Provides	Complies
	residents and visitors.		
Access and Parking	(a) Driveways next to any side or rear boundary must have a landscape strip of at least 1 metre to separate them.	Double car garage available	√
	(b) Shared driveways, access lanes and car parks must be setback a minimum of 1.5 metres from windows to main habitable rooms of dwellings. This standard does not apply if the floor level of the dwelling is at least 1 metres above the driveway.	N/A	
	(c) All driveways must have a minimum width of 3 metres and must be sealed to prevent surface erosion.		
	(d) For development that contains more than 2 units driveways are to have a minimum driveway width of 6m from the layback/kerb line to 6m inside the property.	N/A	
	(e) Garages and carports must not visually dominate the street façade, should occupy less than 50% of the building facade and must be compatible with the building design.	N/A	
	(f) Uncovered car parking spaces and turning areas can be located within the front setback to the required building line provided that this area is dominated by landscaping and/or addresses established streetscape patterns.	N/A	
	(g) Where parking spaces are located at 90 to the driveway alignment the minimum driveway width adjacent to the space is to be 6.7m, increased as necessary to allow adequate manoeuvring on site.	N/A	
	(h) On site manoeuvring areas shall be provided to allow entry and exit to the site in a forward direction (except for a single dwelling).	N/A	
	(i) On site manoeuvring areas shall be provided to allow entry and exit to and from all car spaces including garages, carports, uncovered spaces and visitor spaces by a single turning movement (except for a single dwelling).	Ample manoeuvring area available	
	Attached dual occupancies will be assessed on merits in relation to onsite		

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Element	Rules	Provides	Complies
	<p>manoeuvring.</p> <p>(k) Where more than 3 units are served by an access or the access is greater than 30m long, a turning area shall be provided at or near the end of the access.</p> <p>(l) On site manoeuvring shall be based on the Aust roads Standard 5.0m design vehicle. Templates for this standard are provided in the appendices. When using the templates a minimum of 150mm shall be provided between any fixed object and the extremities of the sweep paths.</p> <p>(m) All on site car spaces shall comply with the minimum dimensions set out in Part C Chapter 2 (Car Parking and Access). Where a space adjoins a wall, fence or other fixed structures, the width shall be increased as follows to allow adequate door opening:</p> <p>on one side only to 3.2m</p> <p>on both sides to 3.8m</p> <p>Refer to the following chapters for additional requirements:</p> <ul style="list-style-type: none"> Part C Chapter 2 - Car parking and Access Part C Chapter 6 - Energy Efficiency Part D Chapter 3 - Subdivision 		
Basement Parking	<p>(a) Only the basement's parking entry should be seen as a separate level in a building. Large exposed foundations, voids and walls are not to be used.</p> <p>(b) No part of a basement should extend more than 1 metre above natural ground level so the height of the building is not excessive.</p> <p>(c) Consideration may be given to a sump and pump where storm water volumes are low based on merits of the site.</p>	N/A	N/A
Visual Amenity	<p>(a) Where there is potential for loss of privacy the proposal should incorporate some of the techniques illustrated in the DCP.</p> <p>(b) Where there is no alternative to a</p>	<p>Visual amenity adequate.</p> <p>Visual amenity</p>	<p>√</p> <p>√</p>

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Element	Rules	Provides	Complies
	window, it should be screened.	adequate.	
Acoustic Privacy	(a) Acoustic privacy is to be considered at the design stage.	Design is such that the building is offset to the adjacent (complainants) entertainment area.	√
	(b) Site layouts should ensure parking areas; streets and shared driveways have a line of sight separation of at least 3 metres from bedroom windows.		√
	(c) A distance of at least 3 metres should separate openings of adjacent dwellings.	Over 3m from the closest neighbour	√
External Noise and Vibration	(a) A noise and vibration assessment must be undertaken by a suitably qualified noise consultant for any proposed residential development other than a single dwelling house located within 100 metres of the railway line or within Australian Noise Exposure Forecast (ANEF) 25 or greater. (b) Proposals must comply with the current Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance and incorporate appropriate mitigation measures.	N/A	N/A
Safety and Security	(a) Each dwelling is to be provided with direct and convenient pedestrian access to a private or public road.	Satisfactory.	Yes
	(b) Barriers to prevent movement between internal roof spaces of adjoining dwellings are required.	N/A	N/A
	(c) Elements to be incorporated in site and building design and include: <ul style="list-style-type: none"> • doorway/entry safety and surveillance to and from the footpath • illumination of public spaces including all pedestrian paths, shared areas, parking areas and building entries to the relevant Australian Standard. • Visibility to the street from the front of the development • Restricted access to the rear of the site. 	Satisfactory	Yes

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Element	Rules	Provides	Complies
Utility and Site Services	(a) Where reticulated water is not available, a minimum storage of 100 000 litres must be provided. A minimum of 10 000 litres must be available at all times for fire fighting.	Services existing to the site	N/A
Cables	(a) The design, location and construction of utility services must satisfactorily meet the requirements of both the relevant servicing authority and Council.	Services existing to the site	Yes
Recycling, garbage and mail	(a) Collection areas must be integrated into the overall site and building design.	Satisfactory.	Yes
Fencing and Retaining Walls	(a) Front fences where not screening private open space walls are to be a maximum height of 1.2m if solid.	Existing front wire fence	√
	(b) Solid front fences may be 1.8m high and articulated if: <ul style="list-style-type: none"> the main private open space is in the front of the building façade; the site is located on a main or arterial road; the site is not located within an established heritage character; the length is limited to 75% of the frontage where private open space fronts the street and some surveillance is maintained from the front dwelling; and fences do not exceed 10m in length without some articulation or detailing to provide visual interest. 	N/A	N/A
	(c) The integration of trees and natural ground vegetation with the fence line is desirable.	Existing trees on the block	Yes
	(d) The setback of the fence will be used for landscaping.	N/A	N/A
	(e) Solid fences are to be 1 metre from the front boundary.	N/A	N/A
	(f) Retaining walls shall: <ul style="list-style-type: none"> not be taller than 500mm; 	N/A	N/A

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Element	Rules	Provides	Complies
	<ul style="list-style-type: none"> not cut through roots of any tree to be retained. 		
Energy Efficiency Chapter	(a) NatHERS Assessment and/or Energy Performance Statement.	Certificate No. 20664954	√

The proposal complies with Councils planning Controls.

Matters Raised During The Notification Period

The following are the concerns raised by the respondents.

a) The Removal of the Asbestos

Respondent:

The respondents have raised concerns about the removal of the asbestos from the existing dwelling.

Comment:

Asbestos removal is regulated by State Legislation and the relevant National Occupational Health and Safety Commission (Work safe). This can be conditioned in the development Consent. This is a standard requirement where any demolition of an older structure is considered.

b) Any Impact on the Easement

Respondent:

The respondents have raised concerns about the impact of the dwelling on the stormwater easement.

Comment:

The above ground stormwater easement will not be altered along the boundary to the respondents property. The applicant would cross the easement in order to gain access to the proposed garage. In this instance, in order to facilitate ease of access the applicant is required to pipe the easement. This work is to be designed by an engineer, would have a minimal impact on the adjoining property.

The proposal is designed to follow the existing contours of the block, and take advantage of the rise in the land. Locating the proposal closer to the road would bring the dwelling in conflict with the easement and the neighbour with regards to noise and privacy.

The easement can be piped without detriment to the property and adjoining lands. This is a condition on the consent.

c) Loss of Water Views

Respondent:

The respondent has raised concerns about the impact of the dwelling on the water views they currently enjoy.

Comment:

Council officers have prepared a photomontage using the contours given on the application and the height of the adjacent structure (Photomontage is available in the Council Chambers). The photos taken (available in the Council Chambers) indicate that there is only a small section of the view of the river that would be obscured by the proposed dwelling. The respondent's consultant's montage (available in the Council Chambers) does not take into consideration the topography of the land. Council's photomontage tries to take into consideration the perspective from the neighbour's block and the ground levels that have been nominated on the plans.

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The Respondents Consultant has commented that the principles (loss of views) of the Land & Environment Court decision in *Tenacity Consulting -v- Warringah Council* (2004) NSWLEC 140 applies in this instance. However, the Court decision in this case related to a property with whole (not obscured) views and a possible removal of a substantial amount of these views.

The loss of views in respect to the Land & Environment Court decision in *Tenacity Consulting-v- Warringah Council* (2004) NSWLEC 140, are minor when the principles of the Senior Commissioner are applied. The principle for assessing view loss, set by this case is a four step process:

1. The first step is the assessment of views to the affected.
2. The second step is consideration of from what part of the property the views are obtained.
3. The third step is to assess the extent of the impact.
4. The fourth step is to assess the reasonableness of the proposal that is causing the impact.

In this instance only partial views of the water would be obstructed. (Refer to the photos provided in Council Chambers). While the respondents' views are valuable the overall impact is minor. Only the peripheral views are affected and it is not deemed a major impact or loss.

It should also be noted that the *Tenacity Consulting -v- Warringah* case also stated that "The expectation to retain side views and sitting views is often unrealistic". This is particularly the case when the proposed development generally complies with the current planning controls.

It should be noted that the occupant of 18 Holmes Dr has a large shed at the river end of the property. This blocks the river view from No.16 & No.18 Dr and impacts more on the water view from the balcony of 18 Holmes Dr than the proposed dwelling. (Refer to the photos in Council Chambers).

d) Flood Impact and Clause 25 of the Hawkesbury Local Environmental Plan 1989

Respondent:

The respondent has raised concerns about the impact of any flood on the proposal.

Comment:

The ground level at the lowest point where the house is proposed is 8.5 AHD and rises to 12.7 AHD at the top of the block. The land closest to the river is 6.3 AHD.

The 1:100 year flood level for the land is 12 AHD.

A flood in this location would have a mainstream water velocity of approximately 3m/sec.

The Flood study has identified a "lag effect" creating a slow rise in waters due to a number of factors, including the filling of the Windsor/Richmond flood Plain. This would provide ample time for evacuation of the area.

The adjoining land is predominantly used for residential and recreational use. All the properties in the area are flood affected.

Clause 25(4) of the Hawkesbury Local Environmental Plan 1989 (Development of Flood Liable Land) allows a building that was lawfully situated on any land at 30 June 1997 can be extended, altered or replaced if the floor level after the building works is not more than three metres below the old 1:100 year flood level.

The previous 1:100 year flood level for this area was 10.6mAHD.

The proposed dwelling's lowest floor level is 9mAHD.

All habitable rooms are at 13.3mAHD which is above the current 1:100 year flood level.

The dwelling compliance with provisions of Clause 25.

e) Glare from the Window Glazing

Respondent:

The respondent has raised concerns about the impact of the glare from the windows/surface of the building.

Comment:

A suitable condition has been imposed requiring windows on the north and east elevations to have low reflective glazing.

Conclusion

The proposed establishment of a dwelling complies with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan. The design has provided a satisfactory measure to minimise any amenity impacts on the adjoining properties and environmental impacts on the locality. The proposal promotes view sharing on the principles as developed by the Land and Environment Court.

The habitable areas of the dwelling are proposed to be located above the flood level. The applicant has indicated that they are prepared to undertake a minor reduction in the bulk of the roof to further reduce any potential impacts.

Conformance to Strategic Plan

The recommendation conforms with the objectives as set out in the Strategic Plan; i.e.

"A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city", and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on budget.

RECOMMENDATION:

That the application be approved as a deferred commencement consent subject to the following:

Schedule One

Submission of amended plans reducing the height of the roof.

Schedule Two

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.

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4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
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 7 (seven) days of issuing the certificate. A registration fee applies.
8. This consent covers the removal of trees and other vegetation for driveways and access and within a 6 metre radius from the building. No other trees or vegetation shall be removed without prior approval of Council.
9. 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

10. 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 \$2,400 shall be paid to Hawkesbury City Council.

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

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

Prior to Commencement of Works

11. The driveway access over the stormwater easement is to be designed by an engineer to ensure the works do not impact on the stormwater flows or adjoining properties.
12. 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.
13. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
14. 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.
15. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
16. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.

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17. 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.
18. 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.
19. 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.

During Construction

20. Suitable non reflective glazing is to be provided to all windows on the north and east elevations as shown on stamped plans.
21. The habitable floor levels shall be at or above the 1% AEP flood level of 12m AHD.
22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
23. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
24. 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 (twenty four) 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).

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- (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.
25. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the following components of construction:
- (a) commencement of work (including erosion controls, site works and site set out);
 - (b) piers;
 - (c) internal sewer or stormwater lines prior to covering;
 - (d) steel reinforcement prior to pouring concrete;
 - (e) external sewer or stormwater lines, prior to backfilling;
 - (f) the first storey floor joists, prior to the fixing of any flooring material;
 - (g) wet area flashing, after the installation of bath and shower fixtures;
 - (h) swimming pool fencing, prior to the pool being filled with water;
 - (i) prior to occupation of the building;
 - (j) on completion of the works;
26. A registered surveyor's certificate indicating that the level of the top of the concrete slab formwork/floor joists for the lowest habitable floor is at or above 12 metres Australian Height Datum shall be obtained prior to placement of concrete.
27. Alternatively, a defined bench mark AHD level shall be identified by survey report on a fixed location immediately adjacent to the building (eg. top of concrete strip footing, top of poured concrete pier).
28. The surveyor's certificate shall be provided to both Hawkesbury City Council and the Accredited Certifier (if not HCC) prior to any structure being erected on the concrete.
29. Council records indicate that the building site is at a level of approximately 10.5 metres AHD. All materials used in the construction below the level of 12 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
30. The development shall be constructed of flood compatible materials in accordance with the NSW Government Flood Plain Manual. In this respect the following design precautions must be adhered to in all respects:
- (a) all electrical, heating and air conditioning service installations are to be located above the 2% AEP flood level of 10.8 metres AHD;
 - (b) the building is to be constructed of flood compatible materials such as galvanised steel frame, galvanised zinc alum cladding doors and door frames; and
 - (c) the structure and walls shall be strengthened to a level of 12m AHD to increase resistance to floodwater flow and debris impact.

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31. The dwelling shall be provided with on-site water storage vessels of minimum 100,000 (one hundred thousand) litres capacity, which incorporate the following:
- A draw off line with a 38mm Storz fitting and non-return foot valve which extends to the base of the water tank for Rural Fire Service access.
 - The domestic line shall terminate so as to retain a minimum of 10,000 litres permanently in the tank. If an emergency sprinkler system is installed a minimum of 22,000 litres will be required.
 - All tanks shall have an access hatch, minimum 800mm in diameter, to gain entry directly through the lid.
32. All roofwater shall be drained to the water storage vessel/s.
33. Any stormwater drainage 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.
34. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations, joints between slabs, additions to existing buildings.
- Details of the type and method of treatment are to be provided to the Principal Certifying Authority and a copy of durable material to be located in the meter box and at the entrance to any crawl space if chemicals are sprayed or pressurised into the soils.
35. An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, an certificate of the installation shall be provided prior to occupation of the building or addition.
36. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- (a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
 - (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) Certificate from engineer certifying the works as executed over the easement.

Prior to Issue of Occupation Certificate

37. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
- (a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.

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- (b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
- (c) All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.

Use

- 38. No internal or external alterations shall be carried out without prior approval of Council.
- 39. The lower floor shall not be occupied for human habitation/residential, industrial or commercial purposes.

Advisory

- 40. Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- 41. 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.
- 42. The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrierregarding 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.
- 43. 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.

ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Elevations

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AT - 1 Locality Plan

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

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AT - 2 Site Plan

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AT - 3 Elevations

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Item: 68 **CP - Commercial Premises - Construction of Premises - Car Wash and Cafe, Lot A, DP 411701, 126 Windsor Road, McGraths Hill - (95498, 12824, 12826, DA0291/06)**

REPORT:

Development Information

Applicant: Mr Joseph Yarak, Ms Layla Yarak
Owner: Mr J Yarak, Ms L Yarak
Stat. Provisions: Hawkesbury Local Environmental Plan
State Environmental Planning Policy No. 1
Area: 3253.000 m2
Zone: 9(b) Proposed Road
9(b) Proposed Road under Hawkesbury Local Environmental Plan 1989
Rural Living
Rural Living under Hawkesbury Local Environmental Plan 1989
Brief Description: Identified Land Use - Service Station - Car Wash and Cafe
Advertising: 31 July 2006 to 14 August 2006 - no submissions
Date Received: 27 April 2006

Key Issues: ♦ Permissibility
 ♦ Traffic Safety
 ♦ Drainage

Recommendation: Approval subject to conditions.

REPORT:

Introduction

Council has received an application for the construction of a carwash and café on the subject land.

This application is being reported to Council to coincide with the Local Traffic Committee Recommendation for the development, which is also being presented to this meeting, as the recommendation for this development application is contrary to the Local Traffic Committee recommendation.

This report provides an assessment of the key issues. A complete assessment is contained on the file.

Background

688	BP Australia Limited approval to rebuild service station (24/7/1964)
DA 166/84	approved the additions of a storeroom to the service station (12/07/1984)
DA 398/84	approved the erection of an awning to replace existing awning (4/1/1985)
MA 1212/00	approved additions to existing store within petrol station and installation of 25,000L underground fuel tank (16/11/2000)
MA 1132/99	approved installation of LPG auto gas tank (14/2/2000)
DA 1059/04	approved signage (15/11/04)

The Proposal

The application seeks consent for the construction of a carwash and café on the subject land.

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The proposal includes:

- Single storey commercial building with attached awnings and car parking for 18 customer vehicles and two staff vehicles.
- Car wash provides for three vehicles and Amenities, staff room, office, disabled toilet, equipment store room, sun sails and disabled ramps.
- Car wash comprises of wash, drying and vacuuming areas.
- The erection of a free standing sign.
- A separate egress and ingress exists for the development.

The proposed hours of operation are 8:00am to 7:00pm, seven days a week.

The application is supported by a Statement of Environmental Effects, an "Assessment of Traffic and Parking Implications" Report prepared by Transport and Traffic Planning Associates and an "Environmental Site Assessment" report prepared by Coffey Geosciences Pty Ltd.

The application was referred to the Roads and Traffic Authority due to the proposed road widening over the subject land.

Statutory Situation

Hawkesbury Local Environmental Plan 1989 (HELP 1989)

The land is zoned Rural Living and 9(b) Reservation Proposed Road under Hawkesbury Local Environmental Plan 1989. The proposed development is to be carried out on land located wholly within the Rural Living Zone.

The proposed development is defined as "service station" and "refreshment room" under the provisions of HLEP 1989.

Additions to the existing service station on the site were approved in 1999 and 2000. "Service Stations" are prohibited within the Rural Living Zone however, due to these approvals, the current use is best defined as an "identified land use". "Identified Land Use" means "a land use for which a consent or approval was granted by the Council on or after 22 December 1989 and that was in operation on the date that Hawkesbury Local Environmental Plan 1989 (Amendment No 108) took effect."

"Refreshment Rooms" are permissible with development consent within the Rural Living Zone. However, Clause 22 to Hawkesbury Local Environmental Plan 1989 prohibits "refreshment rooms", which include cafes, on land zoned Rural Living and gain vehicular access to and from a main/arterial road. The café component of the development is considered to be ancillary to the carwash facility and the predominant use of the site as a service station. As an ancillary function to another permissible land use, the café component of the development can be approved.

The applicant provides the following justification:

"It is our view that the car wash component should not be separately defined as a refreshment room simply because of the intended sale of ancillary items such as coffee, tea, cakes or pre-packaged confectionary. The sale of these items is a lesser component of the principal car wash use."

In the majority of instances, sales of these particular food items are made to car wash customers whilst waiting for vehicles to be washed, given the cleaning process generally takes 20-40 minutes. The principal use in our opinion is maintained as a service station with ancillary car wash and refreshment facilities.

Further to the above, the applicant has no issue with the imposition of a condition that requires car washing facilities to be provided at all times whilst refreshment facilities are

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available. The applicant has no intention of operating a separate café business and all signage on the premises will be focussed on the car wash use and not the café."

Subclause 25(2) to Hawkesbury Local Environmental Plan 1989 states "A building shall not be erected on any land lying at a level lower than 3 metres below the 1 in 100 year flood level for the area in which the land is situated, except as provided by subclauses (4), (6) and (8)."

The subject property is located on land which has a level between approximately 13m AHD and 16m AHD. The 1 in 100 year flood level for the land is approximately 17.3m AHD. The proposed development site is below the 1 in 100 year flood level. Part of the proposed building will be located on land that has a level of more than 3 metres below the 1 in 100 year flood level. I.e., the land is lower than 14.3m AHD. The applicant requests a variation to this requirement and has submitted an objection under State Environmental Planning Policy No. 1 - Development Standards. This Objection is supported and is discussed elsewhere in this report.

Windsor Road, adjacent to the property, has a level of approximately 16m AHD. The flood liability of the access to the property is considered low given the land level of Windsor Road. In respect to the nature of the use of the property, it is considered that risk to life and demand on emergency services will not be high as a result of inundation and isolation of the property during flooding.

State Environmental Planning Policy No. 1 - Development Standards

The applicant has submitted an Objection under State Environmental Planning Policy No. 1 to the requirements of Clause 25(2) of Hawkesbury Local Environmental Plan 1989.

The Objection states:

"Strict compliance with the development standard is unreasonable or unnecessary in the circumstances of the case for the following reasons:

- a) The proposed underside of the slab level is above the 1:100 year level thus reducing any potential risks;*
- b) The use of the site does not represent a risk and is only potentially affected on limited occasions;*
- c) The use is not likely to attract persons who would be grossly affected by flood levels such as aged or invalid persons. The use is appropriate for the site and those parts below the level are not utilised for the carwash or café operations;*
- d) Council's development engineers did not appear to be overly concerned with the initial scheme provided the levels of the building were above the 1:100 level. This approach appears to be a sensible application of the clause and is not designed to prohibit development."*

Comment:

It should be noted that the underside of the slab is approximately 14.3m AHD which is three metres below the 1:100 year flood level. It is acceptable for the floor level of commercial/industrial uses to be at this level.

Council records indicate that the natural ground level for the land is between approximately 13m AHD and 16m AHD. The land has been filled at some point in the past. Council records indicate that this filling has not been approved. The maximum depth of fill is estimated to be 1.7m. The Objection is required because a proportion of the building will be located on land which has a filled level less than 14.3m AHD.

Given the nature of the non habitable use of the building and that the floor area will be at a level of 14.3m AHD, it is recommended that the Objection under State Environmental Policy No. 1 be supported.

An "Environmental Site Assessment" report prepared by Coffey Geosciences Pty Ltd was submitted in support of the application. This assessment found contamination in respect to hydrocarbons, lead and TPH C6-C9 however, the levels of these contaminants were below the threshold concentration for commercial/industrial land use. The proposed development does not change the land use of the property

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as it maintains the current commercial use of service station. Therefore, the land is considered suitable for the proposed use under the provisions of State Environmental Planning Policy No. 55 - Remediation of Land.

Community Consultation

The application was notified in accordance with Hawkesbury Development Control Plan. No public submissions were received.

Planning Assessment

Context and Setting

The subject land is trapezoidal in shape and has a total site area of 3252 sq. m. The land falls from Windsor Road in the northeast to the flood plain to the north and northwest. The subject land has a frontage of approximately 43m to Windsor Road.

Existing on the site is an operational service station with ancillary workshop/storage area.

The subject property has the Australia Hotel (heritage item) to the north, residential to the east, the floodplain to the west and commercial development to the south.

The proposal is compatible with the existing use and character of the locality.

It is considered that the proposed development will not impact on adjoining properties in terms of overshadowing, loss of visual or acoustic privacy, or loss of views and vistas.

Given the location of the development and the hours of operation, it is considered that the proposal will have no significant adverse impact on the amenity of residential properties in this locality.

Access, Transport and Traffic

Access to the site is existing and considered satisfactory. Carparking has been provided in accordance with Hawkesbury Development Control Plan.

An "Assessment of Traffic and Parking Implications" Report was submitted in support of the application. This report concludes that the proposal:

- *"will not present any unsatisfactory traffic implications;*
- *will have suitable vehicle access arrangements;*
- *will have satisfactory and appropriate queuing, circulation and parking provisions."*

Roads and Traffic Authority

The application was referred to the Roads and Traffic Authority for concurrence, in accordance with Clause 31 of Hawkesbury Local Environmental Plan 1989, due to the proposed erection of a sign within the Proposed Road 9(b) Zone. In their letter, the Roads and Traffic Authority advised:

"The RTA has reviewed the development application and raises no objection to the subject development on road safety and/or traffic efficiency grounds. However, the following comments are provided for Council's consideration in its determination of the development application:

1. *The subject property is affected in the manner illustrated by red colour on the attached plan by a Road Widening Order under Section 25 of the Roads Act, 1993, as published in Government Gazette No. 26 of 6 March, 1964... ..*

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2. *Therefore, the RTA would raise no objections on Property grounds to the subject application provided any new buildings or structures are erected clear of the land required for road.*
3. *Safety concerns currently exist with regard to the occasional vehicle exiting the site and cutting across the intersection to gain access to Pitt Town Road. To discourage patrons from performing this manoeuvre, the existing "Left Turn Only" signage (within the site) should be repositioned as close as possible to the exit driveway crossing and angled perpendicular to vehicles egressing the driveway crossing.*
4. *The Car Wash facility is to be appropriately managed to ensure that vehicles do not queue back and affect the normal operations of the service station.*
5. *Therefore, a condition should be imposed requiring attendants to actively manage the Car Wash Area to Council's satisfaction.*
6. *Off-street parking associated with the proposed development (such as the aisle widths, aisle lengths, parking bay dimensions, turning paths, sight distance requirements, etc) shall be designed in accordance with AS 2890.1 - 2004.*
7. *The proposed business identification signage must not have/use:*
 - a. *Flashing lights;*
 - b. *Electronically changeable messages;*
 - c. *Animated displays that hold a driver's attention beyond a "glance appreciation";*
 - d. *Displays resembling traffic signs or signals; and*
 - e. *A method and level of illumination that distracts or dazzles.*
8. *Council should ensure that the post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development discharge...*
9. *All works/regulatory signposting associated with the development will be carried out at no cost to the RTA.*

As a result, the applicant relocated the proposed sign so as not to be situated within the proposed road widening area.

In summary, the Roads and Traffic Authority provides their support of the application subject to conditions. These conditions can be included in any consent.

Local Traffic Committee

The application was referred to Council's Local Traffic Committee due to the location of the site at the intersection of Windsor Road and Pitt Town Road with respect to traffic safety. A report was presented to the Local Traffic Committee of 21 March 2007. At this meeting, it was recommended that the application not be supported. This resolution is being reported to Council for adoption at this meeting.

Comment

The "Assessment of Traffic and Parking Implications" report estimated that the carwash facility would generate an additional 20 vehicles (maximum) per hour to the site. Given the Roads and Traffic Authority's comments, it is considered that the application would be supported subject to the traffic management requirements stipulated by the Roads and Traffic Authority.

Drainage

The application has not satisfactorily demonstrated how drainage of the site will be achieved. A number of options are available and the applicant will need to determine the best option for their needs. As a result, it

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is considered appropriate that a deferred commencement consent be issued to ensure that appropriate drainage of the site is achieved to Council's satisfaction.

Conclusion

The proposal is generally consistent with the provisions of Hawkesbury Local Environmental Plan 1989 including the objectives of the Rural Living Zone. The proposed development is also consistent with the relevant rules of the Hawkesbury Development Control Plan.

The objection under State Environmental Planning Policy No. 1 to Clause 25(2) - Development of Flood Liable Land - of the Hawkesbury Local Environmental Plan 1989 is supported given the nature of the use and minor flood liability of the land.

The proposal will have no adverse impact on the character or scenic quality of the locality, or on the amenity of adjoining properties.

Conformance to Strategic Plan

The recommendation conforms with the objectives as set out in the Strategic plan:

"A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city", and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City."

Funding

No impact on Budget.

RECOMMENDATION:

That:

- A. The objection under State Environmental Planning Policy No. 1 be supported; and
- B. The application for carwash and café be approved as a Deferred Commencement Consent, subject to the following conditions:
 - 1. 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.
 - 2. The "Deferred Commencement" consent will lapse in twelve months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

Schedule 1

- A. Arrangements shall be made for the provision of common drainage and the disposal of stormwater from the site. A concept stormwater drainage plan to include where appropriate:
 - a. Authority or owners consent
 - b. Details of on site detention restricting stormwater discharge from the site to pre-development flow levels for the 1:1 to 1:100 year storm;
 - c. Treatment management details

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is to be submitted for approval.

The drainage design plan is to show the proposed method of stormwater removal by gravity to a legal external discharge point. Where disposal of drainage involves the provision of drains across land owned by others, drainage easements shall be provided.

Schedule 2

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
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. Hawkesbury City Council is the sewer authority for this development. Inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
9. The development shall also incorporate the amendments made in red to the approved plans, specifications or documentation submitted.
10. This consent covers the removal of trees and other vegetation for driveways and access and within a six metre radius from the building. No other trees or vegetation shall be removed without prior approval of Council.
11. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

Prior to Issue of Construction Certificate

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

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

13. Construction of the access, car park, drainage, filling and retaining walls are not to commence until three copies of the plans and specifications of the proposed works are submitted to and approved by

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the Director City Planning or an Accredited Certifier.

14. Payment of a Construction Certificate checking fee of \$419.00 and a Compliance Certificate inspection fee of \$720.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.
15. Payment of a contribution of \$1,569.75 towards sewer headworks. This sum will remain fixed until 30 June 2007 after which it will be recalculated at the rate applicable at the time of payment.
16. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer.
17. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.
18. 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 \$4,000.00 shall be paid to Hawkesbury City Council.

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

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

19. Details of any fill materials removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
20. The owner shall provide a garbage storage room to be shown on the construction certificate plans and shall be fully enclosed and be provided with a concrete floor, with concrete or cement rendered wall covered to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the room. Garbage rooms shall be vented to the external air by natural or artificial means.
21. A Landscape Plan, suitable for construction, shall be submitted to the Principal Certifying Authority for approval. The landscape plan shall be generally in accordance with the concept plan except for the following amendments:
 - a. The use of "*Allocasuarina torulosa*" is not supported given the size of the planting bed, and given that this species will form a monoculture which will prevent the establishment/growth of other plants.
 - b. The use of "*Waterhousia*" and "*Westringea*" will be subject to an appropriate maintenance plan and provision of irrigation to ensure survival.

Prior to Commencement of Works

22. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
23. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
24. Any structure/building constructed on this block MUST comply with Section 8 "Building adjacent to or over Council's Sewer mains" of Hawkesbury City Council Standard Specification Construction and

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Testing of Sewerage Works Revised December 2003.

The footings shall be designed and constructed in such a manner that their zone of influence shall fall a minimum of 900mm below the zone of influence of the trench taken from a point 600mm from the centre line at invert level of the adjacent sewer main. The angle of repose shall be assumed to be 1:1 (45 degrees) in undisturbed clay or similar material and 1:2 (30 degrees) from horizontal in sand or filled ground whether compacted or not. All supporting piers adjacent to the sewer main shall contain appropriate starter bars cast in them for subsequent tying into the strip footing or perimeter beam. Design of the proposed footings system shall be certified by a structural engineer and approved by Council. The applicant shall accurately locate the position of the main prior to work commencing and shall request an inspection of the location and depth of any pier within the zone of influence by Council prior to the Principal Certifier authorising concrete pour to the piers.

25. 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.
26. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
27. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.

During Construction

33. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
34. Any building, or part thereof, to be used for the purpose of storage, preparation or sale of food for human consumption, shall be constructed in accordance with the requirements of The Food Act, 1989 and Regulations thereunder, and Council's Food Premises Code.

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All walls, ceilings, 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. The covering shall be free of protrusion or gaps.

All wall/floor junctions in the work area shall be coved to a minimum radius of 25mm using a smooth impervious material of light colour.

35. The premises shall be fitted with adequate hand washing facilities for preparation of food. A basin with a common spout for the supply of hot and cold running water, capable of a temperature of 77 degrees Centigrade is to be provided in the food preparation area and the toilet. A supply of soap and single use paper hand towels shall be fitted to an adjacent wall and shall be available at the basins at all times.
36. A minimum 1000L commercial grease trap shall be installed.
37. All stormwater and seepage from the hard surface shall be diverted away from the waste water disposal system by a suitable drain or earth mound. Such drains/mounds shall be maintained in a satisfactory condition at all times.
38. The site shall be secured to prevent the depositing of any unauthorised material.
39. Dust control measures, eg., vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
40. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
41. Off-street parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
42. Vehicle entrances and exits shall be clearly signposted, including street number, and shall be visible from both the street and site at all times.
43. Disabled parking shall be provided in accordance with AS2890.1-1993.
44. The fill batter toe is to be located a minimum of one (1) metre from the property boundary.
45. Provision of adequate on site loading and unloading facilities to cater for the proposed use of the land.
46. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
47. 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.
48. 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.

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- 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.
49. 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 twenty four (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.
50. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.

- a commencement of work (including erosion controls, site works and site set out);
- b piers;
- c internal sewer or stormwater lines prior to covering;
- d steel reinforcement prior to pouring concrete;
- e external sewer or stormwater lines, prior to backfilling;
- f framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;

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- g wet area flashing, after the installation of bath and shower fixtures;
- h prior to occupation of the building;

51. Filling shall comprise only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.

52. A registered surveyor's certificate indicating that the level of the top of the concrete slab formwork/floor joists for the lowest floor is at or above 14.3m AHD (Australian Height Datum) shall be obtained prior to placement of concrete.

Alternatively, a defined bench mark AHD level shall be identified by survey report on a fixed location immediately adjacent to the building (eg., top of concrete strip footing, top of poured concrete pier.)

The Surveyor's Certificate shall be provided to both Hawkesbury City Council and the Accredited Certifier (if not HCC) prior to any structure being erected on the concrete.

53. All materials used in the construction of the building below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.

54. All natural and subsurface water flow shall not be redirected or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.

55. Any sewer or stormwater main or manhole affected by the development shall be repaired or altered in level as directed at the applicant's expense.

56. The floor of the internal WC shall be graded and drained to an approved floor waste.

57. All natural and subsurface water flow shall not be redirected or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.

58. Provision shall be made for access to the buildings with adequate aids provided for those with disabilities (ie., mobility, hearing, sight impaired) in accordance with the Discrimination Against People with Disabilities Act (DDA), Building Code of Australia and Council's Access Policy.

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

60. On site detention shall be provided to maintain all stormwater discharges to Windsor Road from the 1:1 year storm up to the 1:100 year storm at pre-development levels.

61. Water quality control devices and energy dissipaters shall be constructed at the point of discharge of stormwater from the site to private land.

62. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.

63. The existing "Left Turn Only" signage (within the site) should be repositioned as close as possible to the exit driveway crossing and angled perpendicular to vehicles egressing the driveway crossing.

Prior to Issue of Occupation Certificate

64. Compliance with all conditions of this development consent.

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65. 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.

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

67. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
68. All landscaping shall be completed in accordance with the approved landscape plan prior to the issue of any occupation certificate.
69. The applicant shall submit a report from a suitable qualified Engineer which verifies the following:
- a. Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
 - b. Any part of the structure at or below the 1:100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
 - c. All finishes, plant, fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.
70. A Trade Waste Agreement must be entered into with the Hawkesbury City Council for the discharge of trade waste to Council's sewer.
71. A survey plan showing all existing services on the lots, including sewer connections, water connections and stormwater disposal, shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
72. Retaining walls are to be certified on completion by a suitably qualified and experienced Structural Engineer.
73. A Plan of Management for the on site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
74. The owner shall enter a positive Covenant with Council which provides the following:
- a. The registered proprietors will at all times maintain, repair and keep the on site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council having due regard to the Plan of Management for the operation and maintenance of the on site stormwater detention facilities, and
 - b. The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and

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- c. Council only will be entitled to release or modify the Covenant

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

75. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
76. Works-As-Executed drawings for the One Site Detention Stormwater System which indicate the following shall be submitted to and approved by Council:
- a. Invert levels of tanks, pits and pipes.
 - b. Surface levels of pits and surrounding ground levels
 - c. Levels of surrounding kerb
 - d. Floor levels of buildings
 - e. Top of kerb levels at the front of the lot; and
 - f. Extent of inundation

Use of the Development

77. No internal or external alterations shall be carried out without prior approval of Council.
78. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- a. Been assessed by a properly qualified person, and
 - b. Found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
79. Any part of the building to be used for food preparation shall be registered with Council as Food Premises and have food premises inspections conducted by Council's Officers as necessary/required.
80. Operating hours shall be limited to 8.00 am to 7.00 pm, 7 days a week.
81. The development shall be conducted in such a manner that the LA (eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA (eq) above background noise levels with respect to noise amenity of residential dwellings.
82. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
83. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
84. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
85. All waste materials shall be regularly removed from the property.
86. A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record is to be made available to Council Officers upon request.
87. The development shall support an 80% water efficiency rate for re-use.
88. The Car Wash facility is to be appropriately managed to ensure that vehicles do not queue back and affect the normal operations of the Service Station. In this respect, attendants shall actively

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management the Car Wash Area to Council's satisfaction.

89. The proposed business identification signage shall not have/use:
- a. Flashing lights;
 - b. Electronically changeable messages
 - c. Animated displays that hold a driver's attention beyond a "glance of appreciation"
 - d. Displays resembling traffic signs or signs; and
 - e. A method and level of illumination that distracts or dazzles.

Advisory Notes

- *** The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.
- *** 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.
- *** Non compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** Should any Aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- *** The applicant is advised to consult with :
- a. Sydney Water Corporation Limited
 - b. Integral Energy
 - c. Natural Gas Company
 - d. A local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** The land, the subject of this approval has been filled. The depth of the fill may vary across the site.

ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Elevation Plans

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AT - 1 Locality Plan

**To View This Image,
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AT - 2 Site Plan

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AT - 3 Elevation Plans

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Item: 69 **CP - Construction of Observation Viewing Platform and Access Pathways at Rotary Lookout Bellbird Hill Reserve, Lot 10 DP 719776, Bellbird Hill Reserve 1142 Bells Line Of Road Kurrajong Heights NSW 2758 - (95498, 39980, 96329, 107, DA0080/07)**

Development Information

Applicant: Hawkesbury City Council
Owner: Hawkesbury City Council
Area: 14.720H
Zone: 6 (a) Open Space (Existing Recreation) under Hawkesbury Local Environmental Plan 1989
Advertising: 1 March 2007 to 15 March 2007
Date Received: 14 February 2007

Key Issues: ♦ Plan of Management for Public Reserves

Recommendation: Approved Subject to Conditions

REPORT:

Introduction

The application proposes to construct a viewing platform and access pathway at the Rotary Lookout Bluebird Hill Reserve.

The application is being reported to Council, as Councils Plan of Management for Public Reserves does not delegate authority to consent to development of community land for the proposed development.

Background

In October 2002 a committee of interested residents, Councillors and local community groups was formed to discuss the priorities and future development of Bellbird Hill Reserve Lookout. One of the priorities was the construction of a viewing platform. Due to the sites high visual scenic quality a landscape master plan was prepared. The master plan was advertised from the 9 November to 6 December 2005. Council adopted the master plan on the 14 March 2006.

The Proposal

The proposal involves the construction a 10m x 3.6m viewing deck and access pathway.

The viewing deck will cantilever over the existing embankment.

This represents stage 1 of the works identified on the Landscape Master plan.

Attachments AT2 & AT3 shows the proposed development.

A copy of the adopted Landscape Master Plan is available in the Council Chambers.

Statutory Situation

The subject property is zoned 6 (a) Open Space (Existing Recreation) under Hawkesbury Local Environmental Plan 1989.

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The proposed development is permissible with the consent of Council.

Community Consultation

The application was notified to surrounding and adjoining property owners including the Kurrajong Heights Action Group for 14 days.

No submissions were received.

Planning Assessment

The application has been assessed under S79C of the Environmental Planning and Assessment Act. A full assessment of the development is on the Council File.

The proposed development does not result in any significant impact on the surrounding area.

The viewing platform will not result in any overlooking of private property as the siting is within the public reserve.

Conclusion

The viewing platform and access pathways are identified on the Landscape Master Plan for the reserve, which was adopted by Council.

The works represent stage 1 of the Landscape Master plan.

The proposed development does not result in any significant impact on the surrounding area.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city", and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on budget.

RECOMMENDATION:

That the application for construction of viewing platform and access pathways at Rotary Lookout Bellbird Hill Reserve be approved subject to the conditions in the following consent:

General

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

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

Prior to Commencement of Works

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. The wind classification for the site has been assessed as Minimum W4N. This classification should be referred to your glazing supplier, frame manufacturer and building contractor to enable the appropriate frame, glazing, bracing and tie downs to be designed. A copy of the designs and glazing certificate are to be provided to the Principal Certifying Authority.
11. The deck shall be designed by a practising Structural Engineer to ensure the construction is suitable to carry excessive loading created by numerous persons using the deck (ie gathering, party, etc). A copy of the certified design shall be provided to the Principal Certifying Authority prior to commencement of works.

During Construction

12. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7:00am - 6:00pm and on Saturdays between 8:00am – 4:00pm.
13. 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.

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- (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.

- 14. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.

- (a) on completion of the works;

- 15. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
- 16. The footing and any reinforcing steel shall be inspected by the designing Structural Engineer and a copy of his compliance certificate shall be provided to the PCA (HCC). Note the foundation design shall allow for the soils to soften when immersed for long periods during flooding.

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Site Plan

AT - 3 Elevations

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AT - 1 Locality Plan

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AT - 2 Site Plan

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AT - 3 Elevations

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ORDINARY MEETING

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Item: 70 **CP - Subdivision - Torrens Title - Stage Development Into 226 Lots Including 224 Residential Lots With Landscaping New and Upgraded Roads - Lot 132 DP1025876, Lot 14, DP865977, 18 Johnston Street Pitt Town NSW 2756 - (DA0557/06, 95498, 96329, 87959, 676)**

Development Information

Applicant: Johnson Property Group Pty Limited
Owner: Bona Vista Properties Pty Limited
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 38.19H
Zone: Environmental Protection - Agriculture Protection
Housing
Rural Housing
Advertising: 29 September 2006 to 11 October 2006
Date Received: 18 July 2006

Key Issues:

- ◆ Hawkesbury LEP 1989 - Amendment 135
- ◆ Character of the Area
- ◆ Roads and Traffic
- ◆ Flora and Fauna
- ◆ Provision of Services
- ◆ Regional Infrastructure Upgrade

Recommendation: Deferred Commencement Consent

REPORT:

Description of Proposal

The application seeks approval for a staged subdivision of two existing allotments known as Lot 14 DP 865977 and Lot 132 DP 1025876 to create 226 allotments including 224 residential lots and one residual lot. The subject land has a total area of 38.19ha. The subdivision is to be carried out in 6 stages as follows:

Stage 1a

Stage 1a involves the creation of super lots subject of the 5 future stages of development and the residual lots. No physical works will be carried out at this stage of development. The proposed super lots will have the following approximate areas:

Lot 101 – 3.634ha
Lot 102 – 7.875ha
Lot 103 – 6.615ha
Lot 104 – 5.214ha
Lot 105 – 6.445ha
Lot 106 – 8.342ha (the residual lot)

Stage 1b

This stage involves the subdivision of proposed Lot 101 into 29 lots ranging from 750m² to 983m². This stage also involves construction of associated roads, retention of trees and incorporating a 50m reserve to the southern boundary of the Bona Vista Homestead.

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Stage 2

This stage involves the subdivision of proposed Lot 102 into 68 lots ranging from 750m² to 1022 m². Works include construction of new roads linking with Stage 1b roads, retention of trees and provision of 50m road reserves adjoining the eastern boundary of the Bona Vista Homestead.

Stage 3

Stage 3 comprises the subdivision of proposed Lot 103 to create 33 residential lots ranging in size from 750m² to 2004m² and residual lot No. 3034 having an area of 1.3496ha which will form the open space for to the north of Bona Vista homestead. The stage also includes construction of new roads, retention of trees, two new access points to Johnston Street and provision of the remaining part of the 50m road reserve adjoining the eastern boundary of Bona Vista Homestead.

Stage 4

This stage comprises the subdivision of proposed lot 104 into 44 residential lots ranging from 750m² to 1950m². The works in this stage includes construction of new roads, one new connection to Johnston Street and retention of significant trees.

Stage 5

This is the last stage of development and involves the subdivision of proposed Lot 105 into 50 residential allotments ranging in size from 750m² to 1502m². The works involves the construction of new roads including Johnston Street and two new connections to Johnston Street.

The application proposes the provision of reticulated water supply, sewerage, electricity and telephone facilities to each allotment within the proposed subdivision.

The proposal is Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 as it involves subdivision of bushfire prone land. The NSW Rural Fire Services has issued a 100B Bushfire Safety Authority for the development subject to condition. These conditions are to be included in the any consent

Background

Hawkesbury Local Environmental Plan 1989 - Amendment 145 was gazetted on 18 August 2006 which altered the zoning of land at Pitt Town to allow for the subdivision of lots for housing and rural housing. The amendment 145 aimed to ensure that environmentally sensitive lands are preserved and community has access to adequate facilities. The current application is for the subdivision of a portion of land for residential purposes in accordance with Amendment 145.

The subject land is contaminated due to past agricultural pursuits. The original proposal included remediation of land, however this component of development has however been withdrawn by the applicant. The proposal now seeks approval for the subdivision of land and associated landscaping, road and water management works.

Statutory Situation

- a) the provisions of:
 - i) any environmental planning instrument (i.e. LEPs, REPs & SEPPs)

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

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 including those relating to total catchment management, environmentally sensitive areas, water quality, water quantity, flora and fauna, agricultural/aquaculture and fishing, rural residential development, and metropolitan strategy.

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

State Environmental Planning Policy No. 11 – Traffic Generating Development

The application was referred to the Roads and Traffic Authority (RTA) pursuant to Schedule 1 of the State Environmental Planning Policy No. 11 – Traffic Generating Development. RTA raised no objection to the proposal subject to the following conditions:

- The developer to carry out the agreed road improvements as outlined in the Planning Agreement between the RTA and the developer for the development site.
- A Construction Traffic management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control for approval prior to issue of a Construction certificate.

The above conditions are included as conditions of Consent.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

S.E.P.P. No. 44 *"aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:*

- (a) *by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat; and*
- (b) *by encouraging the identification of areas of core koala habitat; and*
- (c) *by encouraging the inclusion of areas of core koala habitat in environment protection zones."*

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.

The proposal does not involve the removal of native vegetation and therefore will have no impact on koala habitat, if present, on the site. Under clause 8 of S.E.P.P. No. 44 Council is not prevented from granting consent to the proposal.

State Environmental Planning Policy No. 55 - Remediation of Land

The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.

In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) *by specifying when consent is required, and when it is not required, for a remediation work, and*
- (b) *by specifying certain considerations that are relevant in rezoning the land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
- (c) *by requiring that remediation work meet certain standards and notification requirements.*

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The subject land is considered to be potentially contaminated due to its past use for agricultural pursuits. The remediation works are classed as Category 1 remediation works. The policy requires that such works can only be carried out with development consent. A condition is included in the recommended consent that a separate development approval is obtained from prior to commencement of any remediation works.

Hawkesbury Local Environmental Plan 1989 (LEP)

Clause 2 - Aims, Objectives etc.

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

Clause 8 - Zones Indicated on the Map

The subject land has multiple zonings as follows:

Housing,
Rural Housing; and
Environmental Protection – Agriculture Protection.

Clause 9 - Carrying Out Development

The proposed subdivision of land is permissible with development consent within the Housing, Rural Housing and Environmental Protection – Agriculture Protection zones.

Clause 9A - Zone Objectives

The proposed development is considered to be consistent with the objectives of the Housing, Rural Housing and Environmental Protection – Agriculture protection zones. The stated objectives of these zones and the proposal's degree of compliance with these objectives is detailed as follows:

Housing Zone

The objectives of this zone are as follows:

- (a) *to provide for low density housing and associated facilities in locations of high amenity and accessibility*

The allotments resulting from the proposed subdivision will provide low density housing together with associated infrastructure and services to ensure amenity of the future residents.

- (b) *to protect the character of traditional residential development and streetscape,*

The subdivision pattern provides for regular shaped allotments with adequate depth to width ratio and predominantly north-south orientation of the lots. This is consistent with other recent subdivisions in the locality and also set the direction for future developments in the area.

- (c) *to ensure that new development retains and enhances the existing character*

The proposal involves a range of allotment sizes. The subdivision pattern is such that smaller size allotments do not interface with the existing larger allotments especially fronting Amelia Grove. The proposed allotments sizes are adequate within the context. The road frontages are generally regular and maintain a street rhythm.

- (d) *to ensure that development is sympathetic to the natural amenity and ecological processes of the area*

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The subdivision pattern is designed to protect special physical and natural characteristics such as historic fence lines and significant vegetation. The proposal is considered to be sympathetic and will minimise the impact on existing characteristics of the area.

- (e) *to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character*

The proposal is for the subdivision to create residential allotments. Any future development for non residential use will be subject to the requirements of Hawkesbury LEP 1989.

- (f) *to control subdivision so that the provision for water supply and sewerage disposal on each resultant lot is satisfactory to the Council*

Adequate provision for water supply and sewerage will be made to all the allotments. The proposal includes the extension of water supply sewerage system to the subject land.

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

The developer will bear all the cost associated with the extension of public utilities and services to the site. These services will be provided in accordance with the requirements of relevant authorities. The extension of services is not likely to unreasonable impact on the existing infrastructure in the area.

Rural Housing Zone

The objectives of this zone are as follows:

- (a) *to provide primarily for low density residential housing and associated facilities*

The proposed subdivision consists of larger land parcels in this zone to provide for low density residential housing.

- (b) *to minimise conflict with rural land uses*

The proposed subdivision intends to create new residential parcels on cleared former grazing and orcharding land as part of its evolving character from rural to rural residential. The proposal is not likely to result in any land use conflicts within the locality.

- (c) *to preserve and maintain the rural character of the locality and ensure building and works are designed to be in sympathy with the character of the locality*

The existing character of the subject land and its surrounds comprises a mix of urban and semi rural activities. The proposed subdivision is consistent with the desired future character of the locality. The proposed land parcels are reasonably sized to accommodate buildings that are sympathetic to the evolving character of the locality.

- (d) *to ensure that development occurs in a manner that satisfy best management guidelines for the protection of water catchments, water quality, land surface conditions and important ecosystems*

The development is required to adopt best practice management guidelines for the protection of water catchments, water quality and ecosystems by ensuring appropriate stormwater management, water quality and the implementation of erosion and sediment control measures. This will protect the hydrological characteristics of the site and water quality of the area. for stormwater drainage

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

The proposal is not located on an arterial road, however due to the increased residential densities, there will be some increase in traffic on the surrounding. The applicant is required to carry out

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regional transport infrastructure and services works in accordance with the requirements of the Planning Agreement between the Minister for Planning and Johnson Property Group. This includes upgrading roads leading to the proposed development.

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

The proposal will not result in unreasonable demand for the provision or extension of public amenities. Appropriate conditions are included in the recommendation requiring improvement to road network and extension of infrastructure and services including water supply, sewerage and electricity in order to cater for the proposed subdivision.

- (g) *to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character*

The proposal involves subdivision of land for residential purposes. Any future development of the new lots for non residential purposes shall be in accordance with the requirements of relevant Hawkesbury LEP 1989 and Hawkesbury DCP controls. This is to ensure the character and amenity of residential area is maintained.

Environmental Protection—Agriculture Protection (Scenic) Zone

The objectives of this zone are as follows:

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

The subject land contains remnant vegetation and is not used for any agricultural pursuits.

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

- (i) *that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*

It is considered that the proposal will have no adverse impact in respect to surface and groundwater quality and flows as storm water management works will be required as part of the development. There are no SREP 20 wetlands in the vicinity of the site. Adequate provision has been made for stormwater disposal in accordance with the requirements of Hawkesbury DCP which will ensure adequate drainage and minimise any impacts on the water catchments and hydrological resources.

- (ii) *that satisfies best practice guidelines and best management practices,*

It is considered that the proposed development can be managed to satisfy best practice guidelines

- i. *help to ensure that development does not create or contribute to rural land use conflicts*

The subject locality is undergoing a change from semi-rural to urban land uses. Any future development on the land is not likely to contribute to rural land use conflicts.

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

The proposal does not involve removal of any existing vegetation on this part of the land. The subdivision boundary follows the existing natural features of the land.

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

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The proposed subdivision protects and enhances the landscape, scenic values and local features of environmental significance.

- (f) *to protect hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance*

The proposed subdivision will be complimentary to the rural landscape and other features of scenic significance.

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

The proposed development is not located on an arterial road. The existing road network servicing to the subject land will be upgraded to cater for the traffic generated by the development.

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

The proposal involves residential and rural residential subdivision that is not anticipated to involve the provision of outdoor advertising.

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

The proposed subdivision will not result in unreasonable or economic demand for the provision and extension of public amenities and infrastructure. All infrastructure facilities are to be provided as part of the development of the land.

- (i) *to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping*

The proposal is for the subdivision of land only. The bulk, scale, size and siting of the buildings, design of access roads and landscaping areas will be in accordance with Hawkesbury Development Control Plan – Pitt Town Chapter.

to encourage existing sustainable agricultural activities

The subject land is not used for agricultural pursuits.

Special Provisions of HELP 1989

10 - Subdivision - General

- (1) *Land to which this plan applies may be subdivided, but only with development consent.*

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

- (2) *Land shall not be subdivided unless the boundaries of allotments so created correspond generally with the boundaries (if any) between zones as shown on the map.*

The subject land has multiple zonings including Housing, Rural Housing and Environmental Protection – Agriculture Protection. The boundaries of proposed allotments are generally consistent with the boundaries between zones as shown on the map.

- (3) *Notwithstanding the provisions of subclause (4), the Council may consent to a plan of subdivision whereby the boundaries of allotments so created will not correspond with the boundaries between different zones as shown on the map but which, in the opinion of the Council, depart there from only to a minor effect.*

Not applicable as the boundaries of the proposed allotments correspond with the zone boundaries.

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- (4) *Where, on registration of a plan of subdivision referred to in subclause (3), the boundary between land is determined in a different position from that indicated on the map, land shall be deemed to be within the appropriate zone as determined by the Council.*

Not applicable

- (5) *All subdivision is prohibited on the land shown on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 145)" unless the area of each lot created for a dwelling house is equal to or greater than the minimum lot sizes for the land shown on the map and the number of lots created does not exceed the density control for the land.*

Hawkesbury Local Environmental Plan 1989 (Amendment 145) stipulates the following minimum allotment sizes for subdivision:

- Housing – 750sqm
- Rural Housing – 1500sqm

All the lots within the proposed subdivision are either at or greater than the minimum allotment sizes required in each zone.

- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to subclause (5)

Not applicable as no variation to the minimum allotment sizes is proposed.

Clause 11 – Rural Subdivision - General Provisions

This clause applies to the proposal as a portion of the subject land is zoned Environmental Protection – Agriculture Protection.

Clause 11 of Hawkesbury LEP

11 Rural Subdivision - General Provisions

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

Column 1	Column 2	Column 3
Zone	Minimum allotment size if not lot averaging subdivision	Minimum allotment size if not lot averaging subdivision
Environmental Protection—Agriculture Protection (Scenic) (land shown hatched on the map)	10 hectares	Not applicable

The proposed lot 106 with an area of 8.34ha is to be created out of the subdivision of Lot 14 DP 865977 and contains remanent vegetation. The proposed Lot 3035 with an area of 1.3496ha is to be created out of the subdivision of Lot 132 DP1025876 and amalgamated with open space to the north of the Bona Vista Homestead. Both these proposed lots are zoned Environmental Protection - Agricultural Protection and require a minimum allotment size of 10ha. The proposal does not satisfy the minimum area Requirements.

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The applicant has submitted a SEPP 1 Objection in relation to the minimum area provisions that is considered separately in this report. As the variation exceeds 10% Concurrence of the Director of Planning is required under Clause 6 of the SEPP No 1 – Development Standards.

Council has received the concurrence of the Director of Department of Planning.

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

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

The width to depth ratio for the proposed two allotment within this zone is satisfactory for the intended use.

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

The proposed Lot 106 contains remnant vegetation and the lot boundaries are such that this vegetation will be retained. The proposed Lot 3035 will be amalgamated for open space. There is no proposal to use these lots for building purposes.

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

A geotechnical assessment is not required as there is no proposal to construct buildings on these allotments.

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

As stated previously, Lot 106 contains remnant vegetation and there is no proposal to construct a dwelling-house on this allotment. Any future development on this lot would require compliance with the requirements of NSW Rural Fire Services in regards to Asset Protection zones.

(4) *Not applicable*

- (a) *A subdivision of land within the Rural Housing zone complies with this clause if a density control is shown for the land on the map and the number of lots created does not exceed the density control for the land.*

The proposal complies with clause as the lots created have a minimum area of 1500sq as shown on the map.

(5) *Not applicable*

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

- (a) *sufficient for the erection of a dwelling-house, and*

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The proposed allotments in Rural Housing zones and the proposed Lot 106 contain suitable areas for establishing a building foot print for a dwelling house.

- (b) *at natural surface level or at a level achieved by filling carried out with the consent of the Council.*

There is enough area of land above 1-in-100 to accommodate future development.

- (7) *Not applicable*

- (8) *Consent must not be granted to the subdivision of land within Zone No 7 (e).*

- (9) *Not applicable*

Clause 18 – Provision of Water, Sewerage Services, etc.

Clause 18 of Local Environmental Plan 1989 provides the following:

- (1) *The Council shall not consent to any development on land to which this plan applies unless arrangements satisfactory to the Council have been made for the provision to the land of water, sewerage, drainage and electricity services.*

The proposed allotments will be able to be connected to water supply. On 15 February 2007, Sydney Water has advised that they have "no objection to the 225 lot development proceeding provided the requirements of the Notice "Pending" are met by the developer and no development occurs until the 600/375 mm amplification mains between McGraths Hill and Pitt Town are constructed. "

Hawkesbury City Council is the sewerage authority for Pitt Town area. The sewerage system shall be in accordance with the adopted Water Management for Pitt Town.

The proposed allotments will be able to be connected to electricity service. On 2 April 2007, Integral Energy indicated that "up to 290 lots could be serviced from the existing network from Cattai Zone". Further advised that "Integral Energy will not have the capacity to support any additional development until augmentations are complete at Windsor Zone Substation which is due to be completed in approximately 2 years."

In terms of telephone provision, the applicant has submitted a "notification of Intent to pre-provide telecommunication infrastructure for the proposed development". This notification indicates that telephone facilities can be extended to the area.

Suitable conditions of consent will also be imposed to ensure necessary utility services are available to the site prior to the release of the subdivision certificate.

- (2) *Not applicable*

Clause 25 – Development of Flood Liable Land

The subject land is not affected by flooding as it is above 1 in 100 ARI flood level.

Clause 28 - Development in the Vicinity of Heritage Items

The Council shall not grant consent to an application to carry out development in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

The subject land adjoins Bona Vista Homestead to the west which is an item of heritage significance in Schedule 1 Hawkesbury LEP 1989 and the State Heritage Inventory. The Local Environmental study

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submitted as part of the rezoning application 2003 notes that the core heritage curtilage extends beyond the two hectares subdivided area within which the barn and house are located and will require appropriate development urban design and density responses to protect the significance.

Hawkesbury Development Control Plan – Part E – Chapter 4.11 (Pitt Town Development Plan) outlines requirements for Heritage and conservation. The proposal incorporates a minimum of 50m setback on all sides from any proposed allotment which is considered adequate to maintain the significance of Bona Vista Homestead.

The application was referred to Council's Heritage Advisor who raised no objection to the proposed subdivision on heritage grounds.

Clause 54 - Pitt Town - Heritage

- (1) This clause applies to development on all land shown on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 145)".**

This subject land is within the area affected by Hawkesbury Local Environmental Plan 1989 (Amendment No 145).

- (2) This clause does not apply if:**

- (a) the proposed development does not involve disturbance of below-ground deposits and the Council is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or**

The proposal involves development works for the provision of roads and utility services including, water supply, stormwater drainage, sewerage electricity and telephone. These works would require some degree of excavation and therefore disturbance of soil below ground level. The application was accompanied by "Archaeological Assessment of Two Areas At Pitt Town: Fenadell and the Land Surrounding Bona Vista" dated February 2004 prepared by Jillian Comber.

This report details the results of archaeological survey and assessment of Aboriginal and non Aboriginal archaeological sites and places of two areas at Pitt Town and provides management recommendations. The report concludes that:

"Based on the above outline, the subsurface archaeological deposits investigated in this study have low overall archaeological significance with a local context only. A limited degree of archaeological value occurs in those deposits with relatively higher artefact density, based on their potential to provide a locally provenance subsurface assemblage of lithic material with application in future local and regional comparative studies."

In regards to the potential for Aboriginal burials, the report states that "Little is known of the characteristics of Aboriginal burial grounds on the Cumberland Plain and isolated burials may conceivably occur wherever deep sedimentary deposits suitable for digging occur".

This report recommends that no activities should occur in the area which may disturb either known surface artefacts or subsurface archaeological deposits without the receipt of an appropriate permit. Appropriate conditions are included in the recommendation that require the need for obtaining permit under Section 90 of the National Parks and Wildlife Act 1974 prior to commencing any activities which may disturb known surface artefacts or subsurface archaeological deposits. This permit is required prior to the release of a Construction Certificate.

- (b) The proposed development is integrated development.**

The proposal is not an Integrated development within the meaning of section 91 of the EPA & Act 1979 under the Heritage Act 1977.

Clause 55 – Pitt Town - Subdivision and Regional Transport Infrastructure

- (1) ***This clause applies to development on all land shown pink and edged heavy black or green and edged heavy black on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 145)”.***

This clause applies to the proposal.

- (2) **The object of this clause is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that will arise from development of land to which this clause applies, but only if that land is developed intensively for urban purposes.**

On 26 July 2006, the Minister for Planning and Johnson Property Group entered into a Planning Agreement under Section 93 F of the Environmental Planning and Assessment Act 1979. Clause 5 of this Agreement details Contributions and developer is required to contribute for providing amenities or services to the public at its risk and expense.

The Contributions include in-kind as well as monetary as follows:

Indicative values – in-kind contributions

- | | |
|------------------------|--------------|
| (a) School site: | \$2,000,000 |
| (b) Intersection Works | \$1,700,000 |
| (c) The Shoulder Works | \$11,200,000 |

Values – monetary contributions

- | | |
|-----------------------------------|---------------------------------------|
| (a) DEC Contributions | \$630,000 (subject to CPI adjustment) |
| (b) School Building Contribution: | \$976,000 (subject to CPI adjustment) |

- (3) **Despite any other provision of this plan, consent must not be granted for a subdivision of land to which this clause applies that will create a lot with an area of less than:**

- (a) ***2 hectares, in the case of land that was in the Rural Living zone immediately before the commencement of Hawkesbury Local Environmental Plan 1989 (Amendment No 145), or***
- (b) ***10 hectares, in the case of land that was in the Environmental Protection Agriculture Protection (Scenic) zone immediately before the commencement of that plan, unless the Director-General has certified in writing to the Council that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services in relation the land comprising that lot.***

On 1 December 2006, the Director General advised as follows:

“The Minister of Planning entered into Planning Agreement with Johnson Property Group on the 26 July 2006 under Section 93(H) of the EP&A Act. I hereby certify that this planning Agreement makes satisfactory arrangements for regional transport infrastructure and services and advise that Council can now proceed with assessment of the development application.”

Section 94 Contributions Plan

The development of the land at Pitt Town will necessitate contributions for the provision of facilities under Section 94 of the Environmental Plan and Assessment Act, and the provision of stormwater/sewer services under Section 64 of the Local Government Act.

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Council currently levies for community facilities, recreational buildings and park improvements under the Section 94 Plan generally across the City. In Pitt Town's case, there will be some additional services, these are:

- Cost of Studies.
- Acquisition of Land.
- Transport Infrastructure.
- Road works.

Under Section 64 of Local Government Act, Council currently levies for sewer head works and sewer transportation costs. In addition to those there will need to be contributions to cover the cost of:

- The Studies.
- Land Acquisition.
- Drainage Works.

Necessary conditions on S94 Contributions and S64 Contributions are included in the consent.

SEPP No. 1 Objection to Clause 11 of Hawkesbury Local Environmental Plan 1989

The proposed Lots 106 and 3035 are to be created on land zoned Environmental Protection – Agricultural Protection. Both these lots do not satisfy the minimum 10ha allotment size. The proposed Lot 106 is to have 8.34ha comprising remnant vegetation and Lot 3035 with an area of 1.349ha is to be dedicated to Council as open space and conservation area adjacent to Bona Vista Homestead. A Detailed objection under the provisions of SEPP No. 1 – Development standard has been submitted with application. Since variation to the development standard contained in Clause 11 of Hawkesbury Local Environmental Plan 1989 is in excess of 10% , SEPP No.1 objection was referred to the Department of Planning for concurrence.

It is considered that the proposed under sized allotments that are to be created satisfies the underlying objectives listed in Hawkesbury LEP 1989 – Amendment 145 and Pitt Town Development Plan. The proposed Lot 106 contains remnant vegetation and necessary buffer areas. The undersized allotment is also an anomaly that has arisen with the detailed preparation of a subdivision plan for the site prepared in strict compliance with Pitt Town Development Plan adopted by Council. The proposed Lot 3035 is to be dedicated to Council for open space and conservation area for Bona Vista Homestead. This lot is also a result of an anomaly arisen from Pitt Town Development Plan and especially the heritage requirements to provide adequate cutilage around Bona Vista Homestead.

As previously noted Concurrence of the Department of Planning has been received.

Hawkesbury Development Control Plan

The Hawkesbury Development Control Plan applies to the proposed development. Relevant chapters of the DCP are General Information, Notification, Soil Erosion and Sediment Control and Specific Areas Pitt Town.

General Information

It is considered that sufficient information has been submitted with the application for Council to assess the application.

Notification

The application was notified between 19 September 2006 and 11 October 2006. In response 11 submissions were received.

Soil Erosion and Sedimentation control

Appropriate soil erosion and sedimentation control measures are to be installed and maintained during construction. These measures will be enforced through conditions of consent.

Specific Areas - Pitt Town

Part E of Hawkesbury DCP provides controls for Pitt Town affected by land covered by Local Environmental Plan 1989 - Amendment 145. It provides site-specific principles for the subdivision and development control for Pitt Town.

The studies leading to Hawkesbury Local environmental plan 1989 - Amendment 145 and Pitt Town Development Plan envisaged the creation of a total of 631 new lots. The indicative subdivision Map for Bona Vista subdivision in Pitt Town Development Plan envisaged a total of 196 parcels including 37 lots with a minimum lot area of 1500sqm in land zoned Rural Housing and 159 lots with a minimum lot area of 750sqm in land zoned Housing.

The current application is for the Subdivision of Bona Vista land seeking to create of 224 lots including 37 lots in that part of the land zoned Rural Housing and 187 lots in housing zone. The total number of lots exceeds the maximum number envisaged on the indicative Map. It is however noted that this number was indicative only and since the proposal complies with the lot sizes and shape criteria for subdivision in Pitt Town development Plan, the proposal is acceptable.

Section 4.2 - Desired Character

- a) This clause requires that new development is to maintain a rural character with generous and landscaped building setbacks and open streetscapes with new developments to have building materials and designs compatible with rural setting and public domain is to reinforce the rural character.
- b) The proposed plan of subdivision is generally consistent with the requirements of the Hawkesbury DCP. The lot configuration and road design will help to achieve the desired future character consistent with the rural character of Pitt Town.

Section 4.3 - General Principles

- a) The proposal is consistent with the general principles of the Plan.

Subdivision Controls

Section 4.4 - Land Use

- a) The proposal is for residential subdivision which is consistent with the use of land nominated in Pitt Town Development Plan.
- b) A site contamination assessment report titled "Detailed Site, Bona Vista and Fernadell Sites Proposed residential development Pitt town, New South Wales' prepared by Golder Associates Pty Ltd, dated June 2005 accompanies the application. This report concludes that a portion of the site may be contaminated with pesticides and herbicides related with past agricultural land use and hydrocarbons fuels from machinery use. The report identifies five areas of remediation and recommends that a remediation Action Plan be prepared in accordance with NSW DEC Guidelines.

Since this application does not include approval for remediation works, a condition is included in the recommended consent that a separate development application be lodged with Council for remediation of land for approval. A further condition is also included which requires that the contaminated areas not be disturbed and properly secured until such time Council grants consent for such works.

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Section 4.5.2 - Lot Design

- a) The proposed lot design generally complies with the Pitt Town development Control Plan.
- b) The proposed lot design in terms of lot sizes and zoning complies with the provisions of Hawkesbury local Environmental plan 1989.
- c) The proposed subdivision layout maintains the historic fence lines in accordance with the requirements of the Development Control Plan. The applicant has submitted a survey of the historical fence lines that demonstrate compliance. The proposed subdivision plan retains the historic tree plantings and the current application does not propose to remove any trees. It is however noted that unauthorised removal of some of the tree has occurred and is now a subject of a legal action in the Land and Environment Court between Council and Johnson Property Group.
- d) The proposed lot sizes and frontages meet the requirements Hawkesbury Development Control Plan as follows:

Zone	Precinct	Minimum lot size	Minimum lot frontage	Compliance
Housing	A	750sqm	18m	Yes
Rural Housing	D	1500sqm	25m	Yes

Section 4.5.3 - Development precinct D Rules

- b) The proposed lot sizes in Precinct D comply with the minimum Lot size of 1500sqm under the Hawkesbury Local Environmental Plan 1989.
- c) All lot comply with the minimum frontage requirement and have access to public road.
- d) The proposed lots within Precinct are consistent with the established zone boundaries.
- e) The proposed lot boundaries follow the existing established vegetation within the precinct.

Section 4.6.2 - Street Design

The proposed road layout within the proposed development complies with the Pitt Town Development Control Plan with the exception of the following:

The East-West Road Running Through Proposed Stage 1 Is Not Linked To Amelia Grove

In support of this non compliance, the applicant states that:

- The link to Amelia Grove is not necessary and superfluous to requirements;
- Pedestrian connectivity is maintained; and
- It will minimise the impact of traffic on Amelia Grove, which we understand is the preferred solution for residents in Amelia Grove.

The applicant's argument is noted however the proposed road link should be provided for the following reasons:

- It follows the historic fence lines;
- No pedestrian linkage is proposed as part of the application. The proposed road will also provide pedestrian linkage to Amelia Grove; and
- The proposed linkage is likely to generate minimal traffic on Amelia Grove as the traffic from the development will follow Bootles lane or Bathurst street via Johnston Street rather than passing through Amelia Grove which is a cul-de-sac.

In view of the above it is recommended that the linkage to Amelia Grove is a condition of consent.

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Two missing roads running north-south through proposed Stage 2

These two roads run north- south through the middle of two east – west orientated blocks in Stage 2. The applicant has provided the following reasons for not providing these roads:

- These roads are not part of the connected grid pattern or any other road within the development;
- These roads will not form part of any bus route, pedestrian route or desire lines;
- Provision of these roads will create super blocks of inefficient and uneconomical size and will introduce an unnecessary impost on development for future maintenance; and
- Deletion of these roads will result in a two super blocks each approximately 240m in length which is consistent with other block within the development.

The issues raised by the applicant merit consideration. In this regard it is noted that these two roads do not represent the location of historic fence lines. These roads will create additional intersection in close proximity to each other and may contribute to inefficient traffic movement in the precinct. It is also noted that maintenance of these roads will ultimately be Council's responsibility and since the two roads do not provide any additional benefits, Council Officers support their deletion from the subdivision.

Whilst these roads are not considered necessary, a condition requiring the provision of these roads could be included on the consent, should Council require full compliance with the road layout as stipulated in Pitt Town Development Control Plan. The applicant is also prepared to accept a condition requiring the inclusion of the two roads.

- a) The proposed road design retains significant tree situated on the existing road verges.
- b) The proposed subdivision plan provides for a road hierarchy as stipulated in Pitt Town Development Control Plan. This includes Local access – 15m wide, Minor collector – 16.6m wide and Medium collector – 18m wide.
- c) The design specifications for roads comply with the requirements of the DCP as follows:

Road Type	Carriageway	Footway	Road reserve	Compliance
Medium Collector	11.00m	3.5m	18.0m	Yes
Minor Collector	9.6m	3.5m	16.6m	Yes
Local Access Road	8.0m	3.5m	15.0m	Yes

Section 4.6.4 – Bona Vista Homestead – Rules

- a) A 50m wide road reserve along the southern cartilage area of Bona Vista Homestead is provided. In accordance with the DCP , a 4m footway on the southern side connecting the Historic fence lines and a 38m area of Cumberland Plain Woodland on the northern side is provided.
- b) A 50m road reserve along the eastern boundary of Bona Vista Homestead is proposed. A 4m footway on the eastern side and 37.5m vegetated area on the western side of the road reserve incorporating Cumberland Plain Woodland is also proposed.
- c) The proposed 38m and 37.5m wide strip are to be acquired using the contribution plan.

Section 4.6.5 – Bootles Lane – Rules

Bootles Lane is classified as Medium collector Road and requires 18m wide road reserve. The proposed 11m wide carriageway with 3.5m wide footway on both sides complies with Pitt Town Development Plan.

Section 4.7 - Bus and Cycle Routes

- a) The aim of providing a local bus service is to encourage the use of public transport and reduce reliance on private car use. The Pitt Town development plan envisages a local bus service to be provided through the development, when feasible. This bus service is to be funded by the Contributions Plan.

Section 4.8 - Community Facilities

A site to the north of the Pitt town public School has been identified for community facility. The area of the site is approximately 4000sqm as required in Pitt Town development Plan. This facility will be provided by Council and funded by the Contributions Plan.

In this regard it is noted that a separate development approval has recently been granted for the subdivision of land located to the north of the Public School comprising Lot 1 DP133026 into two lots. The purpose of the subdivision was to create a parcel of land comprising 1.35ha. for transfer to the Department of Education for the expansion of Pitt Town Public School in accordance with the requirements of LEP 1989, Pitt Town Development Plan Chapter and Schedule 5 Clause 2 of the Planning Agreement signed between the Minister for Planning and Johnson Property Group. The Department of Education is responsible for the acquisition of the site.

Section 4.9.3 - "Bona Vista Park" - Rules

- a) The proposed Lot 3035 with an area of 1.3496 ha is to be created next to the northern side of Bona Vista Homestead site. Council will acquire this lot for developing into a park in accordance with Pitt Town Development Plan. The acquisitions of land and development works are to be funded by the Contributions Plan.
- b) Council is to prepare a Landscape plan for the park. This plan is to include retention of existing vegetation and the historic fencing along Johnston Street.

Section 4.10 - Environmental Protection

- a) The proposed subdivision layout retains the existing trees within the road reserve. A condition is included on the consent to ensure these trees are not affected during the construction of roads and provision of services.
- b) A condition will be included on the consent to create a covenant of the title of all the proposed lots prohibiting solid fuel heaters within new development.
- c) A condition requiring revegetation of wetlands used for stormwater detention with species endemic to the area. This would assist in establishing a wildlife corridor, linking the preserved vegetation through to the riparian areas.
- d) Pitt Town development plan requires the use of species for street trees that assist in the establishment of a wild life corridor.

Section 4.11 - Heritage Conservation

- a) The proposed subdivision retains the 'Bona Vista' Homestead and associated structure and plantings. A park is to be created adjacent to the northern boundary of Bona Vista . A 50m wide reserve is to be created along the eastern and southern sides of Bona Vista as required by the NSW Heritage Office.
- b) The proposal does not affect the existing windbreaks.
- c) The proposed subdivision layout corresponds with historic lot boundaries and is consistent with the Pitt Town development plan.

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- d) The proposed subdivision retains historic road alignments as indicated on Pitt town development plan.
- e) The historic fence lines are retained within proposed road reserves.
- f) The current application does not affect Bona Vista Homestead. Other heritage places included on the Heritage schedule to LEP 1989 will be required to be retained and conserved and a heritage conservation plan will be required for each place to accompany any development application lodged for these places.

Section 4.12.2 - Stormwater Management

- a) The land shown for stormwater basins will need to be acquired when required.
- b) The stormwater management plan is required to demonstrate that water quality of stormwater discharged to the Hawkesbury –Nepean River system set out in Pitt Town Development Plan.
- c) A concept stormwater management plan has been submitted with the application.
- d) An erosion and sediment control plan has been submitted with the application.
- e) The storm water system proposed for the development is generally consistent with the adopted Water management plan for Pitt Town.

Section 4.13 - Utility Services

- a) The current proposal will require an upgrade of existing pump station at McGraths Hill. It is intended to provide a pumping station and rising main that will take the sewage to the existing McGraths Hill treatment plant.
- b) The sewerage Pump station sites on the western side of Hawkesbury Street and north of Hall Street as indicated on the Pitt Town Development Plan will be required as part of any future development applications for that part of the land serviced by these pump stations.
- c) Council has received information from Sydney Water, Integral Energy and Telstra that indicates that adequate utility services can be provided to all the allotments within the proposed subdivision. Subject to payment of necessary contributions Council will provide necessary sewerage facilities to the development.
- d) A condition requires the creation of an easement for all pipes and cables associated with water reticulation and sewer rising mains through Pitt Town must be underground within road reserves or registered easements and within common trenches wherever feasible.
- e) A condition requires a land 6 square metres in area are to be set-aside within Bona Vista Park for Telstra equipment.
- f) The information submitted with the application together with the response received from different service providers indicates that necessary services can be extended to the site. A more detailed services strategy plan is required as a condition of consent
- g) A condition requiring all lot with a dwelling that is more than 45 metres from a street fire hydrant must contain a minimum 10 000 litre capacity water storage tank for fire fighting purposes.
- h) The proposed sewer system is generally in accordance with the adopted Water Management Plan for Pitt Town.

Community Consultation

The proposal was notified to the adjoining and nearby property owners in accordance with the Hawkesbury Development Control Plan by letter dated 19 September 2006. Eleven submissions of objection were received during the notification period. The issues raised in the submissions are summarised in the following table with necessary comments provided:

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	ISSUES	COMMENTS
	Further rezoning of land and other development applications for the subject land	
1	This Development should be put on hold pending outcome of the further rezoning proposal currently with Council.	Whilst a proposal to increase the density of development within the area affected by Hawkesbury LEP 1989 – Amendment 145 is currently being considered by Council, the subject application is in accordance with the LEP 145 which was gazetted on 18 August, 2006. The current proposal is not affected by the further rezoning proposal. DA cannot be withheld pending rezoning.
2	Hold over of DA's until 3 month period after gazettal.	There is no statutory provision to hold the determination of Development applications after Gazettal of the Local Environmental Plan.
3	Clearance from the Minister responsible for heritage assessment.	A Section 90 permit issued by the Department of Environment and Conservation (DEC) is required prior to any works commencing. This permit allows for the excavation and removal of known aboriginal historical sites. The DCP for Pitt Town is also explicit in the retaining of wind breaks and historic fences.
4	When is the independent planners report expected.	The report from the independent planner on rezoning proposal is not relevant to the current proposal.
5	Further rezoning to provide 450sqm allotments.	The proposed lot sizes in this proposal are consistent with the area requirements within Hawkesbury LEP and Pitt town Development plan. The proposed rezoning to create smaller allotments is a separate matter and is not relevant to this proposal.
6	Submission of a request to further rezone this land to allow for smaller lot sizes and an increase in lot numbers.	As above
7	Previous DA 0278/06 has not been determined.	DA 0278/06 is for the establishment of a turf farm. The application will be finalized upon determination of the subdivision application.
8	The subdivision DA is in conflict with the previous DA for plant and turf cultivation.	As above
	Development Pattern and Lot sizes	
9	A comprehensive proposal for the entire Investigation Area comprising 631 lots be submitted for approval.	There is no restriction to carry out a staged development. The current proposal is for the Bona Vista area. Compliance with Council's LEP and DCP controls will be required as and when development applications for subdivision of the remaining parcels of land are received.
10	This application does not show the whole proposed development.	The current proposal is for the subdivision of Bona Vista. Land. Any future proposal to subdivide the remaining land within Hawkesbury LEP 1989 – Amendment 145 area will be subject further consent.
11	Density on Bona Vista to be too many lots.	The proposal complies with the minimum lot size and shapes requirements of Hawkesbury LEP 1989. It is also consistent with the street layout and minimum street width requirements

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	ISSUES	COMMENTS
		of Hawkesbury DCP – Pitt Town Development Plan.
12	What is the envisaged number and lot sizes for the Fernadell site.	The indicative Pitt Town Development Plan envisages a total of 146 lots for the Fernadell site. The lot sizes includes 750-800sqm and 2000sqm.
13	What is the envisaged number and lot sizes for the Bona Vista site.	The indicative Pitt Town Development Plan for Bona Vista Site envisaged 196 lots. The lot sizes include 750-800sqm and 1500sqm. The proposal is for 224 lots. All lots comply with the minimum area requirements of Hawkesbury LEP 1989 – Amendment 145.
14	Additional lots between Johnston Street and Hall Street.	Lots between Johnston Street and Hall Street are not subject to this DA.
15	Number and lot sizes of property north of Hall Street to Hawkesbury River.	Lots between Hall Street and the Hawkesbury River are not subject to this DA. This area is subject to density control under Hawkesbury LEP – amendment 145.
16	The DA, DCP and LEP are inconsistent with the existing blocks regarding lot sizes.	The proposed lot sizes are consistent with the minimum area requirements of Hawkesbury LEP 1989 – Amendment 145.
17	The DCP is different to the LEP which is different to the DA.	The proposed DA is consistent with the requirements of Hawkesbury LEP and Pitt Town Development Plan in regards to lot sizes, shapes, and road layout and widths.
18	The DA is inconsistent with DCP and LEP.	As above in 17
19	If Council wants to be fair should not the developer and his DA meet the existing residents halfway.	As above in 17
20	Lots 1027, 1028, 1029 and 1017 be amalgamated to compliment the current Amelia Grove.	All the lots are consistent with the minimum allotment sizes required in Hawkesbury LEP 1989 – Amendment 145.
21	Small lot sizes.	As above in 20
22	Does not comply with Pitt Town Amendment 145.	The proposal is consistent with Hawkesbury LEP 1989 – Amendment 145.
23	DA is not supported by the Pitt Town LES.	Hawkesbury LEP 1989 – Amendment 145 was based on Pitt Town Local Environmental Study. The Current DA is consistent with Hawkesbury LEP 1989 – Amendment 145.
24	Represents an overdevelopment	The proposed DA is consistent with the requirements of Hawkesbury LEP and Pitt Town Development Plan in regards to lot sizes, shapes, and road layout and widths.
	Planning Agreement	
25	Planning agreement should be fully implemented	The Planning Agreement between Minister for Planning and Johnsons Property Group was signed on 26 July 2006. This agreement outlines infrastructure improvement works that must be completed prior to the construction of dwelling house. In accordance with Clause 55 of Hawkesbury LEP 1989 the Director General for Planning has issued certification that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services for

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	ISSUES	COMMENTS
		certain subdivision in Pitt town. The Department has also provided a list of conditions which will be included on any consent.
	Provision of Utilities and Services	
26	Written confirmation from relevant authorities that the services are costed planned and date of implementation	Relevant authorities including Sydney water, Integral Energy, Telstra have indicated that necessary services can be extended to the subject site. House construction will not commence until such time all the required services are operational to each stage of development.
27	Improvements and infrastructure is either by-passed or conveniently ignored.	All the relevant infrastructure is to be provided at developer's expense. The developer is also required to upgrade regional infrastructure in accordance with the Planning Agreement.
28	Infrastructure problems such as public transport, roads, power, water supply, sewerage and telephone lines.	There is a bus service that runs from Pitt Town to Windsor. All other infrastructure will be provided at developer's expense prior to any construction of dwellings commencing.
29	Construction of infrastructure first not happening.	All the relevant infrastructure is to be provided at developer's expense. House construction will not commence until such time all the required services are operational to each stage of development.
30	No mention of sewerage; where is it going.	The sewerage infrastructure will be constructed and funded by the developer. It is intended to provide a pumping station and rising main that will take the sewage to the existing McGraths Hill treatment plant.
31	Self sufficiency will be achieved in power generation or water supply.	All dwellings within the proposed subdivision will be required to comply with BASIX requirements which will achieve energy conservation. Water supply and Electricity will however be extended to the development
32	Redevelopment is not sustainable and will not generate sufficient funds for maintenance and renewal of storm water infrastructure.	Development will be fully funded by the developer. S94 and s94 contribution will be applied to ensure storm water and sewerage facilities in the area...
33	How infrastructure upgrades promised will ensured	The developer is required to provide necessary utilities and infrastructure at no cost to Council. No dwelling houses are allowed to be constructed until such time Council and all other relevant authorities are satisfied that the infrastructure is available.
34	Original commitment that water will be sourced from Warragamba Supply System will now not be fulfilled.	Water supply is the responsibility of Sydney Water and it is up to them to decide where this supply is to come from. At present Water is likely to be supplied from North Richmond treatment plant.
35	Council does not have the funds to complete the required sewerage infrastructure upgrades.	The sewerage infrastructure upgrades will be fully funded by the developer, in accordance with the requirements of Section 64 of the Local Government Act 1993.
	Road and Traffic	
36	Local roads outside the immediate proposed development area are not upgraded and what	The main roads leading to the proposed site are to be upgraded as part of the Planning Agreement signed between the Minister for Planning and the developer. The proposed

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	will be the expected traffic volumes.	impact of traffic on local roads was considered as part of studies leading to Hawkesbury LEP 1989 - Amendment 145 and Pitt Town development Plan.
37	Road joining up Amelia Grove has not been shown. Can this be shown as a cul-de-sac. Will object to this road connecting Amelia Grove on traffic grounds	The road connecting to Amelia Grove will be required as a condition of consent. This will provided both vehicular and pedestrian linkage within the development. This road will have minimal traffic impact as Amelia Grove is a cul-de sac and traffic from the development is not likely to use it for traveling to and from the site.
38	Planned park on NE corner of the site. Parking access from the eastern curtilage and not Amelia Grove.	The development of park will be funded by S94 Contributions plan and will be designed and developed by Council. These issues will be considered when detailed designs are being prepared.
39	No provision for footpaths or cycle ways on the plan.	All road profiles in the Pitt Town Development plan incorporate a 3.5m footpath on both sides of the carriageway. Cycle ways will also be provided where required.
40	Will there be provision for widening of Bathurst Street with a footpath.	This Development Application does not involve widening of Bathurst Street.
41	Inclusion of the proposed by-pass road at Brisnsley Park as part of the proposed development.	This Development Application does not include the by-pass road at Brisnsley Park.
42	Pollution from the enormous amount of additional car movements.	The proposal will result in some increase in traffic however the extent of air pollution generated by the additional will be of acceptable levels.
43	Additional excessive roadway traffic, accidents and noise pollution.	Any increase in traffic and associated noise and accidents will be consistent with that of any other residential development of similar size. There is no evidence to suggest that the proposal will have adverse impact on the surrounding areas on traffic grounds.
44	Increase in motor vehicle movements.	The proposed additional lots will result in some increase in traffic in the area, however the existing roads and the improvements to the regional traffic infrastructure will ensure minimal impact on traffic grounds.
45	Roads will be widened to accommodate additional population.	The width of the proposed roads will be in accordance with the minimum dimensions stipulated in the Pitt Town Development Plan.
46	A grave risk of danger with added motor vehicle and pedestrian accidents.	The road and intersection design will ensure minimal risk to vehicular and pedestrian traffic in the area. There is no evidence to suggest that the development will result in the likelihood of more accidents in the area.
47	More traffic problems in the area like those arising as a result of urban development along Windsor Road	The studies leading to the Hawkesbury LEP 1989 – Amendment 145 indicates that the area is capable of accommodating the additional traffic demand with necessary improvements to the existing road work and regional traffic infrastructure.
48	All local roads will suffer from extra use by more residents.	The studies leading to the Hawkesbury LEP 1989 – Amendment 145 indicates that the existing local roads are capable of accommodating the additional traffic generated by the development.

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49	Service roads in the DA are too small and parking problems will occur.	The Pitt Town Development Plan suggests a hierarchy of roads in the area. The proposed roads in the plan of subdivision are consistent with the requirements of Pitt Town Development Plan.
50	Narrow streets will be dangerous for future residents.	The proposed road widths are not likely to compromise the safety of the future residents.
51	The intersection at Bathurst Street and the main road is not designed to carry large amounts of traffic.	The traffic study associated with Hawkesbury LEP 1989 – Amendment 145 did not raise issues in regards to the adequacy of intersection at Bathurst Street and main roads.
52	Safety upgrade of traffic lights at the intersection of Pitt Town Road and Windsor Road at McGraths Hill is necessary for safety.	Necessary upgrades of the intersection will be carried out. This is a requirement of the RTA and will be fully funded by the developer.
53	No public transport exists in the area.	There is an existing bus service between Windsor and Pitt Town.
54	The proposal will result in excess traffic on Pitt Town Road.	Necessary upgrading works will be carried out on Pitt Town. These works are required by the RTA and will be fully funded by the developer.
	Community Facilities	
55	Hawkesbury Council should provide local facilities such as community centre and playing fields prior to any approval for subdivision of land.	Community facilities for the proposed development will be provided as part of s94 Contributions Plan and the contributions paid by the developer with the current subdivision application.
56	What community facilities and infrastructure can be expected.	Pitt Town Development Plan requires the provision of playing fields, a community centre, expansion of the school site, provision of wetlands and open spaces.
	Impact on Trees	
57	Many large landmark eucalypt trees will be destroyed.	Significant existing trees that have been identified on the Pitt Town Development Plan in accordance with the requirements of NSW Heritage Office will be required to be retained within the road reserves or proposed lots.
58	Destruction of native flora and fauna.	A Native vegetation /flora and fauna will be required to be retained in accordance with the requirement of NSW Heritage Office and department of Environment and conservation provided as part of the preparation Hawkesbury LEP 1989 – Amendment 145 and Pitt Town Development Plan. This will be ensured as a condition of consent. Areas of conservation significance will be maintained.
59	Ignoring the Threatened Species Act.	Pitt Town Development Plan Identifies area of conservation and significant trees. These areas and trees will be required to be preserved as a condition of Consent. The proposal includes creation of Lot 106 that predominantly occupies a significant area of conservation and there is no proposal to develop this lot with this application. All other trees along existing roads will be required to be retained as a condition of consent.
60	Intensive housing will put pressure	The future houses will be required to retain the significant trees

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	on the survival of the trees and subject the houses to bushfire threat.	identified in Pitt Town Development Plan. The Rural Fire services have issued Bush Fire Safety Authority under section 100B of the Rural Fires Act. The requirements of the Safety Authority will be included as conditions of consent.
61	The developer has bulldozed the existing vegetation.	This is a separate matter and Council has initiated appropriate action for alleged unauthorized removal of trees.
62	Recommendations of Dr Anne Clemments have been ignored.	The proposed subdivision layout for Bona Vista area as envisaged in Pitt Town Development Plan gave consideration to the Flora and Fauna assessment prepared by Dr Clemments. The current application is consistent with the requirements of Pitt town development Plan.
63	Retaining of as many large eucalypt trees as possible on Stages 4 and 5.	All significant trees as identified in Pitt Town Development Plan are required to be retained within road reserves or proposed lots. The Development Plan requires that all vegetation over 3m in height should be retained. However if they are to be removed, a minimum of 3 trees are to be planted for every tree removed.
64	Visual boundary screening on the vegetated area in the buffer zone.	The existing trees are to be retained to act as screening and visual boundary for the buffer zone area.
65	No wildlife corridors are provided (Bona Vista to Longneck Lagoon).	The retention of existing trees within the road reserves and plantation of plant species that assist in the establishment of wildlife corridor will be required in accordance with the requirements of Pitt Town Development Plan.
66	Any fauna living in the area will be threatened by domestic animals and their existing environment will be reduced.	The existing fauna will be conserved by retention of existing vegetation and planting tree species that support wildlife corridor. There is no evidence to suggest that the domestic animals will threaten the existing fauna in the area.
67	DA is contrary to the Hawkesbury Wildlife Corridor Plan.	The retention of existing trees within the road reserves and plantation of species that assist in the establishment of wildlife corridor will be required in accordance with the requirements of Pitt Town Development Plan. Wildlife corridors will therefore be provided through appropriate tree species within the streetscape, as identified in the DCP.
68	The proposed development will adversely impact on the adjoining areas of native vegetation and critical habitat.	The proposal is not likely to have adverse impacts as significant vegetation on the subject site will be retained and new planting will be provided to establish wildlife corridor.
69	Represents an unacceptable risk in relation to the exposure of residential housing to the threat of bushfires.	NSW Rural Fire Service has issued Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997 and the requirements of the safety authority are included as conditions of consent.
	Housing within the area of Cumberland Plain Woodland/SGTF identified by NPWS. Appropriate safeguards should be implemented to protect against urban sprawl.	The proposed Lot 106 located towards the south-eastern corner of Bona Vista site is being retained as an area of conservation of significance.
	Water Management	
70	Pollution of the Hawkesbury River,	The submitted storm water management plan complies with

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	local rivers and lagoons.	the requirements of Pitt town development plan. Specific conditions are to be included to ensure the water quality discharged in the Hawkesbury-Nepean River System complies with the requirement of the Development Plan.
71	The off site downstream impacts of storm water on Longneck Lagoon, Pitt Town Lagoon and Nature Reserve have not been assessed, let alone found to be acceptable.	As above in 70
72	Excessive drainage run off	The proposed storm water management plan is to ensure the control of run-off from the site to the adjoining areas. The extent of run-off has to comply with Council's requirements.
73	Drainage is to the SE end of Buckingham Street will be affected as this is already a flood zone.	The applicant will be required to prepare a suitable storm water management plan to prevent any increase in the amount of discharge into the Hawkesbury River. This plan will ensure improvement in the water quality being discharged and minimising the existing risk of flooding.
74	The proposed subdivision will have adverse impacts due to additional run off on the adjoining areas.	Storm water management plan prepared in accordance with the requirements of Pitt town Development plan minimal impacts on the adjoining areas.
	Impact on Heritage Significance	
75	Clearance from the Minister responsible for heritage assessment should be obtained.	A Section 90 Permit issued by the Department of Environment and Conservation is required prior to commencement of any works on the subject land. This permit allows for the works to be carried out on known aboriginal sites.
76	Destroy local heritage landscapes and historical buildings.	The proposal is consistent with the requirements of Pitt Town Development Plan. It proposes to conserve All areas of significant heritage that has been identified in the plan including wind breaks and heritage fences.
77	Destroy historical churches.	The proposal does not involve destruction of any churches in the area.
78	Destroy the historical rural atmosphere of Pitt Town.	The proposed subdivision is consistent with the desired future character of the area as envisaged in Hawkesbury LEP 1989 – Amendment 145 and Pitt Town Development Plan.
79	A historical village that is unique and special	No adverse impacts are envisaged on the historical character of Pitt Town. The proposal is consistent with the desired future character of the area as envisaged in Hawkesbury LEP 1989 – Amendment 145 and Pitt Town Development Plan.
80	DA is contrary to the recommendations of the Heritage Department and DEC	The proposal complies with the requirements of NSW Heritage Office. A section 90m permit will be required to ensure the DEC requirements are obtained and implemented prior to any works commencing on site.
	Soil Contamination	
81	Contamination by past agricultural	The application accompanies a draft site investigation report

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	uses and the remediation process is completed under respective laws and guidelines.	and remediation action plan (for the removal of potential contaminants from the site. A condition of consent requires remediation of the land prior to any works commencing on site. These remediation works are required to be certified by DEC accredited site auditor prior to any development occurring.
82	Not been assessed as to whether the land can be remediated from any possible contamination issues.	A remediation action plan (RAP) has been submitted with the application which provides details and type of contaminants and the manner in which remediation works are to be carried out. This report concludes that the site can be remediated for future residential land uses.
	Flood Evacuation	
83	Raising of the flood evacuation route should also be completed.	The flood evacuation route will be raised to a height above the 1 in 100 year flood level which is 17.3m AHD.
84	One road for a flood evacuation will be inadequate.	Pitt town Development plan identifies two flood evacuation routes. This includes the existing route through Pitt Town and an increase in level of the one along Wells/Hall Street.
85	Most concerned about the flood evacuation routes.	As above in 84
	Impact on Existing Agricultural Activities	
86	The proposed subdivision will affect local agricultural activities.	There are no agricultural activities on any part of the land which is subject of this application.
87	This urban housing development permanently alters the outcome of any future agricultural use of the land.	The proposed development is consistent with the desired future character for the area as envisaged in Pitt Town Development Control Plan and Hawkesbury LEP 1989 – Amendment 145.
88	Will put pressure on existing residents and lead to conflict, especially if some properties want to farm their land.	There is no evidence to suggest that the proposal will lead to conflict in the area.
89	Farmland will be lost forever.	The subject land is not used for agricultural purposes. The new use for housing purposes is consistent with the desired future character for the area.
90	Would affect the rural amenity and lifestyle.	The proposal is not likely to impact the rural lifestyle and amenity. The proposed development is consistent with the desired future character for the area as envisaged in Pitt Town Development Control Plan and Hawkesbury LEP 1989 – Amendment 145.
	Other Issues	
91	Lots 1027, 1028, 1029 and 1017 be amalgamated to compliment the current Amelia Grove.	Lots 1027, 1028, 1029 and 1017 facing Amelia Grove fully comply with the minimum requirements of LEP 145.
92	Consideration should be given to the building envelope as well as sighting guidelines for privacy.	The subject application is for the subdivision of land. Any future dwelling construction is to comply with the building envelope and landscaping controls contained in Pitt Town Development Plan.

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93	Appropriate fencing to be erected by the developer.	Fencing on individual allotments will be required when construction of dwellings occur on these allotments. Pitt Town Development Plan provides controls for fencing in the area.
94	Screening to be provided by the developer to preserve the rural amenity.	There are requirements within the DCP on visual privacy and buffers.
95	During construction, adequate environmental controls to minimize dust, noise pollution and privacy.	Hawkesbury DCP requirements on dust control, noise, erosion and sediment control and hours of construction will be required to be implemented to minimize any adverse impacts on the adjoining area.
96	Tourist won't come to see another Kellyville or Rouse Hill	Not a planning consideration.
97	Intimidation and infiltration by the developer	No comments.
98	DA is contrary to Council's Strategic Objectives and Directions.	The proposed subdivision is consistent with the aims and objectives of Hawkesbury LEP 1989 and Pitt Town Development Plan.
99	The proposal will set an unacceptable precedent	There is no evidence to suggest that the proposed subdivision will result in unacceptable precedent as the proposal is permissible in the zone and is consistent with the aim and objectives of the plan.
100	The application is not in the public interest.	The proposal is considered not to be contrary to the public interest.

Planning Assessment

Consideration has been given to s79C (1)(b) of the EP&A Act as shown below. It should be noted that a full assessment is contained within Council's file.

Context And Setting

The subject land forms part of a former rural area used predominantly for agricultural pursuits. The locality comprises a mix of urban and semi rural activities with majority of existing dwellings are located to east and west of the site along Amelia Grove and Johnston Street.

The proposal involves the creation of 226 lots including 224 residential lots of varying sizes in accordance with the recent rezoning of land pursuant to Amendment 145 to Hawkesbury LEP 1989. The existing Pitt Town mainly provides for rural village character. The proposed subdivision provides for a variety of lot sizes and densities to ensure village character is maintained. It is therefore considered that the subdivision is not inconsistent with or incompatible with the rural residential development that adjoins the site to the west and will not adversely impact upon the environmental or scenic quality of the landscape of the area. The proposed development is consistent with the desired future character of the locality as envisaged in the Pitt Town development plan. The surrounding properties will not be unreasonably impacted in terms of visual privacy, loss of views or traffic generation.

Access, Transport and Traffic

The proposed street design is consistent with the requirements of Pitt Town Development plan as it maintains road hierarchy throughout the development. It maintains the existing road alignments within the subject land. It also links with the existing peripheral local roads.

The Local Environmental Study and Transport Management and Accessibility Plan prepared prior to Amendment 145 indicates that the existing traffic volumes on the roads within the area adjoining the site

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carry low volumes and have the capacity to absorb additional traffic generated by the subdivision of land in the area.

The proposal involves upgrade of the regional transport infrastructure including widening of existing roads and improvement of intersections. It is considered that the proposal is likely to have minimal impacts on existing traffic within the area.

Utilities and Public Domain

Hawkesbury LEP 1989 requires the provision of services in the area prior to any subdivision of land. Council has received correspondence for different service providers including Sydney water, Integral Energy and Telstra that necessary services can be extended to the subject land. The applicant has also provided details of storm water management works for the site. Upgrade of existing sewerage infrastructure will be carried out to service the development. These works will be funded from S64 contributions plan.

In accordance with Council's adopted S94 Contributions Plan for Pitt Town an appropriate condition has been included in the recommended consent requiring for payment for open spaces, recreational facilities, community facilities, cost of studies, acquisition of land and transport infrastructure.

Heritage

The subject site adjoins Bona Vista Homestead which is an item of heritage significance under Hawkesbury LEP 1989. The proposed development is consistent with the heritage considerations stipulated in Pitt Town Development Plan including preserving historic fence lines within the road reserves and windbreaks and NSW Heritage Office requirements in regards to buffer zone required around Bona Vista.

In accordance with the Archaeological study submitted as part of the Hawkesbury LEP 1989 – Amendment 145, the subject land has some scientific value for aboriginal heritage. A condition requires the necessity to apply for a Section 90 Permit under the Wildlife Act 1974 prior to disturbing any aboriginal objects. This will be a condition of Deferred Commencement Consent.

Stormwater management and flooding

The application accompanies a storm water management plan that complies with the requirements of Pitt Town Development Plan. This will ensure the water quality discharged in the Hawkesbury-Nepean River System complies with the requirement of the Development Plan. In addition a further plan is required that demonstrates no increase in the amount of discharge into the Hawkesbury River, an improvement in the water quality being discharged and minimising the existing risk of flooding.

The subject land is not affected by 1in 100 Year flood, however Pitt Town Development Plan requires raising of the flood evacuation routes to a height above the 1 in 100 year flood level which is 17.3m AHD. The Plan identifies two flood evacuation routes. This includes the existing route through Pitt Town and an increase in level of the one along Wells/Hall Street.

Flora and Fauna

The south east corner of site contains remnant vegetation. The portion of the site along Johnston Street adjoining proposed stages 4 and 5 also contain significant stand of trees. A flora and fauna assessment prepared by Anne Clemments was submitted as part of studies leading to the preparation of Amendment 145 to Hawkesbury LEP 1989. Recommendations of this report were included in the Pitt Town Development Plan and areas of conservation and significant trees were identified. These areas and trees are to be preserved as a condition of Consent.

The proposal includes creation of Lot 106 that predominantly occupies significant area of conservation and there is no proposal to develop this lot with this application. The Development Plan requires that all vegetation over 3m in height should be retained. However, if these trees are to be removed. a minimum of 3 trees are to be planted for every tree removed to minimize impact

Social and Economic Impact in the Locality

The proposal will provide a choice of housing which will provide positive social impact on the locality. The development and construction works will generate positive economic activity in the area.

Site Design And Internal Design

The proposed subdivision fully complies with the minimum lot sizes and density controls under Hawkesbury LEP 1989 and Pitt Town Development Plan. Each allotment has satisfactory depth to width ratio to allow for the construction of a dwelling house on these allotments.

Cumulative Impact

The proposed development is consistent with the desired future character of the area as envisaged in the relevant planning instruments. Given the benefits of preserving significant vegetation, improvement to existing roads and intersections, provision of utilities and services, improvement to water quality before it is discharge into Hawkesbury River and improvement/provision of community facilities, no significant negative impacts are envisaged.

Public Interest

The issues raised in the submissions have been addressed previously in this report. It is considered that the concerns raised are not of sufficient weight to warrant refusal of the application and many can be addressed through appropriate conditions of consent.

Conclusion

The proposed subdivision demonstrates satisfactory compliance with the provisions of Sydney Regional Environmental Plan No. 20, Hawkesbury Local Environmental Plan 1989, Hawkesbury Development Control Plan especially Pitt Town Development Plan. The proposal will provide a choice and variety of housing in the area. It is recommended that the application be approved by granting deferred commencement consent.

Conformance to Strategic Plan

The recommendation conforms to the objectives as set out in the Strategic Plan, i.e.

"A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city", and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the city."

Funding

No impact on Budget.

RECOMMENDATION:

- A. Development application DA0557/06 Lot 14 DP 86597 and Lot 132 DP 1025786 to carry out a 6 stage subdivision of the following land be approved by granting 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.

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- (b) The "Deferred Commencement" consent will lapse in twelve months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

Schedule 1

1. A permit under Section 90 of the National Parks and Wildlife Act 1974 shall be obtained and submitted to Council.

Schedule 2

General Conditions relating to Stages 1a to 5

2. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
4. 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 7 (seven) days of issuing the certificate. A registration fee applies.
5. 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.
6. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
7. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.
8. The proposed subdivision shall comply with the requirements of Hawkesbury Development Control Plan – Part E - Specific Areas, Chapter 4 – Pitt Town.
9. The Developer must enter into the Work Agreement Deed and provide a copy of the executed WAD to the Minister and the Director General prior to the issue of the certificate.
10. The following five intersections with Pitt Town Road - Charles Street, Wolesley Road, Pitt Town Bottoms Road/Saunders Road, Schofield Road, Glebe Road are to be upgraded with localised widening to provide appropriate left turn and right turn bays. The first four intersections are to be upgraded in accordance with the RTA's AUR and AUL intersection treatments with the Pitt Town Road/Wolesley Road being upgraded in accordance with the RTA's CHR intersection treatment.

The developer must complete the intersection works in accordance with the terms of the WAD and to the satisfaction of the RTA.

11. Shoulder construction - Continuous 2m wide sealed shoulders from Windsor Road to the end of Pitt Town Road pavement consisting of 400mm of road base (DGB20), 10mm prime seal and 14mm rubberised spray seal. Alternatively a 360mm road base (DGB20) and 40mm AC14 wearing course could be provided in place of the spray seal. The join between the shoulder works and the existing pavement is to be formed by either excavation with a rotor mill or saw cut. Appropriate drainage (subsoil and surface) is to be provided in accordance with RTA requirements. Services and other road safety hazards, including but not limited to power poles, trees etc within the shoulders and clear

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zone (determined as per the RTA's design guidelines) are to be relocated. Only if road safety hazards cannot be relocated due to the proximity of property boundaries, can they then be treated by protection (eg by use of guard rail).

The Developer must complete the Shoulder Works in accordance with the terms of the WAD and to the satisfaction of the RTA.

NSW Rural Fire Services

12. Reticulated water system shall comply with AS2419. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.
13. Any future development application lodged for this subdivision under section 79 BA of the EP & A Act will be subject to requirements as set out in Planning for Bushfire Protection 2001.
14. Access to comply with section 4.3.1 Planning for Bushfire Protection.
15. The residential allotments that adjoin residual Lot 106, specifically proposed lots 5029 – 5042 (Inclusive, 2001 – 2002 (inclusive), 2051 – 2060 (inclusive). And 2064 – 2065 (inclusive) shall be provided with APZ towards Lot 106 to distance of 30 metres, which shall be maintained for a distance of 20 metres as an 'Inner Protection Area' (IPA) then an additional 10 metres shall be maintained as an Outer Protection Area (OPA) as outlined in Section 4.2.2 in 'Planning for Bushfire Protection 2001'. The proposed road network may be included within the required APZs.
16. Due to the proposed staging of the subdivision, the proposed development will be required to implement Temporary APZs to all areas that form future stages of residential development. These APZs should be to a distance of 20 metres and be maintained as an 'Inner Protection Area' (IPA) until the relevant area is developed.

NSW Department of Planning

17. The Developer must enter into a Work Agreement Deed with the Roads and Traffic Authority in accordance with the Pitt Town Planning Agreement.
18. The Developer must complete all intersection works and shoulder works in accordance with the Work Agreement Deed and to the satisfaction of the Roads and Traffic Authority.
19. The Developer must dedicate the proposed school site in accordance with the Pitt town Planning Agreement
20. The Developer must pay the DEC Contributions and School Building Contributions as set out in the Pitt Town Planning Agreement prior to the release of the first linen plans for the subdivision in accordance with the Pitt Town Planning Agreement.

Roads and Traffic Authority

21. The developer to carry out the agreed road improvements as outlined in the Planning Agreement between the RTA and the developer for the development site.
22. A Construction Traffic management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control for approval prior to issue of a Construction certificate.

Prior to Issue of Construction Certificate – Stages 1a to 5

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

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

24. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
25. Construction of the road, access and drainage are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of Environment and Development or an Accredited Certifier
26. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (2002) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.
27. The missing portion of east-west road within Stage 1 of the proposed subdivision is to be provided to create a link with Amelia Grove. Amended plans are to be submitted prior to the release of the Construction Certificate.

Prior to Commencement of Works – Stages 1a to 5

28. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
29. 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.
30. Private Accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.
31. 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.

During Construction – Stages 1a to 5

32. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
33. 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.
34. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
35. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
36. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
37. 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.
38. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.

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39. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
40. The cut or fill shall be battered at a slope not exceeding 1 (one) vertical to 3 horizontal.
41. The topsoil shall be stripped and stockpiled and used to cover the area of works.
42. Inter-allotment drainage shall be provided for all lots which do not drain directly to a public road. Easements are to be created at the applicant's cost.
43. Water quality control devices and energy dissipaters shall be constructed at the point of discharge of stormwater from the site.
44. 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.
45. All lots shall be filled to a minimum of RL 17.3m AHD.
46. Street name signs shall be provided at the junction of the new road/s.
47. All necessary street signage and pavement markings shall be installed.
48. All services or suitable conduits shall be placed prior to concrete pouring.

Prior to Issue of Subdivision Certificate

49. 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.
50. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
51. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
52. Registration of the title of any easements required for stormwater within the subdivision.
53. Easements 4m wide and 10m long shall be created over the site for drainage discharge from roads (at no cost to Council).
54. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
55. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.
56. Compliance with all conditions of this development consent to the satisfaction of Council.
57. The new road/s shall be classified as public road/s.
58. All new roads, including pathways and drainage, shall be dedicated

ORDINARY MEETING

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SPECIFIC CONDITIONS RELATING TO STAGE 1A - 6 LOT SUBDIVISION

Prior to Issue of Construction Certificate

59. Payment of a Construction Certificate checking fee of \$4,861.50 and a Compliance Certificate inspection fee of \$9,723.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.
60. A separate Development application shall be lodged with Hawkesbury City Council for site remediation works on Lot 14 DP 865977 and Lot 132 DP 1025876 for approval in accordance with the requirement of State Environmental Planning Policy No. 55 – Remediation of Land.

Prior to Commencement of Works

61. No excavation, site works or building works shall be commenced prior to site validation report issued by the a DEC accredited Site Auditor for site remediation works and a certificate issued in regards to the suitability of the site for residential use.

During Construction

62. The road shoulder and half width sealed road pavement (4.0m wide) of Johnston Street, in accordance with the alignment shown on drawing No: (L03017 – Master Amend D) Shall be constructed from the line of the eastern alignment with Hawkesbury Street to a point 10 metres East of the line of the western boundary of proposed Lot 105.

Prior to Issue of Subdivision Certificate

63. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a)	Preliminary Investigation Plans	\$115.69
(b)	Land Acquisition	\$5,400.96
(c)	Community Facilities	\$12,560.316
(d)	Park Improvement	\$6,820.08
(e)	Recreational Facilities	\$3,671.76
(f)	Road Works	\$39,615.55
(g)	Regional works	\$3,743.01

Total: \$71,927.21

The amount has been determined in accordance with Hawkesbury's Section 94 Contribution Plan Review November 2005. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contribution Plan Review November 2005.

64. Prior to the release of the Subdivision Certificate, payment of the following fees in accordance with Council's revenue Pricing Policy:

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a)	Preliminary Investigation Studies	\$512.57
b)	Land Acquisition	\$9,060.00
c)	Drainage Construction	\$28,301.72
d)	Sewer Headworks	\$18,282.00
e)	Pump Station "J" and Rising main "J" – New Works	\$10,887.00
f)	Pump Station "J" and Rising main "J" – Retrofit and re-routing	\$2,376.00
g)	Pump Station "C" and Rising main "C" – New Works	\$21,966.00

Total: **\$91,440.77**

These fees will remain fix until 30 June 2007 after which it will be recalculated at the rate payable at the time of payment.

SPECIFIC CONDITIONS RELATING TO STAGE 1B - 29 LOT SUBDIVISION

General

65. The approval shall not commence until all conditions of the Development Consent in respect of Stage (1A) have been complied with.

Prior to Issue of the Construction Certificate

66. Payment of a Construction Certificate checking fee of \$5,654 and a Compliance Certificate inspection fee of \$11,066 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.
67. Construction of sewer works is not to commence until permission is granted in writing from the Branch Manager of Water Management. A *Major and Minor Sewer Works* application along with three (3) copies of proposed sewer works must be submitted to the Manager for assessment and approval. Fees apply for assessment. The fees covering the cost of assessment and any inspections deemed necessary during construction will be notified after the plans are received.

During Construction

68. A surcharge path sufficient to carry the 1 in 100 year storm flow to be provided across Lots 102 and 106 and a drainage easement of adequate width to be created over the surcharge path.
69. Basin 2 to be located within lot 106 shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
70. Kerb and gutter drainage with full width AC sealed pavement of roads (106, 107, 113) shall be constructed to the alignment shown on plan ref L03017-ST1 amendment D, (dated 18/8/06) for the length of the proposed lots incorporating stage 1B.
71. A centrally located concrete driveway, minimum 2.5 metres wide, shall be constructed along the full length of the access handle to Lots 1013, 1014, 1017. The driveways shall be a minimum thickness of 150mm and be reinforced with F82 mesh.
72. Sewage reticulation, including junctions, shall be constructed to each lot in the subdivision where not already provided.

Prior to Issue of Subdivision Certificate

73. A soil contamination report certifying that the whole of Lot 101 is suitable for residential use shall be submitted.

ORDINARY MEETING

Meeting Date: 24 April 2007

74. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a)	Preliminary Investigation Plans	\$1,079.74.
(b)	Land Acquisition	\$50,408.96
(c)	Community Facilities	\$117,228.15
(d)	Park Improvement	\$63,654.10
(e)	Recreational Facilities	\$34,269.80
(f)	Road Works	\$369,745.12
(g)	Regional works	\$34,934.73

TOTAL: \$671,320.60

The amount has been determined in accordance with Hawkesbury's Section 94 Contribution Plan Review November 2005. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contribution Plan Review November 2005.

75. Prior to the release of the Subdivision Certificate, payment of the following fees in accordance with Council's revenue Pricing Policy:

a)	Preliminary Investigation Studies	\$4,783.98
b)	Land Acquisition	\$84,560.00
c)	Drainage Construction	\$264,149.38
d)	Sewer Headworks	\$170,632.00
e)	Pump Station "J" and Rising main "J" – New Works	\$101,612.00
f)	Pump Station "J" and Rising main "J" – Retrofit and re-routing	\$22,176.00
g)	Pump Station "C" and Rising main "C" – New Works	\$205,016.00

Total: \$852,929.36

These fees will remain fixed until 30 June 2007 after which it will be recalculated at the rate applicable at the time of payment.

SPECIFIC CONDITIONS RELATING TO STAGE 2 - 68 LOT SUBDIVISION

Prior to Issue of the Construction Certificate

76. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (2002) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.
77. Construction of sewer works is not to commence until permission is granted in writing from the Branch Manager of Water Management. A *Major Sewer Works* application along with three (3) copies of proposed sewer works must be submitted to the Manager for assessment and approval. Fees apply for assessment. The fees cover the cost of assessment and any inspections deemed necessary during construction will be notified after the plans are received.

ORDINARY MEETING

Meeting Date: 24 April 2007

During Construction

78. A surcharge path sufficient to carry the 1 in 100 year storm flow is to be provided across Lots 105 and 106 and a drainage easement of adequate width to be created over the surcharge path.
79. Basin 1 to be located within lot 105 shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
80. 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.
81. Sewage reticulation, including junctions, shall be constructed to each lot in the subdivision where not already provided.
82. Kerb and gutter drainage with full width AC sealed pavement of roads (103, 104, 105, 106, 108 & 109) shall be constructed to the alignment shown on plan ref L03017-ST2 Sheet 3 amendment D, (dated 18/8/06) for the length of the proposed lots incorporating Stage 2.

Prior to Issue of Subdivision Certificate

83. A soil contamination report certifying that the whole of Lot 102 is suitable for residential use shall be submitted.
84. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a) Preliminary Investigation Plans	\$2583.67
(b) and Acquisition	\$120,621.44
(c) Community Facilities	(\$281,510.22)
(d) Park Improvement	\$152,315.17
(e) Recreational Facilities	\$82,002.73
(f) Road Works	\$884,747.26
(g) Regional works	\$83,593.82

TOTAL: \$1,606,374.30

The amount has been determined in accordance with Hawkesbury's Section 94 Contribution Plan Review November 2005. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contribution Plan Review November 2005.

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85. Prior to the release of the Subdivision Certificate, payment of the following fees in accordance with Council's revenue Pricing Policy:

a)	Preliminary Investigation Studies	\$11,447.37
b)	Land Acquisition	\$202,340.00
c)	Drainage Construction	\$632,071.74
d)	Sewer Headworks	\$408,298.00
e)	Pump Station "J" and Rising main "J" – New Works	\$243,143.00
f)	Pump Station "J" and Rising main "J" – Retrofit and re-routing	\$53,064.00
g)	Pump Station "C" and Rising main "C" – New Works	\$490,574.00

Total: \$2,040,938.11

These fees will remain fix until 30 June 2007 after which it will be recalculated at the rate payable at the time of payment.

SPECIFIC CONDITIONS RELATING TO STAGE 3 - 34 LOT SUBDIVISION

Prior to Issue of the Construction Certificate

86. Payment of a Construction Certificate checking fee of \$8,944.00 and a Compliance Certificate inspection fee of \$17,646.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.
87. Construction of sewer works are not to commence until permission is granted in writing from the Branch Manager of Water Management. A Major Sewer Works application along with three (3) copies of proposed sewer works must be submitted to the Manager for assessment and approval. Fees apply for assessment. The fees cover the cost of assessment and any inspections deemed necessary during construction will be notified after the plans are received.

During Construction

88. A surcharge path sufficient to carry the 1 in 100 year storm flow is to be provided across Lots 104 and 105 and a drainage easement of adequate width to be created over the surcharge path.
89. Basin 3 to be located within lot 105 shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
90. Kerb and gutter drainage with full width AC sealed pavement of roads (102, 106, 111, & 112) shall be constructed to the alignment shown on plan ref (L03017-ST3) amendment (D) for the length of the proposed lots incorporating Stage 3.
91. Kerb and gutter with half width AC sealed pavement of Johnston Street in accordance with the alignment shown on Drawing No (Lo) 3017 – master Amendment D) shall be extended for the full frontage of the proposed lots incorporating Stage 3.

Prior to Issue of Subdivision Certificate

92. A soil contamination report certifying that the whole of Lot 103 is suitable for residential use shall be submitted.

ORDINARY MEETING

Meeting Date: 24 April 2007

93. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a)	Preliminary Investigation Plans	\$1,233.99
(b)	Land Acquisition	\$57,610.24
(c)	Community Facilities	\$133,975.03
(d)	Park Improvement	\$72,747.54
(e)	Recreational Facilities	\$39,165.48
(f)	Road Works	\$422,565.86
(g)	Regional works	\$39,925.41

TOTAL: \$767,223.55

The amount has been determined in accordance with Hawkesbury's Section 94 Contribution Plan Review November 2005. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contribution Plan Review November 2005.

94. Prior to the release of the Subdivision Certificate, payment of the following fees in accordance with Council's revenue Pricing Policy:

a)	Preliminary Investigation Studies	\$5,467.40
b)	Land Acquisition	\$96,640.00
c)	Drainage Construction	\$301,885.01
d)	Sewer Headworks	\$195,008.00
e)	Pump Station "J" and Rising main "J" – New Works	\$116,128.00
f)	Pump Station "J" and Rising main "J" – Retrofit and re-routing	\$25,344.00
g)	Pump Station "C" and Rising main "C" – New Works	\$234,304.00

Total: \$974,776.41

These fees will remain fix until 30 June 2007 after which it will be recalculated at the rate payable at the time of payment.

SPECIFIC CONDITIONS RELATION TO STAGE 4 - 44 LOT SUBDIVISION

Prior to Issue of the Construction Certificate

95. Payment of a Construction Certificate checking fee of \$7,754.00 and a Compliance Certificate inspection fee of \$15,266.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.
96. Construction of sewer works are not to commence until permission is granted in writing from the Branch Manager of Water Management. A *Major Sewer Works* application along with three (3) copies of proposed sewer works must be submitted to the Manager for assessment and approval. Fees apply for assessment. The fees cover the cost of assessment and any inspections deemed necessary during construction will be notified after the plans are received.

ORDINARY MEETING

Meeting Date: 24 April 2007

During Construction

97. A surcharge path sufficient to carry the 1 in 100 year storm flow is to be provided across Lot 105 and a drainage easement of adequate width to be created over the surcharge path.
98. 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.
99. Kerb and gutter drainage with full width AC sealed pavement of roads (102, 103 & 110) shall be constructed to the alignment shown on plan ref (L03017-ST4) amendment (D) for the length of the proposed lots incorporating Stage 4.
100. Kerb and gutter with half width AC sealed pavement of Johnston Street in accordance with the alignment shown on Drawing No (Lo) 3017 – master Amendment D) shall be extended for the full frontage of the proposed lots incorporating Stage 4.

Prior to Issue of Subdivision Certificate

101. A soil contamination report certifying that the whole of Lot 104 is suitable for residential use shall be submitted.
102. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a)	Preliminary Investigation Plans	\$1658.18
(b)	Land Acquisition	\$77,413.76
(c)	Community Facilities	\$180,028.94
(d)	Park Improvement	97,754.51
(e)	Recreational Facilities	52,628.62
(f)	Road Works	\$567,822.87
(g)	Regional works	\$53,649.77

TOTAL: \$1,030,956.64

The amount has been determined in accordance with Hawkesbury's Section 94 Contribution Plan Review November 2005. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contribution Plan Review November 2005.

ORDINARY MEETING

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103. Prior to the release of the Subdivision Certificate, payment of the following fees in accordance with Council's revenue Pricing Policy:

a)	Preliminary Investigation Studies	\$7,346.82
b)	Land Acquisition	\$129,860.00
c)	Drainage Construction	\$405,657.98
d)	Sewer Headworks	\$262,042.00
e)	Pump Station "J" and Rising main "J" – New Works	\$156,047.00
f)	Pump Station "J" and Rising main "J" – Retrofit and re-routing	\$34,056.00
g)	Pump Station "C" and Rising main "C" – New Works	\$314,846.00

Total: \$1,309,855.80

These fees will remain fix until 30 June 2007 after which it will be recalculated at the rate payable at the time of payment.

SPECIFIC CONDITIONS FOR STAGE 5 - 50 LOT SUBDIVISION

Prior to Issue of the Construction Certificate

104. Payment of a Construction Certificate checking fee of \$14,017.50 and a Compliance Certificate inspection fee of \$28,035.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.
105. Construction of sewer works is not to commence until permission is granted in writing from the Branch Manager of Water Management. A *Major Sewer Works* application along with three (3) copies of proposed sewer works must be submitted to the Manager for assessment and approval. Fees apply for assessment. The fees covering the cost of assessment and any inspections deemed necessary during construction will be notified after the plans are received.

During Construction

106. Sedimentation basins 1, 2 and 3 are to be drained filled and restored. The filled areas are to be compacted by track rolling or similar in layers not exceeding 300mm up to the approved finished surface profile level of the surrounding development.
107. The top 300mm of fill shall be topsoil in ordered to ensure site revegetation.
108. The minimum finished surface grade shall be 2% in order to allow satisfactory surface runoff.
109. The site shall be secured to prevent the depositing of any unauthorised material
110. Existing watercourses within the property shall be piped.
111. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
112. Kerb and gutter drainage with full width AC sealed pavement of roads (102, 103 & 105) shall be constructed to the alignment shown on plan ref (L03017-ST5) amendment (D) for the length of the proposed lots incorporating Stage 5.
113. Kerb and gutter and half width sealed road pavement of Johnston Street, in accordance with the alignment shown on drawing no: (L03017 - Master Amend D) Shall be constructed for the full length of the remaining northern frontage to the development.
114. Kerb and gutter and full width sealed road pavement of Johnston Street in accordance with the alignment shown on drawing No: (L03017 - Master Amend D) shall be constructed for the full length of the eastern frontage to the development. The works are to form a continuous link with adjoining pavement development at either end of the construction.

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115. Kerb and gutter with half width AC sealed pavement of Johnston Street in accordance with the alignment shown on Drawing No (L0 3017 – Master Amendment D) shall be extended for the full frontage of the proposed lots incorporating Stage 5.

Prior to Issue of Subdivision Certificate

116. A soil contamination report certifying that the whole of Lot 105 is suitable for residential use shall be submitted.
117. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a)	Preliminary Investigation Plans	\$1889.55
(b)	Land Acquisition	\$88,215.68
(c)	Community Facilities	\$205,149.26
(d)	Park Improvement	\$111,394.67
(e)	Recreational Facilities	\$59,972.14
(f)	Road Works	\$647,053.97
(g)	Regional works	\$61,135.78

TOTAL: \$1,174,811.06

The amount has been determined in accordance with Hawkesbury's Section 94 Contribution Plan Review November 2005. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contribution Plan Review November 2005.

118. Prior to the release of the Subdivision Certificate, payment of the following fees in accordance with Council's revenue Pricing Policy:

a)	Preliminary Investigation Studies	\$8,371.98
b)	Land Acquisition	\$147,980.00
c)	Drainage Construction	\$462,261.42
d)	Sewer Headworks	\$298,606.00
e)	Pump Station "J" and Rising main "J" – New Works	\$177,821.00
f)	Pump Station "J" and Rising main "J" – Retrofit and re-routing	\$38,808.00
g)	Pump Station "C" and Rising main "C" – New Works	\$358,778.00

Total: \$1,492,626.38

These fees will remain fix until 30 June 2007 after which it will be recalculated at the rate payable at the time of payment.

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Advisory Notes

- Where the land is within the Hawkesbury City Council Sewage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.
- 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.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrierregarding 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.
- 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.

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Site Plans

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AT - 1 Locality Plan

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

ORDINARY MEETING

Meeting Date: 24 April 2007

AT - 2 Site Plans

**To View This Image,
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Attachments Document (Maps)**

ORDINARY MEETING

Meeting Date: 24 April 2007

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oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 April 2007

Item: 71 CP - Request for Refund of Fees for DA0850/06- Bilpin Rural Fire Service - (95498, 73582)

REPORT:

A development application was received from Bilpin Rural Fire Service in October 2006, for the approval of a 100,000 litre inground water tank adjacent to the Bilpin Fire Station located at 2648 Bells Line of Road, Bilpin.

This application was subsequently approved and the water tank has been installed.

Correspondence has recently been received from the Bilpin Brigade, requesting a full refund of the development application fees in the amount of \$515, on the basis that the tank is situated on Council owned land and exists to serve the community in the event of bushfires given the current water restrictions.

The fees applicable to this application are itemised as follows:

Development Application	\$185.00
Construction Certificate	\$200.00
Compliance Certificates	\$130.00

The Environmental Planning and Assessment Act and Regulations regulate the fees that are applicable to Development Applications. The Construction Certificate and Compliance Certificate (inspections) fees are set by Council's adopted fees and charges.

It is to be noted that all projects, where they do not fit into the exempt or complying category, are subject to development approval and associated fees as adopted in Council's fees and charges. This has included, but is not limited to, projects occurring in parks, extensions to the State Emergency Services building at Wilberforce for which a grant was received, and the replacement of the 3 bay shed at the Rural Fire Service Headquarters at Wilberforce.

Council have previously considered requests for reimbursement of development application fees:

1. Rotary Club of Richmond for a Collection Booth and shelter at the Hawkesbury Showground where a donation of \$497.00 was made from the donations budget (February 2001). It should be noted that the donation budget is fully expended.
2. Hawkesbury District Agricultural Association for an extension to the existing grandstand involving dining and display areas. (Fees in total \$8,801.20). The resolution did not address the waiver of fees - fees not waived.

Prior to the development application being submitted, the Bilpin Brigade was advised that the project could have been exempt from the development application process and associated fees had it not have been within prescribed distances of adjoining buildings and properties.

It is therefore recommended that no refund be provided to the Bilpin Rural Fire Service on the basis that all development, where it does not fit into the exempt or complying category, is subject to development approval, statutory fees and associated fees as adopted in Council's fees and charges.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

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Meeting Date: 24 April 2007

"Objective: A network of towns, villages and rural localities connected by well maintained public and private infrastructure, which supports the social and economic development of the City "

Funding

Nil impact on current budget.

RECOMMENDATION:

That no refund be provided to the Bilpin Rural Fire Service on the basis that all development, where it does not fit into the exempt or complying category, is subject to development approval, statutory fees and associated fees as adopted in Council's fees and charges.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 April 2007

Item: 72 **CP - Policy Register Review - Archiving of Policies - (95498)**

Previous Item: 224, Ordinary (26 July 2005)

REPORT:

Introduction

On 26 July 2005 Council considered a report regarding the review of Council's Policy Register and resolved as follows:

That the Council Policy Register be reviewed to contain only matters relating to Council's position or strategic direction on a particular matter or interim matters, pending inclusion in Council's Local Environmental Plan, and Development Control Plan.

In June 2006 an internal Committee of Council called the Policy Committee was formed and this Committee has been co-ordinating the review of Council's Policies.

To assist in the review the Committee developed the following definitions:

Policy: *A Policy is a rule, position statement or stance of the organisation, which has been formally adopted by Council. It is intended to provide direction and guidance to both the organisation and community in respect of the Council's position on a particular matter. The word policy should be in the resolution when it is officially determined by Council.*

Operational Management Standard:

A management guiding principle which provides direction to staff and the community on the operational approach to be taken in relation to a particular issue. These standards are approved internally by either the General Manager or the relevant Director.

Procedures: *A set of instructions or business process which outline the method by which a task or function is to be undertaken. These are approved internally by the relevant manager and aim to ensure consistency in the way staff implement a particular course of action.*

At present there are approximately 210 policies in the register. The review so far has revealed that many of the policies should be archived because they are no longer appropriate, relevant or necessary. Other policies are proposed to be reviewed/updated, with the remaining policies to be left unchanged. The purpose of this report is to recommend to Council Policies which are to be archived. Further reports will be presented to Council regarding policies to be reviewed/updated.

Table of Policies Recommended for Archiving

Policy	Reason for Archiving
Advertisements on Sporting Grounds under Management of Council	Signage controlled by provisions of Hawkesbury Local Environmental Plan 1989, Hawkesbury Development Control Plan and State Environmental Planning policy No 64
Advertising Development Consents	To be retained as a Procedure or Operational Management Standard
Arts & Crafts Market	Resolution has been implemented.

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Policy	Reason for Archiving
Australian Bone Marrow Donor Registry	Resolution has been implemented and is a current practice of Council.
Bligh Park - Fire Radiation Barrier	Superseded by provisions of "Planning for Bushfire Protection" and Environmental Planning and Assessment Act 1979
Boundary Road Reserve, Glossodia	Resolution has been implemented
Building and Development - Conciliation Conference Procedure	Superseded by Conflict Management Policy
Building and Development Customer Response Team	To be retained as a Procedure or Operational Management Standard
Child Care Centres	Resolution has been implemented and is a current practice of Council.
Committees of Council - Functions and Objectives	Superseded by Committee constitutions adopted by Council
Computer equipment	Resolution has been implemented
Conference Expenses	Superseded by Payment of Provision of Expenses and Facilities Policy
Confidentiality of Staff Appraisals	Resolution has been implemented. To be retained as a Procedure or Operational Management Standard
Council Business Paper Availability	Superseded by Code of Meeting Practice
Council Meeting Procedures	Superseded by Code of Meeting Practice
DAMIT	Resolution has been implemented. Auxiliary spillway constructed. Policy no longer required.
Declaration of Support for Australian Industry	Superseded by National Competition Policy.
Delegated Authorities to General Manager	Not required as a Policy. Requirement of Local Government Act 1993. Delegations contained within Delegations Register
Delegation of Director - Department of Urban Affairs & Planning	Outdated
Delegation of Functions of the Director of Environment and Development	Superseded by Department of Planning revoking delegations
Development Applications by Councillors & Designated Staff	Superseded by ICAC guidelines
Development of Commercial Dog Kennels	Policy in conflict with provisions of Hawkesbury Local Environmental Plan 1989 and provisions of Environmental Planning and Assessment Act 1979
Development of School adjoining existing Sewerage Treatment Works	Not a Policy. Matter for consideration under provisions of Environmental Planning and Assessment Act 1979
Dress Regulations	This is an Operational issue. Dress regulations provided for in Code of Conduct.
Economic Development in the Hawkesbury	Board no longer exists. Economic development encouraged and facilitated in Council's Strategic Plan.
Employer Sponsored Family Day Care Scheme	Resolution has been implemented and is a current practice of Council.
Erection of Rural Sheds	Erection of Rural Sheds chapter included in Hawkesbury Development Control Plan. Policy no longer required.

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Policy	Reason for Archiving
Flood Notification on Section 149 Certificates	Matter was actioned. Superseded by new flood notification provisions of Environmental Planning and Assessment Regulations
Flood Plain/Access/Control	Resolution has been implemented
Flood Planning Standard	Provisions included in Hawkesbury Local Environmental Plan 1989. Policy no longer required.
Hawkesbury Cultural Committee	Resolution has been implemented. Committee no longer exists.
Hawkesbury District Senior Citizens Centre - Financial Assistance	Resolution has been implemented and is a current practice of Council.
Hawkesbury Nepean Catchment Management Trust	Outdated. Trust has been abolished.
Hawkesbury Showground - Use of Land as College	Use of Showground provided for in Lease. Policy no longer required.
Hawkesbury's Healthy City - City Health Plan	Resolution has been implemented
Hepatitis B Injections	To be retained as a Procedure or Operational Management Standard
Heritage Buildings	Policy in conflict with provisions of Hawkesbury Local Environmental Plan 1989 and provisions of Environmental Planning and Assessment Act 1979. Each application is to be assessed on its merits.
Historic Name Plaques	Program no longer running
Home Based Child Care and Family Day Care Services	Policy in conflict with provisions of Hawkesbury Local Environmental Plan 1989 and provisions of Environmental Planning and Assessment Act 1979
Immunisation	Superseded by Children's Services Regulations
Legal Services Panel	Addressed by provisions of legal agreement and industry wide practice.
Library Policy - Censorship Policy	To be retained as a Procedure or Operational Management Standard
Library Policy - Collection Development Policy	To be retained as a Procedure or Operational Management Standard
Library Policy - Community Rooms and Display Facilities	To be retained as a Procedure or Operational Management Standard
Library Policy - Customer Service Charter	To be retained as a Procedure or Operational Management Standard
Library Policy - Equity and Access Policy	To be retained as a Procedure or Operational Management Standard
Library Policy - Information Access Policy	To be retained as a Procedure or Operational Management Standard
Library Policy - Inter-Library Loans Policy	To be retained as a Procedure or Operational Management Standard
Library Policy - Internet Access Policy	To be retained as a Procedure or Operational Management Standard
Library Policy - Loans Policy	To be retained as a Procedure or Operational Management Standard
Library Policy - Membership Policy	To be retained as a Procedure or Operational Management Standard

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Policy	Reason for Archiving
Library Policy - Provision of Services	To be retained as a Procedure or Operational Management Standard
Library policy - Volunteers Policy	To be retained as a Procedure or Operational Management Standard
Long Service Leave	Superseded by NAPSA provisions
Management of Aboriginal Sites	Survey of sites better undertaken by Local Aboriginal Land Council and/or Department of Environment and Conservation
Motor Vehicle Lease Back	Superseded by current lease back agreement
Notification of Waterways Authority of new policy in processing Aquatic Licenses	Resolution has been implemented. Time specific, policy no longer required.
Occupational Health & Safety Committee	Resolution has been implemented and incorporated into OHS Manual
Olympic Opportunities Task Force	Time specific, policy no longer required.
Our City Our Future - Employment	Incorporated into Hawkesbury Local Environmental Plan 1989 Amendment 108 and included in Strategic Plan
Our City Our Future - Tourism	Superseded by provisions of Hawkesbury Development Control Plan, draft Windsor Masterplan and provisions of Strategic Plan
Overhead cabling	Superseded by amendments to Hawkesbury Local Environmental Plan 1989 and Commonwealth legislation
Parking Policy - Development Control Plan	Incorporated into Hawkesbury Development Control Plan
Procedure Dealing with Planning Applications.	To be retained as a Procedure or Operational Management Standard
Professional Indemnity Insurance - Staff employed on a Contract or Hourly Basis	To be retained as a Procedure or Operational Management Standard
Provision of Clothing for Works Staff	To be retained as a Procedure or Operational Management Standard
Purchase of Goods - Sales Tax	Outdated,. Sales tax no longer exists.
Reflective Street Numbering	Time specific, policy no longer required.
Release of Land - North West Sector Area	Outdated. Superseded by State Environmental Planning Policy (Sydney Region Growth Centres)
Revenue Pricing Policy	Not a Policy. Incorporated into Annual Management Plan.
Riverbanks Condition - Impact on the Environment & Tourism	No longer considered appropriate course of action. Assistance now available from Catchment Management Authority to achieve objective of this Policy. Legal action determined by legislation.
Roads & Traffic Authority Proposed for Road Accountabilities between State and Local Government	No longer relevant as funding is determined by the RTA and Council's funding allocation is fixed.
Rural Subdivisions of Existing Non Residential Uses on an Allotment	In conflict with provisions of Hawkesbury Local Environmental Plan 1989 and application of State Environmental Planning Policy No 1
Schaffer Quarry - Environmental Monitoring Committee	Not a Policy. Required by condition of consent

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Policy	Reason for Archiving
Section 149 Certificates	Insufficient records to fulfil policy. Investigation of unauthorised landfill undertaken by Regulatory Services.
Section 377 Delegation for Council Cemetery Committees	Not a Policy. To be included in Delegations Register.
Self Certification	No longer required. Self Certification is now an industry wide adopted practice
Sewerage Headwork's Contribution within Windsor Sewerage Area	To be retained as a Procedure or Operational Management Standard
South Creek Valley Regional Environmental Policy	Outdated. Superseded by State Environmental Planning Policy (Sydney Region Growth Centres)
Staff Uniform - Salaried Staff	To be retained as a Procedure or Operational Management Standard
Strategic Planning Process - Workshop	No longer considered necessary. Superseded by Council resolution to implement Community Strategic Planning process.
Temporary Accommodation on Properties in Rural Areas	To be reviewed and retained as a Procedure or Operational Management Standard
The Driftway - Fencing	Time specific, policy no longer required.
Tourism Hawkesbury	Superseded by new management with tourism contractor.
Tree Clearing in Rural/Agricultural Areas	Addressed by provisions of Threatened Species Conservation Act, Environmental Planning and Assessment Act, Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan
Tree Preservation Order	Superseded by new Tree Preservation Order. Not a Policy, LEP provision.
Use of Electronic Signatures	To be reviewed and retained as a Procedure or Operational Management Standard
Vandalism	No longer appropriate. NSW Police relevant authority. Funds not available to fulfil policy.
Vegetation Management - Road Verges	To be reviewed and retained as a Procedure or Operational Management Standard
Water Supply to Development within Hawkesbury Local Government Area	Council not service provider
Web-Site Links and Referencing Policy	Superseded by Web Policy adopted by Council on 29 August 2006.
West pool	Time specific. Current procedure is to report all conferences top be attended by Councillors to Council.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: Investigating and planning the City's future in consultation with our community, and co-ordinating human and financial resources to achieve this future."

Funding

No impact on budget.

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RECOMMENDATION:

That the Policies in the table included in this report be archived for the reasons outlined..

ATTACHMENTS:

AT - 1 Individual Policy Details - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

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EXTERNAL SERVICES

Item: 73 ES - Reduction in Cost of Mulch Sold from Hawkesbury City Waste Management Facility - (82995, 96330)

REPORT:

Following the success of the previous sale of mulch ending on 28 February 2007, it is proposed to hold another sale of mulch as there is a substantial amount of mulch still remaining onsite.

As the storage area for such materials is limited, and the need for our community to conserve the use of water on their gardens is paramount, it is considered appropriate to make the material available to the public again at a reduced cost from the Friday, 27 April 2007 to Saturday, 30 June 2007, or whilst stocks are available.

The cost for the mulched materials in Council's fees and charges schedule is presently \$35.00 per tonne.

It is proposed to reduce this cost down to \$15.00 per tonne for the aforementioned period and advertise the offer in the local media.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: Establish alternative waste technology to dispose of city's domestic waste "

Funding

The reduction in the costs will have some impact on the income of the waste facility, but can be absorbed within the current budget, and will allow better management of the facility.

RECOMMENDATION:

That:

1. Council approve the reduction in the cost of mulched green waste to \$15.00 per tonne from Friday, 27 April 2007 to Saturday, 30 June 2007, or whilst stocks last.
2. The reduction in the cost of the mulched green waste be advertised in the local media.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 74 ES - Proposed Adoption of Self-Enforcing Infringement Notice Scheme (SEINS) Policy - (95494, 96330)

REPORT:

Background

The Self-Enforcing Infringement Notice Scheme (SEINS) provides for the issuing of Penalty Infringement Notices for particular offences.

Briefly, the Scheme allows certain law enforcement in New South Wales not to be automatically referred for determination by a Court unless the individual so desires. It is an automated administrative process of enforcement and associated penalty collection.

The Infringement Processing Bureau, New South Wales Police Service, administers SEINS. The Infringement processing Bureau (IPB) has commercialised its services and undertakes, on behalf of government authorities, the processing of Infringement Notices on a commercial basis.

The Scheme is continually audited by the IPB and in certain circumstances, actions and decisions of the Bureau are reviewed by the Ombudsman's Office and the Independent Commission Against Corruption.

Council's Regulatory Services Unit is responsible for those compliance matters, which are dealt with through the issuing of a Penalty Infringement Notice. Infringement Notices are never issued unless an offence has been committed and in all cases, contemporaneous notes are taken, in certain circumstances photographic evidence and or samples are also taken.

This Policy has been developed to clarify and make consistent the procedures undertaken by Council Officers when issuing and reviewing Penalty Infringement Notices. The Policy also identifies the rights of individuals in receipt of a Penalty Infringement Notice and the involvement of Council staff and Councillors in ensuring an open and egalitarian approach is undertaken in all dealings.

Public Submissions on the draft Self- Enforcing Infringement Notice Scheme (SEINS) Policy

In accordance with Council's resolution dated 13 February 2007;

"that Council place the draft Self-Enforcing Infringement Notice Scheme (SEINS) Policy on public exhibition for a period of 28 days"

the draft Self-Enforcing Infringement Notice Scheme (SEINS) Policy was placed on exhibition from 6 March 2007 to 2 April 2007. Advertisements were placed in the Council section of the local newspaper on 6 March 2007 and 13 March 2007.

No public submission were received.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City."

Funding

No budgetary impact.

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RECOMMENDATION:

That Council adopt the Self-Enforcing Infringement Notice Scheme (SEINS) Policy attached to the report in connection with this matter.

ATTACHMENTS:

AT-1 - Self-Enforcing Infringement Notice Scheme (SEINS) Policy - *(Distributed Under Separate Cover)*.

oooO END OF REPORT Oooo

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Meeting Date: 24 April 2007

Item: 75 **ES - Proposed Adoption of Draft Outdoor Dining and Footpath Trading Policy - (95494, 96330)**

Previous Item: 24, Ordinary (13 February 2007)

REPORT:

Background

The purpose of this Policy is to:

1. Encourage outdoor dining in the Hawkesbury.
2. Facilitate the appropriate use of footpaths for the purpose of outdoor dining areas and other footpath trading activities.
3. Facilitate improvement to the street vitality, amenity and economic viability of Hawkesbury's business zones.
4. Provide opportunities for shop owners and residents to benefit from pedestrian circulation.
5. Set a high standard for public safety.

This Policy will ensure that footpaths for outdoor dining areas and trading activities are used appropriately, and that they contribute positively to Hawkesbury's streetscape character.

Public Submissions on the draft Outdoor Dining and Footpath Trading Policy

In accordance with Council's resolution dated 13 February 2007:

"That Council:

1. *Place the draft Outdoor Dining and Footpath Trading Policy on public exhibition for a period of 28 days.*
2. *Place on public exhibition for a period of 28 days the proposal to introduce a new fee of \$120.00 for a permit to occupy Council's footpath for outdoor dining and/or footpath trading and an annual footpath usage fee of \$85.00 / m2 and a fee of \$60.00 for a variation of a permit.*
3. *All businesses in the commercial zonings within the Council's area operating as food outlets and the Chambers of Commerce be notified of the draft Outdoor Dining and Footpath Policy during the public exhibition period."*

The draft Outdoor Dining and Footpath Trading Policy was placed on exhibition from 6 March 2007 to 2 April 2007. Advertisements were placed in the Council section of the local newspaper on 6 March 2007 and 13 March 2007, and all businesses were notified of the draft Policy.

One submission was received in support of the Policy.

Conformance to Strategic Plan

This proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e.

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"A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the City."

Funding

There is a proposed fee of \$120.00 for the administration of this Policy, a \$60.00 fee for a variation to a permit, and an additional annual fee of \$85.00 / m² for the usage of Council's footpath. Hence an additional income source will be received from the usage of Council's footpath for outdoor dining and/or trading activities however the extent of this increased income will be dependent upon the uptake of this activity in Hawkesbury's business zones.

RECOMMENDATION:

That Council:

1. Adopt the Outdoor Dining and Footpath Trading Policy attached to the report in connection with this matter.
2. Adopt a new fee of \$120.00 for a permit to occupy Council's footpath for outdoor dining and/or trading, a \$60.00 fee for the variation of a permit, and an annual footpath usage fee of \$85.00 / m².

ATTACHMENTS:

AT-1 - Draft Outdoor Dining and Footpath Trading Policy - *(Distributed Under Separate Cover)*.

oooO END OF REPORT Oooo

ORDINARY MEETING

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INFRASTRUCTURE SERVICES

Item: 76 **IS - Oakville Rural Fire Service Substation Relocation - (95495, 73596, 79016)**

REPORT:

The Oakville Brigade of the Hawkesbury Rural Fire Service have had a fire truck in the Maraylya area since 1974, and more recently in a substation located on Pebbly Hill Road on a former brigade member's property, which was funded and built by the Brigade in 1985. Due to the sale of the property, the Brigade have to relocate the fire truck and are seeking a new location to build a substation. The Brigade has identified a site on National Parks and Wildlife Service (NPWS) land on Scheyville Road, approximately 60 metres from Pitt Town Dural Road, and it is understood that the Brigade have conducted preliminary discussion with the NPWS regarding the use of this land.

The site was chosen for its central location, allowing crews to respond quickly to high risk areas within the Brigades area of responsibility. Whilst the new building will become an asset of Council, the Brigade have advised that they will not be seeking funds from Council for the building of the new substation, nor will any funds be sought for the ongoing maintenance and upkeep of the building.

It would seem reasonable that Council concur with the proposal and seek the support of the NPWS to utilise an area of approximately 40m x 20m at the proposed site.

Conformance to Strategic Plan

The proposal is deemed to conform with the strategic directions set out in Council's Strategic Plan i.e:

"Strategic Direction: Implement processes to identify and respond to the infrastructure requirements (information, access and mobility) of groups with special needs."

Funding

Nil impact on current budget.

RECOMMENDATION:

That the request of the Hawkesbury Rural Fire Service (Oakville Brigade) to construct a substation on national park land off Scheyville Road be supported and the concurrence of the National Parks and Wildlife Service be sought.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

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Item: 77 **IS - Exclusive Use of Governor Phillip Reserve - Ski Racing NSW - (79354, 92138)**

Previous Item: 189, Ordinary (8 August 2006)

REPORT:

Application has been received from Ski Racing NSW for exclusive use of Governor Phillip Reserve on Saturday 1st and Sunday 2nd September 2007 to conduct the Hawkesbury 120 Water Ski Race. The inaugural event was held last year and they have now indicated that they would like this event to be permanent.

Due to a number of events applications being received by Council in contradiction to the Governor Phillip Park user policy last year, Council resolved in part, at its ordinary meeting on 8 August 2006:

"That the Policy in relation to the use of Governor Phillip Park be reviewed."

The current policy states:

1. Exclusive use of Governor Phillip Reserve, Windsor not be granted on:
 - a) consecutive days of a weekend excepting the Upper Hawkesbury Power Boat Club Spectacular (usually held in September) and the NSW Waterskiers Association Bridge to Bridge (usually held in November);
 - b) consecutive weekends; and
 - c) public holiday periods.
2. Exclusive use for the evenings leading up to an event (maximum of 2 nights) may be granted to organisers from 6.00pm till 7.00am the following morning to assist in set up, clean up and provide security only.
3. The NSW Police Service be informed of the exclusive use dates and times by the applicant prior to an event.
4. No additional fee to be charged for the overnight exclusivity.
5. The policy be reviewed every two years.
6. Other general conditions of consent are to be adhered to

Reviewing the policy has highlighted that a number of the points are based on reducing impact to the residents who live adjoining or close to the river. It also considers the use of the park by residents and visitors on busy holiday periods and other peak periods. Governor Phillip Reserve is of regional significance and has the only official public boat ramp in the Hawkesbury. Closing the boat ramp on a public holiday and peak periods will have an impact on users wanting to access the river. In the past there have been complaints about the park being closed on such days.

It is felt that exclusive use on consecutive weekends impacts on both residents and visitors and thus should be kept to a minimum.

It is thus recommended that the policy remain with some additional points.

- All calendars for exclusive use for Governor Phillip Reserve need to be lodged to Council staff prior to June 30. Once the dates are received it is proposed to take these dates to the Bridge to Bridge Committee meeting, where all representatives attend, and discuss the dates for the following years calendar in accordance with Council's policy. This would then be reported to Council for their consideration. This way dates could be manipulated to fit into Councils policy prior to being put to Council.

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- The policy should also include that access to the picnic/playground is to be excluded from any exclusive use event.
- An exception be granted to hold the 120 Ski Race on Father's Day (thus remaining 'no use' on Mothers and Fathers Day).

In relation to the Hawkesbury 120 Water Ski Race, the subject application is contrary to Council policy in relation to exclusive use of Governor Phillip Reserve, namely;

1. That exclusive use not be granted on consecutive weekends;
2. That exclusive use not be granted on Mother's Day or Father's Day.

Exclusive use has already been granted Upper Hawkesbury Power Boat Club for 8-9 September 2007 (as per Council resolution 8 August 2006), and Sunday, 2 September 2007 is Father's Day.

Discussions with Ski Racing NSW has indicated that they have already advertised this date for their activity. Whilst this is not appropriate it is acknowledge that these events need to be planned well in advance. It is thus suggested that the event be allowed this year with the policy to be changed to allow the event in the future.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: Implement processes to identify and respond to the infrastructure requirements, information, access and mobility) of groups with special needs."

Funding

No impact on current budget.

RECOMMENDATION:

That:

1. The Governor Phillip User Policy be amended as outlined below:
 - a. All applications for exclusive use need to be submitted to Council by 30 June each year for use of Governor Phillip Reserve for the following year.
 - b. Exclusive use of Governor Phillip Reserve, Windsor not be granted on:
 - i consecutive days of a weekend excepting the Ski Racing NSW 120 Ski race (usually held in September), Upper Hawkesbury Power Boat Club Spectacular (usually held in September) and the NSW Waterskiers Association Bridge to Bridge (usually held in November);
 - ii consecutive weekends; excepting the first and second weekend of September.
 - iii public holiday periods.
 - c. The picnic/playground area is to be excluded from any exclusive use event.
 - d. Exclusive use for the evenings leading up to an event (maximum of 2 nights) may be granted to organisers from 6.00pm till 7.00am the following morning to assist in set up, **clean up and to provide security only**.

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- e. The NSW Police Service be informed of the exclusive use dates and times by the applicant prior to an event.
 - f. No additional fee to be charged for the overnight exclusivity.
 - g. The Governor Phillip Reserve User Policy be reviewed every two years.
 - h. Other general conditions of consent are to be adhered to.
2. This particular application for the 120 Ski Race be exempt from Council's policies regarding exclusive use of Governor Phillip Reserve on this occasion;
3. The application by Ski Racing NSW for exclusive use of Governor Phillip Reserve on 1-2 September 2007 be approved in accordance with the amended Governor Phillip User Policy as well as the following standard conditions regarding use of the reserve:
- a. The applicant paying per day the exclusive use contribution rate, plus the toilet cleaning charge, applicable at the time of the event;
 - b. The reserve being left clean and tidy with the applicant being responsible for the disposal of all waste from the reserve;
 - c. The applicant obtaining appropriate licences from the Waterways Authority regarding conduct of this event;
 - d. If required, the applicant to obtain appropriate licence from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event;
 - e. The applicant obtaining all necessary permits/approvals in relation to amusement devices/rides including Integral Energy regarding the supply of power to devices/rides and their proximity to power supply lines;
 - f. Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Information for Food Stall Holders" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officers, on direct line 4560 4571;
 - g. The applicant lodge a damage bond applicable at time the of event;
 - h. As the applicant has not advised of an alternate date in the event of inclement weather, the Director Infrastructure Services be granted authority to negotiate exclusive use on an alternate date, if required by the applicant.
 - i. The applicant is to observe the noise limits set by the Waterways Authority.
 - j. The area adjacent to the picnic/playground area not be part of the exclusive use area required for the event.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

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SUPPORT SERVICES

Item: 78 **SS - Proposal to Establish Additional Alcohol Free Zones - (95496, 96333)**

Previous Item: 9, Ordinary (30 January 2007)

REPORT:

Council at its meeting on 30 January 2007 gave consideration to a report regarding the proposed re-establishment of Alcohol Free Zones in the Hawkesbury Local Government Area for another three year period commencing 1 January 2007 and expiring 31 December 2009.

At that meeting, Council resolved as follows:

"That:

1. *In accordance with the provisions of the Local Government Act, 1993, the consumption of alcohol in the areas outlined in the report, be prohibited for the period of 1 January 2007 to 31 December 2009, by the re-establishment of the Alcohol-Free Zones in the Hawkesbury Local Government Area.*
2. *Public notification (including erection of signage and an advertisement in the Hawkesbury Independent) be given of the re-establishment.*
3. *Notice of a proposal to establish an Alcohol-Free Zone be processed in accordance with the Local Government Act for the roads and footpaths at the following locations:*
 - *March Street, between East Market Street and Paget Street, Richmond; and*
 - *Paget Street, between March Street and Windsor Street, Richmond.*
4. *Further contact be made with the Principal of Richmond North Public School to determine if they wish to pursue the possible establishment of an Alcohol-Free Zone as previously requested."*

In accordance with Items 1 and 2 of the abovementioned resolution and the Ministerial Guidelines on Alcohol Free Zones the appropriate action has been taken in relation to the re-establishment of the current Alcohol Free Zones.

With regard to Item 4 of the abovementioned resolution correspondence was forwarded to the Principal of Richmond North Public School inviting the submission of an Application For Alcohol Free Zone in relation to the possible establishment of any further Alcohol Free Zones within the North Richmond CBD. On 6 March 2007 Richmond North Public School lodged an Application For Alcohol Free Zones nominating the roads and footpaths of the block around the Richmond North Public School's premises.

Accordingly, in accordance with Item 3 of the above resolution and the application from the Richmond North Public School, the following additional Alcohol Free Zones are proposed for the period from the present until 31 December 2009:

- The roads and footpaths at the following locations:
 - March Street, Richmond - between East Market Street and Paget Street, Richmond.
 - Paget Street, Richmond - between March Street and Windsor Street, Richmond.

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- The roads and footpaths of the following block having boundaries of:

- Charles Street, Elizabeth Street, Grose Vale Road and William Street, North Richmond.

The proposed locations and the previously established zones are identified in the Annexures 1 (Richmond CBD) and 2 (North Richmond CBD) to this report.

As required under the Ministerial Guidelines on Alcohol Free Zones the public consultation process has been undertaken in regard to these proposed zones. The process under the Act involved all of the following:

- A notice of the proposals was published in the Hawkesbury Independent on 20 March 2007 allowing inspection of the proposals and inviting representations or objections within 14 days, from the date of publication. The notice stated the exact location of the proposed Alcohol Free Zones and the place and time at which the proposals may be inspected.
- Copies of the proposals were forwarded to Hawkesbury Police Local Area Command as well as all Liquor Licensees, Secretaries of Registered Clubs and Principals of Local Schools whose premises border on or adjoin or are adjacent to the proposed zones, inviting representations or objections within 30 days, from the date of sending the copies of the proposals.
- Other organisations such as Nepean Migrant Access Inc, Local Aboriginal Land Council and NSW Drug Awareness Council were also informed and forwarded copies of the proposals for the establishment of the additional Alcohol Free Zones within the Hawkesbury Local Government Area, inviting representations or objections within 30 days from the date of sending the copies of the proposals.

As at the closing date, being 13 April 2007, only one submission had been received, as follows:

- Sergeant, Crime Coordinator of NSW Police, Hawkesbury Local Area Command on 4 April 2007 confirming support for Council's proposal to the establishment of the abovementioned additional Alcohol Free Zones.

Conformance to Strategic Plan

This Proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e.:

"Working in partnership with community and government to implement community plans to meet the social, health, safety, leisure and cultural needs of the city"

"Respond to crime and public safety issues"

Funding

These proposals will require signage to be erected in the abovementioned areas and the costs involved in relation to these proposals can be funded from Component 58 of the 2006/07 Budget.

RECOMMENDATION:

That:

1. In accordance with the provisions of the Local Government Act, 1993, the consumption of alcohol in the following additional areas, be prohibited for the period from the present until the 31 December 2009, by the establishment of these additional Alcohol Free Zones in the Hawkesbury Local Government Area:
 - a) March Street, Richmond between East Market Street and Paget Street;

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- b) Paget Street, Richmond between March Street and Windsor Street.
 - c) The roads and footpaths of the block having boundaries of Charles Street, Elizabeth Street, Grose Vale Road and William Street, North Richmond.
2. Public notification (including erection of signage and an advertisement in the Hawkesbury Independent) be undertaken regarding the establishment of these Alcohol Free Zones.
 3. Details of Council's resolution be conveyed to the Principal of Richmond North Public School and the other relevant organisations.

ATTACHMENTS:

- AT - 1** Map of Richmond CBD Identifying the Established and the Proposed Alcohol Free Zones.
- AT - 2** Map of North Richmond CBD Identifying the Established and the Proposed Alcohol Free Zones

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**AT - 1 Map of Richmond CBD Identifying the Established
and the Proposed Alcohol Free Zones.**

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

ORDINARY MEETING

Meeting Date: 24 April 2007

**AT - 2 Map of North Richmond CBD Identifying the Established
and the Proposed Alcohol Free Zones**

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 April 2007

CONFIDENTIAL REPORTS

Item: 79 SS - Property Matter - Lease to McGrath's Hill Supermarket/Takeaway - (9557, 92602, 84810, 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

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 21 March 2007 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 21 March 2007, commencing at 3.00pm.

ATTENDANCE

Present:	Councillor T Devine (Chairman) Mr J Suprain, Roads and Traffic Authority Mr J Christie, Office of Mr A Shearan, MP Mr W Timmerman, Office of Mr S Pringle, MP
Apologies:	Councillor B Bassett Senior Constable S Sherry, NSW Police Service Mr R Elson, Department of Transport
In Attendance:	Mr C Amit, Manager Design & Mapping Services Mrs J Hogge, Road Safety Programme Co-ordinator Mr T Shepherd, Administrative Officer, Infrastructure Services

SECTION 1 - Minutes

ITEM 1.1 Minutes of Previous Meeting

The Minutes of the meeting held on 21 February 2007 were confirmed.

ITEM 1.2 Business Arising

Nil Business Arising.

SECTION 2 - Reports for Determination

ITEM 2.1 LTC - 21 March 2007 - Item 2.1 - ANZAC Day Dawn Service - George/Tebbutt Streets, Windsor - (Hawkesbury) - (80245, 84959)

REPORT:

Introduction:

An application has been received from Windsor and District RSL Sub-Branch seeking approval to conduct its **annual** Anzac Day Dawn Service and Parade on Wednesday 25 April 2007. It is proposed to hold this service at the war memorial site located at the intersection of George Street and Tebbutt Street, Windsor.

The event will involve participants assembling in George Street, between Gillespie Place and Dight Street, at 4.45am, then marching north east along George Street approximately 100 metres to the war memorial where the service will take place. The event will conclude at 5.15 am. It is anticipated that there will be approximately 500 participants in the parade, with a further 500 spectators at the service.

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The Windsor RSL Sub-Branch has forwarded a Traffic Management Plan and an associated Traffic Control Plan, proposing to close sections of the following roads to traffic during the period of the service and parade:

- George Street between Gillespie Place and Christie Street
- Tebbutt Street between Little Church Street and George Street
- Dight Street entry will be blocked at George Street

Discussion:

The event organiser has submitted the following items in relation to this event: Appendix 1 (Dataworks Document No. 2434225)

1. Details of the Special Event - Traffic, Template.
2. Traffic Management Plan.,
3. Traffic Control Plan.,
4. Public Liability Insurance to the value of \$10,000,000 - Current Policy is due to expire on 31 March 2007.
5. Copy of the proposed advertisement.

The Traffic Management Plan submitted by the event organiser contains the following information:

- i. Bypass routes are available for vehicles as they can use either The Terrace or Macquarie Street. Heavy vehicles would be required to use Macquarie Street to bypass the event as parts of The Terrace have load limit restrictions.
- ii. The event is not expected to impact on traffic in adjoining streets due to the short duration of the event (half an hour) and the low traffic volumes due to the time of day of the event (4.45 am to 5.15 am).
- iii. The event will be conducted on George Street approximately 200 metres to the north of its intersection with Richmond Road. Despite the proximity of the event to the main road, it is expected that there will be no impact on Richmond Road, again due to duration and timing of the event.

It would be appropriate to classify this event as a "Class 2" special event under the "Traffic Management for Special Events" guidelines issued by the Roads & Traffic Authority as this event may disrupt local traffic and transport systems and there will be road closures involved. There will be more traffic than usual on George Street during this service period on that day due to the spectators' vehicles travelling to this site.

It will be necessary for the event organiser to obtain approval from the NSW Police Service to conduct the event. Due to the proposed Road closures, the TMP and the associated TCP can be submitted to the RTA through the RTA representative on the LTC for authorisation.

RECOMMENDATION:

That:

- A1. The applicant approach the NSW Police Service to conduct this event "Anzac Day Dawn Service - Windsor" planned for 25 April 2007, under total Police control, allowing the event to be a Class 4 event,

OR

- B1. The event "Anzac Day Dawn Service - Windsor" planned for 25 April 2007, be classified as a "Class 2" special event under the "Traffic Management for Special Events" guidelines issued by the RTA.

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- B2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
- B3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
- B4. No objection be held to this event subject to compliance with the following conditions:

Prior to the event:

- B4a. the event organiser obtaining approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- B4b. the event organiser obtaining approval from the RTA as a road closure is proposed; a copy of the RTA approval be submitted to Council;
- B4c. the event organiser **submitting to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council as an interested party on the Policy;**
- B4d. the event organiser notifying the details of the event to NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event;
- B4e. the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the proposed road closures / the event at least two weeks prior to the event;
- B4f. the event organiser assessing the risk and addressing the suitability of the entire route 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;
- B4g. the event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the Department of Tourism, Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- B4h. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

During the event:

- B4i. access being maintained for businesses, residents and their visitors;
- B4j. a clear passageway of at least 4 metres width being maintained at all times for emergency vehicles;
- B4k. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- B4l. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;

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B4m. the participants be advised of the traffic control arrangements in place prior to the commencement of the event; and,

B4n. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity.

APPENDICES:

AT - 1 Special Event Application - (Dataworks Document No. 2434225) - *see attached*.

ITEM 2.2 LTC - 21 March 2007 - Item 2.2 - Hawkesbury Triathlon Club Races, July 2007 - July 2008 - (Hawkesbury & Londonderry) - (80245, 89093)

REPORT:

Introduction:

An application has been received from Hawkesbury Triathlon Club seeking approval to conduct Triathlon and Duathlon races generally on the last Sunday of each month from July 2007 to June 2008, utilising Deerubbun Park as a base area.

Event Schedule:

2007

Sunday July 29, 2007 Duathlon 8.30 - 10.00am
Sunday August 19, 2007 Duathlon 8.30 - 10.00am
Sunday September 30, 2007 Triathlon 7.30 - 9.00am
Sunday October 28, 2007 Triathlon 7.30 - 9.00am
Sunday November 25, 2007 Triathlon 7.30am - 9.00am
Sunday December 16, 2007 Triathlon 7.30am - 9.00am

2008

Sunday January 27, 2008 Triathlon 7.30 - 9.00am
Sunday February 24, 2008 Triathlon 7.30 - 9.00am
Sunday March 30, 2008 Triathlon 7.30 - 9.00am
Sunday April 27, 2008 Triathlon 7.30 - 9.00am
Sunday May 25, 2008 Duathlon 8.30 - 10.00am
Sunday June 29, 2008 Duathlon 8.30 - 10.00am

Event Description: (Refer to attached drawing TR005/07) - Appendix 1

Triathlon

Swim:750m - Three laps in the Hawkesbury river
Cycle:20km - Two laps of following route
Starts in the vicinity of Deerubbun Park, Windsor
Along Cornwallis Road
Turning left into Cuppitts Lane
Turning left into Percival Street
Turning left into Richmond Road
Turning left into Moses Street
Turning left into Greenway Crescent and back to Deerubbun Park
Run: 5km - Four laps (within Deerubbun park and Cornwallis road)

Duathlon

Run: 2.5km - Two laps (within Deerubbun park and Cornwallis road)
Cycle: 20km - Similar to Triathlon
Run: 5km - Similar to Triathlon

The Triathlon Club has advised that there will be approximately 6 to 15 participants in each race.

Discussion:

It would be appropriate to classify this event as a "Class 2" special event under the "Traffic Management for Special Events" guidelines issued by the Roads & Traffic Authority as this event may impact minor traffic and transport systems and there is a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to this event: Appendix 2 (Dataworks Document No. 2397492):

1. Details of the Special Event - Traffic Template
2. The RTA TMP Template - partially complete
3. Triathlon Australia National Sanction documents and Club Race Dates

It will be necessary for the event organiser to lodge an application seeking approval to conduct the event with the NSW Police Service. The Traffic Management Plan (TMP) and the associated Traffic Control Plan (TCP) needs to be submitted to Council for acknowledgement. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation.

Due to the proposed use of the Rickaby's Creek Bridge along Richmond Road, the TMP and the associated TCP can be submitted to the RTA through the RTA representative on the LTC for authorisation.

RECOMMENDATION:

That:

A. Road/River Matters

1. The event planned for:

2007

Sunday July 29, 2007 Duathlon 8.30 - 10.00am
Sunday August 19, 2007 Duathlon 8.30 - 10.00am
Sunday September 30, 2007 Triathlon 7.30 - 9.00am
Sunday October 28, 2007 Triathlon 7.30 - 9.00am
Sunday November 25, 2007 Triathlon 7.30am - 9.00am
Sunday December 16, 2007 Triathlon 7.30am - 9.00am

2008

Sunday January 27, 2008 Triathlon 7.30 - 9.00am
Sunday February 24, 2008 Triathlon 7.30 - 9.00am
Sunday March 30, 2008 Triathlon 7.30 - 9.00am
Sunday April 27, 2008 Triathlon 7.30 - 9.00am
Sunday May 25, 2008 Duathlon 8.30 - 10.00am
Sunday June 29, 2008 Duathlon 8.30 - 10.00am

be classified as a "Class 2" special event under the "Traffic Management for Special Events" guidelines issued by the RTA.

2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

Prior to the event:

- 4a. the event organiser obtaining the relevant approval to conduct this event from the Waterway Authority; **A copy of this approval be submitted to Council;**
- 4b. the event organiser obtaining approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- 4c. the event organiser **submitting a Traffic Management Plan (TMP) for the entire route incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4d. as the event will traverse Rickaby's Creek Bridge along Richmond Road, the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$20,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy;** and that Policy to **cover both on-road and off-road activity;**

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- 4e. the event organiser advertising the event in the local press stating the entire route of the event and the traffic impact due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);
- 4f. the event organiser notifying the details of the event to the NSW Ambulance service, NSW Fire Brigades / Rural Fire Service and SES at least two weeks prior to the event;
- 4g. the event organiser directly notifying all the residences and businesses affected by the event at least two weeks prior to the event;
- 4h. the event organiser assessing the risk and addressing the suitability of the entire route 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
- 4i. the event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the Department of Tourism, Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4j. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

During the event:

- 4k. access being maintained for businesses, residents and their visitors;
- 4l. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- 4m. the runners/cyclist are aware of and are following all the general road user rules whilst running/cycling on public roads;
- 4n. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;
- 4o. the competitors and participants be advised of the traffic control arrangements in place prior to the commencement of the event; and,
- 4p. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity.

B. Reserve Matters

No objection is held to use of Deerubbun Park subject to compliance with the following conditions:

- 1. the applicant obtaining approval from Hawkesbury Sports Council to use of Deerubbun Park;
- 2. The park is to be left clean and tidy with your organisation responsible for collection and disposal of all rubbish; the applicant is required to pay to Council a refundable bond of \$150.00 less any cost incurred by Council, administrative or otherwise, to clean/restore the area;
- 3. Any building, vehicle or stall that is used for preparation of food for public consumption is to comply with the Food Act 2003 and Council's "Information for Food Stall Holders" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officer on 4560 4571;

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4. Noise is to be kept to a reasonable level, with all amplified sound less than 5d(B)a above ambient level;
5. the event manager/applicant must undertake also a Risk Assessment of the event to be conducted including pre-event preparations; this assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards; the event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001;
6. Garbage bins can be provided for the event at a cost to be provided at application. 3 weeks notice is required prior to the event to enable appropriate arrangements to be made;
7. If your organisation requires keys, a deposit of \$25 is requested at time of key collection. This deposit will be refunded on return of key.

ITEM 2.3 LTC - 21 March 2007 - Item 2.3 - Pedestrian Crossing Request - March & Paget Streets, Richmond - (Londonderry) - (80245)

REPORT:

Introduction

At the Local Traffic Committee Meeting of 22 November 2006, Councillor B. Bassett advised of representations being received regarding pedestrian/traffic conflict on March Street, Richmond in the vicinity of Paget Street and enquired as to the possibility of a pedestrian crossing at that location.

The recommendation of the Committee as adopted by Council on 28 November 2006 was:

"That investigation, including a Pedestrian Vehicle (PV) count, be undertaken regarding the possibility of the installation of a pedestrian crossing at that location."

General Conditions

March Street is a Collector Road in Richmond. The road section investigated is adjoining the Richmond Market Place.

The horizontal alignment of March Street between East Market Street and Moray Street is generally Straight and flat.

Table 1: March Street Road Section Data

Road Section	Road Width and K&G	Speed Limit	ADT (year)	85% speed
Moray Street to Paget Street	12.60 metres K&G both sides	50kph	6323 (Nov 2004)	57 kph
Paget Street to East Market Street	12.60 metres K&G both sides	50kph	7084 (Nov 2004)	55 kph

The RTA Road Traffic Accident Database indicates 31 accidents along this section of the road from 1999 to 2004. This included three (3) Pedestrian Accidents. In relation to the pedestrian accidents; 2 pedestrian

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accidents occurred at the intersection of East Market Street and March Street, with 1 pedestrian accident occurring in March Street, approximately 50 metres east of Paget Street.

Discussion

Traffic and pedestrian counts were undertaken 10 January 2007. The results are listed in Tables 2.

The pedestrian figures listed are for pedestrian movements in this vicinity. The majority of these pedestrian movements were along March Street with a very small percentage (<10%) crossing March Street. Pedestrians along the southern side of March Street crossed Paget Street with a minimal of fuss and risk. The majority of movements along March Street were along the northern side. The pedestrian figures listed in table 2 are somewhat inflated in that some pedestrians were counted twice as they walked along March Street passing points PC1 and PC2.

Table 2: Pedestrian/Vehicle Count (10 January 2007)

Time	Pedestrian Count No	Number of pedestrians (P)	Number of vehicles (V)	P x V
10.00 am to 11.00 am	PC1	58	443	25,694
	PC2	57	527	30,039
2.00 pm to 3.00 pm	PC1	25	496	12,400
	PC2	24	530	12,720

Minimum peak hour traffic and pedestrian requirements for the installation of a pedestrian crossing in accordance with AS1742.10 – 1990 under clause 6.2.2. is shown in Table 3.

Table 3: Requirements of Australian Standard 1742.10 -1990

Time	Minimum number of Pedestrians (P)	Minimum number of Vehicles (V)	P x V
Peak hour	60	600	90 000

It is evident from the PxV counts undertaken that the minimum warrant of PxV=90,000 has not been satisfied. The highest value from the 10 January 2007 count was at location PC2 during the morning period with a PxV= 30,039. This is significantly lower than the minimum PxV=90,000 as stipulated in AS1742.10 - 1990.

Whilst pedestrians wishing to cross March Street are crossing over a length of 12.6 metres, this crossing distance is further reduced by the fact that vehicles are parking along the kerb side. Subsequently the length of roadway that a pedestrian has to cross on average is approximately 6.6 metres. This is not considered to be excessive.

RECOMMENDATION:

That:

1. a Pedestrian Crossing NOT be installed in March Street, between East Market Street and Moray Street in Richmond; and,
2. enquiries be made of the Roads and Traffic Authority as to whether the Authority proposes any future alternative treatment at this location to enhance pedestrian safety.

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APPENDICES:

AT - 1 Pedestrian Movement Study, March Street/Paget Street Plan No. TR002/07

AT - 1 Pedestrian Movement Study, March Street/Paget Street Plan No. TR002/07

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

ITEM 2.4 LTC - 21 March 2007 - Item 2.4 - Application for Final Approval: Hawkesbury Show 2007 - Hawkesbury Showground - (Londonderry) - (80245, 74207, 74282)

REPORT:

Introduction:

An application by the Hawkesbury District Agricultural Association was reported to the Local Traffic Committee on 17 January 2007, to undertake the Hawkesbury Show 2007 on 27, 28 and 29 April 2007 within the Hawkesbury Showground. The recommendation of the Local Traffic Committee, as part of the Initial Approval, was adopted by Council on 30 January 2007 and is listed below:

"That:

- i The Hawkesbury Show 2007 planned for 27, 28 & 29 April 2007 be classified as a **"Class 1"** special event under the "Traffic Management for Special Events" guidelines issued by the RTA.*
- ii. The safety of all road users and personnel on or affected by the site/event is the responsibility of the event organiser.*
- iii. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.3) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.*
- iv. No objection be held to this event subject to compliance with the following conditions:*

Prior to the event:

- a) the event organiser satisfy all conditions set by the NSW Police Service approval dated 22 September 2006; **a copy of the Police Service conditional approval has been submitted to Council;***
- b) the event organiser **submitting a Traffic Management Plan (TMP) and the associated Traffic Control Plan (TCP) to the RTA** for authorisation as this event may impact traffic on Richmond Road; The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;*
- c) the event organiser **submitting a Traffic Management Plan (TMP) and the associated Traffic Control Plan (TCP) to Council** for acknowledgement, as well as to the NSW Police Service;*
- d) the event organiser **submitting to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **with noting Council and the Roads and Traffic Authority as interested parties on the Policy;***
- e) the event organiser advertising the event in the local press stating the traffic impact/delays due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);*
- f) the event organiser notifying the details of the event to NSW Ambulance, NSW Fire Brigades / Rural Fire Service and SES at least two weeks prior to the events;*

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- g) *the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area, city rail and all the residences and businesses affected by the event at least two weeks prior to the event;*
- h) *the event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Regulation 2000; (information for event organisers about managing risk is available on the Department of Tourism, Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>); and*
- i) *the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council.*

During the event:

- j) *access being maintained for businesses, residents and their visitors;*
- k) *a clear passageway of at least 4 metres width being maintained at all times for emergency vehicles;*
- l) *all traffic controllers/marshals operating within the public road network holding appropriate certification required by the RTA;*
- m) *in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA; and,*
- n) *all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity..*

Discussion:

The event organiser has submitted information in order to obtain **Final Approval**. Refer to Appendix 1 (Dataworks Document No. 2443761).

Condition iv (a): To be Complied. Initial Police Approval was conditional.

Condition iv (b): To be Complied. RTA approval required as this is a Class 1 Event.

Condition iv (c): Complied. TMP and TCP to NSW Police Service via LTC Rep.

Condition iv (d): Complied.

Condition iv (e): Complied.

Condition iv (f): Complied, No documentation provided.

Condition iv (g): Complied, No documentation provided.

Condition iv (h): Complied, as contained within the TMP and TCP.

Condition iv (i): Complied

RECOMMENDATION:

That no objection be held to The Hawkesbury Show 2007 planned for 27, 28 & 29 April 2007 as previously listed in the Initial Approval. Final Approval is granted subject to compliance with the following conditions:

Prior to the event

- a) the event organiser satisfy all conditions set by the NSW Police Service approval dated 22 September 2006; **a copy of the Police Service conditional approval was submitted to Council with the initial application;**

- b) the event organiser **submitting a Traffic Management Plan (TMP) and the associated Traffic Control Plan (TCP) to the RTA** for authorisation as this event may impact traffic on Richmond Road; The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- c) the event organiser advertising the event in the local press stating the traffic impact/delays due to the event two weeks prior to the event; **a copy of the proposed advertisement has been submitted to Council** (indicating the advertising medium);

During the event

- d) access being maintained for businesses, residents and their visitors;
- e) a clear passageway of at least 4 metres width being maintained at all times for emergency vehicles;
- f) all traffic controllers/marshals operating within the public road network holding appropriate certification required by the RTA;
- g) in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA; and
- h) all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity..

APPENDICES:

AT - 1 Final Approval Special Event Application - Hawkesbury Show 2007 (Dataworks Document No. 2443761) - *see attached*.

ITEM 2.5 **LTC - 21 March 2007 - Item 2.5 - Additions to Service Station - Car Wash and Cafe, Lot A DP411701, 126 Windsor Road, McGraths Hill - DA0291/06 - (Hawkesbury) - (80245, 79339, 79346)**

Previous Item: 2.6, LTC (22 November 2006)

REPORT:

Mr G Hall, Town Planning Co-ordinator and Ms C Haron, Town Planner joined the meeting at this stage for consideration of this matter.

Introduction

A development application has been lodged for additions to an existing service station located at Lot A DP411701, 126 Windsor Road, McGraths Hill.

The additions to the service station include the construction of a car wash, café and additional car parking.

The land is located at the intersection of Windsor Road and Pitt Town Road, McGraths Hill. Two 12m wide driveways, located within the intersection, currently service the site.

Eighteen (18) additional car parking spaces have been proposed as per the attached plan.

The application is supported by an 'Assessment of Traffic and Parking Implications', prepared by Transport and Traffic Planning Associates, Ref 0607, dated April 2006 (Dataworks Doc. No. 2310856).

Background

Concern has been raised in respect to safety when entering and exiting the site given the location of access within the intersection of Windsor Road with Pitt Town Road. There has been concern in relation to the 80kph speed limit in this area. Additional traffic movements at this location will increase the risk of collision with vehicles accessing/egressing the site.

The application was referred to the Local Traffic Committee of 16 August 2006, due to the location of the property at the intersection of Windsor Road and Pitt Town Road; both roads are main/arterial roads. At this meeting it was resolved that the subject application be deferred pending receipt of advice from the Roads and Traffic Authority as to whether notified road widening affecting the property is to proceed or not.

Following receipt of the Roads and Traffic Authority comments, the application was referred to the Local Traffic Committee of 22 November 2006. The Committee recommended that:

- "1. the application not be supported at the present time given east/north traffic manoeuvres through the signalised intersection on egress from the development but that the applicant be requested to submit a further plan detailing treatment of the western driveway to ensure vehicles turn left on egress, as well as the applicant exploring alternate ingress/egress from the rear of the site onto Mulgrave Road; and*
- 2. the Roads and Traffic Authority be requested to reconsider reduction of the speed limit from 80kph to 60kph on Windsor Road from South Creek bridge to the eastern end of Windsor High School/McGrath Road intersection."*

Discussion

The applicant engaged Transport and Traffic Planning Associates consultants, who provided the following response to Point 1 above:

"In relation to the proposed access and egress arrangements it is proposed to retain the existing driveways. The egress driveway has a geometry, which is suitable to accommodate the manoeuvring of the fuel delivery vehicle and any adjustment would inhibit that activity. The driveway has operated satisfactorily for many years in association with the service station use and it is not considered that the proposed carwash will necessarily affect this.

It is suggested that a Consent Condition be applied to the consent that would require the prohibition of right turn movements and appropriate treatment at the time that the proposed Windsor Road widening occurs. This will follow the removal of the service station, so no fuel deliveries will be required.

With regard to providing access to the rear of the site, it is understood that the site does not have frontage to Mulgrave Road."

As previously indicated by the Roads and Traffic Authority the road widening affecting the property will be required at some point in the future, however, when this will occur is unknown. The above comment does not address the issue of safety for the increased number of vehicles entering and leaving the site, or the prevention of vehicles turning right when leaving the property or crossing traffic in Windsor Road to access Pitt Town Road.

With respect to Point 2, in their letter of 7 February 2007, the Roads and Traffic Authority advised that it considers the speed limit of 80km/h to be appropriate.

Mr G Hall and Ms C Haron retired from the meeting at this stage.

RECOMMENDATION:

That the application for a Car Wash and Café at Lot A DP411701, 126 Windsor Road, McGraths Hill, not be supported on the basis of safety concerns indicated by Mr J Suprain, Roads and Traffic Authority.

APPENDICES:

AT - 1 Plan No. DA 102 - Proposed Car Wash/Café at Windsor Road, McGraths Hill.

AT - 2 Plan for Road Widening - Windsor Road, McGraths Hill (Dataworks Doc.No. 2366305)

APPENDIX 1 - Plan No. DA 102 - Proposed Car Wash/Café at Windsor Road, McGraths Hill

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

APPENDIX 2 - Plan for Road Widening - Windsor Road, McGraths Hill

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SECTION 3 - Reports for Information

ITEM 3.1 LTC - 21 March 2007 - Item 3.1 - Response by RTA re Installation of the School Speed Zone Alert Systems to All Schools Within Hawkesbury LGA - (Hawkesbury & Londonderry) - (80245, 74282, 73625, 36556)

REPORT:

In reference to Item 3.1 of the Local Traffic Committee held on 22 November 2006, the Roads and Traffic Authority was requested to consider the installation of the School Speed Zone Alert System to ALL schools within the Hawkesbury LGA

Correspondence has been received from the Roads and Traffic Authority (Dataworks Doc. No. 2427621) advising:

"Thank you for your letter dated 18 December 2006 concerning the installation of flashing lights outside all schools in the Hawkesbury Local Government Area.

The NSW Government has a strong commitment to improving the safety of children around schools.

On 21 May 2006 the Minister announced a comprehensive road safety package for NSW school which included electronic school zone alert systems.

In July 2007 (2006) the Roads and Traffic Authority (RTA) completed an Expression of Interest for the supply, installation and maintenance of electronic technology to improve the visibility of school zones alert system.

Following an independent Expression of Interest process, the road and Traffic authority (RTA) has recently selected companies to provide school zone alert systems to improve driver visibility of the 40km/h school zones. The systems include flashing lights and the back-to-base reporting of faults to ensure their reliability.

A further three companies which showed innovative ideas in their expressions of interest, have been asked to submit their technology for consideration with the successful tenders.

The first 100 school sites to receive the School Zone alert systems were announced on 22 October 2006. the RTA assessed school zone sites based on a combination of pedestrian crash history, crash risk, traffic volume and pedestrian volume.

Following an evaluation of this technology the most suitable device will be selected and future school zone sites will be considered for further rollout of the technology. Your interest in having a system installed at all schools in the Hawkesbury Local Government Area has been noted.

Should you require any further information, please contact Ms Kim Denyer, the RTA's Project Manager Child Road Safety, on 9218 6024."

RECOMMENDATION:

That the information be received.

APPENDICES:

There are no supporting documents for this report.

**ITEM 3.2 LTC - 21 March 2007 - Item 3.2 - RTA Speed Review on Windsor Road, McGraths Hill
- (Hawkesbury) - (80245, 74282, 79339, 79346)**

REPORT:

In reference to Item 2.6 of the Local Traffic Committee held on 22 November 2006, the Roads and Traffic Authority was requested to reconsider the reduction of the speed limit from 80kph to 60kph on Windsor Road from South Creek bridge to the eastern end of Windsor High School/McGrath road intersection.

Correspondence has been received from the Roads and Traffic Authority (Dataworks Doc. No. 2431019) advising:

"Thank you for your letter dated 18 December 2006 in regard to request for a reduction in the speed limit from 80km/h to 60km/h on Windsor Road, McGraths Hill from South Creek Bridge to the eastern end of Windsor High School/McGrath Road intersection.

A site inspection was carried out by an officer from the RTA's Speed Management Unit. The RTA considers several factors when determining the speed limit that is appropriate for any given road. These include, the existing speed limit, the road geometry, adjoining land-users, the function of the road within the network, and an analysis of recent crashes. The crash data revealed that crashes resulting from speed are a low percentage of the total crashes. Also since the change of the speed limit in 2004 the number of crashes has substantially decreased.

Following a detailed investigation the RTA considers the speed limit of 80km/h on Windsor Road is appropriate under the Authority's current Speed Zoning Guidelines.

It should be noted that the 80km/h speed limit, is the maximum speed that a motorist may travel at, and speeds should be adjusted by drivers according to the prevailing road and weather conditions."

RECOMMENDATION:

That the information be received.

APPENDICES:

There are no supporting documents for this report.

ORDINARY MEETING

Reports of Committees

SECTION 4 - General Business

ITEM 4.1 LTC - 21 March 2007 - Item 4.1 QWN - George Street/Richmond Road, Windsor - Traffic Conflict - (80245)

Mrs J Hogge

REPORT:

Advised of traffic conflict/delay incurred by vehicles undertaking the southbound/westbound turning manoeuvre at the intersection of George Street/Richmond Road, Windsor, due to absence of dedicated right turn phase on traffic signals at that location.

Mr C Amit advised that whilst the Roads and Traffic Authority had given a prior undertaking that such phasing would be provided in carrying out upgrading works associated with the Windsor Flood Evacuation Route, that phasing had been omitted; correspondence had been forwarded to the Authority seeking provision of that phasing.

RECOMMENDATION:

That the information be received.

ITEM 4.2 LTC - 21 March 2007 - Item 4.2 QWN - Brabyn/Macquarie Streets, South Windsor - Traffic Control - (80245)

Mr J Suprain

REPORT:

Gave an oral report regarding permanent closure of Mileham Street, Windsor, to through traffic at its intersection with Forbes Street on 30 March 2007 as part of construction of the Windsor Flood Evacuation Route and tabled Plan No. CW Project No. 562C.15.CH Drawing No. SK146 Rev A dated 19 March 2007 (Dataworks Doc.No. 2458065) depicting altered parking restrictions at the intersection of Argyle/Macquarie Streets, South Windsor to facilitate movement of detoured vehicles resulting from that closure.

Salient Points:

1. With closure of the Forbes/Mileham Streets intersection, through traffic is precluded on Mileham Street by installation of a transverse median island at Forbes Street, with 'Left Turn Only' on each approach to Forbes Street;
2. Traffic exiting the industrial area on Mileham Street between Forbes Street and Fairey Road would be detoured via Mileham Street, Fairey Road (utilising the railway crossing), Argyle Street, thence Macquarie Street;
3. Dedication right turn phase governing Argyle/northbound Macquarie Street manoeuvre to be installed;
4. Extension of "No Stopping" zones on Argyle and Macquarie Streets, timed/untimed, as indicated on attached copy of plan (Dataworks Doc.No. 2458065); and

5. Consultation to be undertaken by the Authority with affected property owners.

Discussion Points:

1. Having regard to travelling distances/times envisaged under this proposal, heavy vehicles are more likely to present at the Brabyn/Macquarie Streets intersection;
2. As distinct from existing traffic movements, whereby heavy vehicles servicing the industrial area undertake northbound movement via signalised intersection at Day/Macquarie Streets, and given the traffic volumes on Macquarie Street, the prospect of the majority of heavy vehicles attempting to traverse the uncontrolled intersection of Brabyn/Macquarie Streets was undesirable;
3. Not all heavy/high vehicles are able to clear the railway bridge spanning Macquarie Street between Bell and Brabyn Streets; and,
4. The issue of heavy vehicles exiting the industrial area proceeding northbound on Mileham Street, westbound on Forbes Street/Richmond Road, northbound on George Street, thence Dight Street was traversed.

RECOMMENDATION:

That this matter be referred to the Project Manager, Windsor Flood Evacuation Route for further investigation of alternate high vehicle detour with a view to installation of traffic signals at the intersection of Brabyn/Macquarie Streets, Windsor.

APPENDICES:

- AT - 1** Intersection Macquarie Street and Argyle Street - Proposed Linemarking and Signage - Drawing No. SK146.A.

**APPENDIX 1 - Intersection Macquarie Street and Argyle Street - Proposed Linemarking and Signage -
Drawing No. SK146.A**

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

ORDINARY MEETING
Reports of Committees

ITEM 4.3 LTC - 21 March 2007 - Item 4.3 QWN - Windsor Public School - School Zone Flashing Lights - (80245, 4693)

Mr J Suprain

REPORT:

In response to representations received from Windsor Public School P&C Association seeking installation of School Zone Flashing Lights on all frontages to the School, advised that the School had been advised that flashing lights were still being assessed and would be installed on a priority basis.

Mr C Amit advised that similar representations had been received by Council and the Windsor Public School P&C Association had been advised that its correspondence had been forwarded to the Authority for reply.

RECOMMENDATION:

That the information be received.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Wednesday, 18 April 2007 at 3.00pm in the Large Committee Rooms.

The meeting terminated at 4.16pm.

oooO END OF REPORT Oooo



ordinary
meeting

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